

TN

Department of
Children's Services



Determinate Commitment Manual

Office of Juvenile Justice

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Determinate Commitment to the Department of Children's Services

In accordance with *TCA §37-1-137*, youth may be committed to the Department of Children's Services for a determinate period of time if he/she is:

1. Is within six (6) months of his/her eighteenth birthday at the time of the adjudication of delinquency, or
2. Was previously adjudicated delinquent or three (3) felony offenses arising out of **separate** criminal episodes with at least one (1) resulting in Youth Development Center (YDC) placement to the Department of Children's Services, or
3. Is tried and adjudicated delinquent in juvenile court for the offense of first degree murder, second degree murder, aggravated rape, rape of a child, aggravated sexual battery, especially aggravated kidnapping, aggravated robbery, especially aggravated robbery, aggravated arson, attempt to commit first degree murder.
4. Is adjudicated delinquent of an offense pursuant to *TCA § 39-17-417(b)*.

Suspected improper commitments **must be** reported to the DCS Legal Division the day of the youth's commitment, but no later than the close of the next business day. This is the responsibility of the Court Liaison/establisher of the TFACTS case. The FSW must ensure the notification has been made.

Appropriate Length of Determinate Commitment

1. The commitment may be for a determinate period of time but in no event shall the length of the commitment be greater than the sentence for an adult convicted of the same crime, nor shall
2. Such commitment extend past the offender's nineteenth birthday.
3. Commitment under this section shall not exceed the sentences provided for in title 40, chapter 35, and
4. In no event shall a juvenile offender be sentenced to Range II or Range III offenses.

Youth Commitment Reduction Credits (YCRCs)

Youth are eligible to earn 16 days of "good time" which could reduce the youth's time in custody. A youth is eligible to earn YCRCs immediately upon placement in custody. YCRCs are awarded for progress in the treatment program and for satisfactory behavior. As provided in *TCA §37-1-137(h)(2)(3)*, "YCRCs shall not be earned or credited automatically, but rather shall be awarded on a monthly basis through the Child and Family Team and/or Program Staffing process".

Initial Computation of Commitment and Expiration Date

Upon placement in DCS custody, the Family Service Worker (FSW) will figure out the youth's first commitment expiration date. The date is computed and expressed in month, date and year from the date of commitment. The FSW will document this date on DCS form **[Determinate Sentence: Individual Youth Sentence Reduction Credits Cumulative Report CS-0955](#)** and in TFACTS case recordings.

If youth is placed in a YDC, staff are responsible for computing the commitment expiration date each month.

If youth is placed in a contract agency the FSW is responsible for computing the monthly commitment expiration date.

Commitment Reduction Credits

When a youth receives a determinate commitment they are eligible to earn credits to reduce the youth's commitment expiration date.

Youth may be awarded zero to sixteen (16) days each month, up to eight days for progress in the treatment program and up to eight days for satisfactory behavior. The youth's team at the YDC evaluates whether or not the youth has earned YCRSS, or if previously earned credits will be removed, each month during the IPP Monthly Review process. Please note that when a youth is found guilty of a major disciplinary offense, they are not eligible to earn any credits. The [**Determinate Sentence: Individual Youth Sentence Reduction Credits Cumulative Report CS-0955**](#) is completed and the results sent to the superintendent/regional administrator by the fifth day of the following month (excluding weekends and holidays).

Previously earned YCRCs may be removed by the youth's Child and Family Team, **only** for the refusal to participate in the program, or the commission of a major offense/infracton for which a youth is found guilty. If the team wishes to remove previously earned credits they may remove between one and 20 YCRCs, but may not exceed twenty days. Removal of YCRCs must be approved by the **superintendent or contract agency administrator** accompanied by written justification.

If a youth is transferred from one placement to another within a month, the sending program team will determine if the youth is eligible for YCRCs. The current adjusted release date will be documented in the transfer summary.

Passes

See [**DCS Policy 12.5, Passes for Youth Adjudicated Delinquent**](#), for procedures for passes for youth with a determinate commitment.

Step-down to Community Placements or Contract Agencies

Determinately committed youth can be considered for step-down placement by the Child and Family Team. Step-down requests will be submitted to the Office of Juvenile Justice for approval prior to step-down placement if the commitment resulted from one of the following offenses:

1. First Degree Murder
2. Second Degree Murder
3. Aggravated Rape
4. Rape of a Child
5. Aggravated Sexual Battery
6. Especially Aggravated Kidnapping
7. Aggravated Robbery
8. Especially Aggravated Robbery
9. Aggravated Arson

10. Attempt to Commit First Degree Murder

A three-person central office panel appointed by the Deputy Commissioner of Juvenile Justice/designee will review all step-down proposals. The residential case manager assigned to youths with the above-referenced charges will request a review by the panel prior to any Child and Family Team Meeting when step-down discussion is anticipated. A justification for step-down, not to exceed two (2) typed written pages, will be submitted to the review panel. If additional information is requested, panel members will make a request for the information. Within three (3) days of receiving the request for step-down, the panel will respond to the residential case manager in writing.

It is not necessary to get approval of the Court to step a youth down to community placement from a Youth Development Center. If a court ordered that permission must be obtained before a youth steps down, the order should be taken to the Legal Division to request a "set aside" order. If the Court refuses to set aside such an order, DCS Regional General Counsel will be immediately consulted as to appeal, if any.

Release

When the youth has reached the commitment expiration date they will be released. See DCS Policy [12.1 Return to Home Placement Supervision for Youth Adjudicated Delinquent](#) for paperwork requirements and court notification.

Aftercare Supervision

A determinately committed youth is subject to aftercare supervision only when given an early release or are under a concurrent indeterminate commitment that has not been terminated. However, a youth who is subject to both an indeterminate commitment and a determinate commitment may be placed on aftercare supervision though the determinate commitment has been completed or is flattened out by earned YCRCs. Such aftercare relates only to the youth's underlying indeterminate commitment.