



Administrative Policies and Procedures: 12.5

Subject:	Passes for Youth Adjudicated Delinquent
Authority:	TCA 37-5-105 (3); 37-5-106 (4), 37-4-101 (H)
Standards:	ACA: 4-JCF-3A-17, 4-JCF-5I-01, 4-JCF-5I-03, 4-JCF-5I-05; DCS Practice Standards: 5-500; 8-306; COA: PA-JJCM 3.05, PA-JJCM 5.07
Application:	To All Department of Children's Services Employees and Contract Agency Employees serving youth adjudicated delinquent.
Policy Statement:	
<p>Passes are an essential part of reunification. Passes are discussed with the Child and Family Team (CFT) and are incorporated in the Family Permanency Plan. Any visitation that involves a return to the home community for a period of time and is <u>unsupervised</u> by program staff, the consent of the committing court is required, unless the court has declined or failed to exercise the decision making in regard to home passes. <u>TCA §37-5-106 (4)</u>. Passes differ from visitation as they can be restricted as determined by the Child and Family Team (CFT) and/or Treatment Team.</p>	
Purpose:	
<p>To provide directives and guidelines for staff to ensure compliance with pass procedures for youth adjudicated delinquent. Delinquent youth must have an opportunity to visit their families and /or siblings. Decisions regarding passes will be based on the safety, well-being and treatment goals of the youth and/or as directed by the court. Passes will also afford parents/guardians and youth the opportunity to demonstrate skills necessary to ensure the safe return of the youth to the home community.</p>	
Procedures:	
A. Contract agencies	<ol style="list-style-type: none"> 1. Delinquent youth in contract agencies, foster care, or Independent Living programs must have the opportunity to practice new skills in their home environment. 2. Residential treatment teams, the youth's Family Service Worker (FSW) and the CFT must determine when passes are appropriate and the duration of such passes. 3. The committing court must be consulted and approval obtained prior to any proposed pass. If the court declines to approve or disapprove the pass, the FSW's Team Leader (TL) and/or Team Coordinator (TC) must be consulted to approve or deny the pass. The Regional Administrator may be consulted if the pass will exceed policy guidelines. 4. Youth who remain in assessment placements for periods in excess of thirty (30) working days may be considered for passes if their behavior has been

	<p>appropriate.</p> <p>5. Youth granted passes retain their pass eligibility if transferred to a new placement. If a transfer is due to the negative behavior of a youth, the Child and Family Team (CFT) will re-determine pass eligibility.</p>
<p>B. Delinquent youth with determinate commitment placed in contract agencies</p>	<p>1. Delinquent youth residing in contract agencies who received a determinate commitment will be eligible for consideration for passes upon completion of fifty percent (50%) of the commitment or 120 days, whichever is less, based upon the commitment expiration date calculated upon admission.</p> <p>2. The committing court must approve all pass requests.</p>
<p>C. Passes for youth in Youth Development Centers (YDC)</p>	<p>1. In order to be eligible for a pass, youth placed in a YDC must be in pre-release status and within forty-five (45) days of release.</p> <p>2. Youth in YDC's with the following committing offenses, will <u>not</u> be considered for passes unless ordered by the committing court:</p> <ul style="list-style-type: none"> a) First degree murder; b) Conspiracy to commit murder; c) Second degree murder; d) Aggravated kidnapping; e) Especially aggravated robbery; f) Aggravated rape; g) Aggravated arson; h) Solicitation for first degree murder; i) Aggravated robbery; j) Rape; k) Aggravated sexual battery; l) Aggravated child abuse; m) Kidnapping; and n) The attempt to commit any of the above offenses. <p>3. The Regional Administrator/designee, Deputy Commissioner of Juvenile Justice/designee and the committing court must approve any <u>exceptions</u> to the above requirement.</p>
<p>D. Coordination of pass requests</p>	<p>1. It is the responsibility of the FSW to determine the appropriateness of the home the youth will be visiting during the home pass. This will include a visit to the home and gathering information as to who will be in the home during passes prior to pass approval.</p> <p>2. Requests for passes will be made at least ten (10) working days prior to the proposed pass. For youth in contract agencies or YDCs, the Facility Case Manager will provide the FSW with information pertinent to the pass request.</p>

	<p>The information to be provided includes:</p> <ul style="list-style-type: none"> a) A brief current progress report and case notes documenting progress; b) Beginning date and duration of the proposed pass; c) Who will supervise the youth on pass and where the youth will be while on pass (address, telephone number); and d) Any special conditions or tasks to be followed while on pass. <p>3. The FSW will present the pass request to the committing judge through the court liaison. Once the court has either approved or denied the pass request, the assigned Facility Case Manager at the YDC or contract agency are notified of the court's decision.</p> <p>4. Each pass is approved in such a manner unless the committing court has made a provision for "blanket" pass approval <u>for an individual youth.</u></p> <p>5. If the committing court declines to take action on a pass request, and indicates that the court neither approves nor disapproves the pass, the decision is determined by the CFT. The Team Leader (TL) and/or Team Coordinator (TC) must be consulted to approve or deny the pass. It is the team's responsibility to ensure continued contact between the child/youth and his/her family.</p> <p>6. Monitoring and follow-up on passes is the joint responsibility of the contract agency/facility Case Manager and the FSW.</p> <p>7. The child/youth's behavior, other significant issues concerning parent activities and completion of specific treatment related tasks, will be discussed with the child/youth and parents. Any significant information related to the pass will be documented on the appropriate screens in TFACTS and shared as needed.</p> <p>8. Children/youth will be allowed passes in the temporary physical custody of their parents, guardians and other approved relatives, approved prospective adoptive parents or approved foster parents.</p> <p>9. All persons accepting temporary physical custody of a child/youth must be properly identified. Persons accepting temporary custody of a youth from a DCS facility will be advised, in writing, of their responsibility and must sign form CS-0058, Temporary Custody Agreement.</p>
<p>E. Types of passes covered by this policy</p>	<p>1. Day Pass</p> <ul style="list-style-type: none"> a) An authorized visit that does not exceed eight (8) hours. The child/youth is not required to remain at the facility but may not travel beyond a fifty-mile radius from the facility/program location. A day pass may be for emergencies or routine visitation. b) If a youth in a YDC is informed in a timely manner of a verifiable death or critical illness of an immediate family member, the Superintendent/designee <u>may</u> approve for the youth to be escorted to visit the sick family member or attend the visitation/funeral. <p>2. Day Pass to Home</p> <p>An authorized home visit that does not exceed twelve (12) hours. Approved resource and child/youth may leave the county in which the facility/program is</p>

located. A day pass to home may be granted for emergency situations, and for routine visitation.

3. Over Night Pass

An authorized visit that does not exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. An over night pass may be granted for emergency situations or for routine visitation.

4. Extended Over Night Pass

An authorized visit that may exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. Examples of this type of pass would include but are not limited to extended holiday visits and bereavement passes, visits to see if youth will adjust in the home setting. An extended overnight pass may be authorized for emergency situations, and for routine visitation.

5. Medical Pass

A medical pass is authorized by the YDC Health Services Coordinator, Regional Health Unit Nurse or recommended by the youth's placement, for youth to obtain medical treatment or evaluation of such duration as is medically appropriate.

6. Out-of-State Passes

Out-of-state passes will be allowed as approved in the individual program plan (IPP), family permanency plan, adoption assistance plan, or in case of unanticipated emergency situations. Out-of-state passes for twenty-four (24) hours or more will require the completion of **Form VII, Interstate Compact on Juveniles (ICJ) Out-of-State Travel Permit and Agreement to Return** and the approval of the FSW's Team Leader or Team Coordinator and the Court. Once the out-of-state travel is approved locally, the travel permit form must be faxed to the DCS ICJ Deputy Compact Administrator. A travel permit may be issued for up to thirty (30) days. If the pass exceeds thirty (30) days, the FSW will send specific supervision instructions for the juvenile to maintain contact with the FSW in Tennessee. Refer to the [ICJ Rules \(Interstate Commission for Juveniles\)](#) for further information on ICJ Travel Permits.

7. Information on the ICJ Travel Permit will include:

- a) Name, address and phone number of the party accompanying the youth;
- b) Date and time of departure;
- c) Mode of transportation (if by automobile, include make, model and tag number);
- d) Date and time youth is scheduled to return;
- e) Reason(s) for the necessity of the pass; and
- f) Mode of transportation (if by automobile, include make, model and tag number).
- g) This information must be documented on *Form VII, Interstate Compact on Juveniles (ICJ) Out of State Travel Permit and Agreement to Return.***

<p>F. Clarification of the difference between visitation and passes</p>	<ol style="list-style-type: none"> 1. Delinquent youth have the right to have visitation from their families at their placement according to DCS Policy 26.2-DOE Youth Development Center Visitation/Visitor Control and the Provider Policy Manual. 2. For delinquent youth that also has a sibling in custody; FSW and/or staff must arrange for visitation between siblings and comply with DCS Policy 16.43 Supervised and Unsupervised Visitation between Child-Youth, Family and Siblings. 3. Passes may be restricted if there are therapeutic reasons for denial. 4. Violation of program rules while on pass may result in postponement or cancellation of the pass, due to the severity of the violation. 5. Consult the youth’s FSW regarding any change in plans for approved passes. 6. Approval is denied if a youth has committed a major violation of program rules.
<p>G. Exceptions</p>	<p>The Commissioner/designee must approve in writing any exceptions to this policy.</p>

<p>Forms:</p>	<p>CS-0058. Temporary Custody Agreement CS-0394. Youth Pass Request Form VII. Interstate Compact on Juveniles (ICJ) Out of State Travel Permit and Agreement to Return</p>
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<p>Collateral documents:</p>	<p>DCS Policy 16.43 Supervised and Unsupervised Visitation Between Child/Youth, Family, and Siblings (ICJ) Rules- Interstate Commission for Juveniles Determinate Commitment Manual</p>
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Glossary:

Term:	Definition:
Provider Agency:	An entity that contracts with DCS to operate and manage residential group homes, foster homes, youth centers or provide other required services.
Interstate Compact for Juveniles (ICJ) Out-of-State Travel Permit:	Written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.
Pass:	Any authorized absence by a delinquent youth from his/her placement without staff supervision.
Visitation:	Regular contact between a child/youth and his/her parents as mandated and defined by federal foster care legislation. Any dependent/neglected, unruly or delinquent child/youth placed in foster care must be granted an opportunity for a minimum of four (4) hours visitation each month, which may be supervised or unsupervised. Note: Any visitation that involves a return to the home community for a period of time and is <u>unsupervised</u> by program staff, the consent of the committing court is required, unless the court has declined or failed to exercise the decision making in regard to home passes. <u>TCA §37-5-106 (4)</u> .