



**Administrative Policies and Procedures: 24.12**

<b>Subject:</b>	<b>Access to Legal Counsel for Youth in a Youth Development Center</b>
<b>Authority:</b>	TCA 37-5-105 (3), 37-5-106; <u>John L. v. Adams</u> , 969 F.2d 228
<b>Standards:</b>	None
<b>Application:</b>	To All Department of Children's Services Youth Development Center Employees
<b>Policy Statement:</b>	
The Youth Development Center (YDC) Superintendent/designee ensures that attorneys or their authorized representatives shall be granted confidential access to youth for the purpose of interviewing, consultation and providing confidential legal services to youth.	
<b>Purpose:</b>	
To provide guidelines to ensure youth have access to counsel, confidential contact with attorneys or their authorized representatives and are assisted in making contact with attorneys or their authorized representative.	
<b>Procedures:</b>	
<b>A. Youth's notification of access to <u>John. L. v. Adams</u> attorneys or their authorized representative</b>	<ol style="list-style-type: none"> <li>1. As required by <u>John L. v. Adams</u>, DCS contracts with attorneys to provide legal advice to youth placed at the YDC.</li> <li>2. All youth are notified of access to the <u>John. L.</u> attorneys during the youth's orientation to the YDC.</li> <li>3. The names of the <u>John. L.</u> attorneys, along with addresses and telephone numbers, are included in the youth handbooks, posted in the dorms, and provided upon request.</li> <li>4. Youth in the YDC are provided, upon request, a form requesting to see the <u>John. L.</u> attorney or their authorized representative during their next visit to the YDC. At no time, will any request by a youth to meet with a <u>John. L.</u> attorney or their authorized representative results in adverse treatment of the youth by any employee of DCS.</li> </ol>
<b>B. Attorney or their authorized representative access to youth</b>	<ol style="list-style-type: none"> <li>1. The Superintendent/designee assists youth in making confidential contact with attorneys or their authorized representatives.</li> <li>2. Attorneys or their authorized representatives are permitted access to youth during the hours established by the YDC between 8:00 a.m. to 4:30 p.m.,</li> </ol>

	<p>Monday through Friday.</p> <ol style="list-style-type: none"> <li>3. The Superintendent/designee makes every reasonable effort to provide a room where an attorney or their authorized representative can meet confidentially with a youth. In the event that a youth is maintained under visual supervision, a meeting place is provided in which others cannot overhear the discussion between the youth and attorney or their authorized representative.</li> <li>4. Unless specifically authorized by the Superintendent/designee, all meetings between attorneys or their authorized representative and youth are one-on-one.</li> <li>5. Attorneys or their authorized representative who desire access must contact the Superintendent or designee in advance of the intended visit to receive entry into the facility.</li> <li>6. If the youth is not a client or potential client, and if access is not required by law, the youth is required to complete form <b>CS-0559, Authorization for Release of Information and Protected Health Information To and From the Department of Children’s Services and Notification of Release</b>, or <b>CS-0318, Request for Legal Consultation</b>, as appropriate, before the attorney or their authorized representative is permitted access to the youth.</li> <li>7. Any attorney or their authorized representative who enters a YDC is subject to routine visitor search procedures. Briefcases may be searched for contraband, but documents will not be read or reviewed.</li> <li>8. Any request by an attorney or their authorized representative to tour a YDC is approved in advance by the Superintendent. The Superintendent consults with the DCS General Counsel prior to approving the request.</li> <li>9. Attorneys or their authorized representatives seeking access to any youth must provide identification and proof of licensure before visiting with the youth.</li> </ol>
<p><b>C. Emergency access to youth</b></p>	<ol style="list-style-type: none"> <li>1. Under emergency situations, reasonable attempts are made to provide attorneys or their authorized representative access to youth during days/hours other than described in <b>Section A, 2</b>, above.</li> <li>2. Attorneys or their authorized representatives who desire emergency access must contact the Superintendent or designee in advance of the intended visit to obtain permission to enter the facility; however, failure to make advance arrangements will not in itself preclude access if, in the opinion of the Superintendent or designee, such a visitation request can reasonably be accommodated.</li> </ol>
<p><b>D. Denial of attorney or their authorized representative access</b></p>	<ol style="list-style-type: none"> <li>1. The Superintendent/designee may deny an attorney’s or their authorized representative’s access to a facility if the attorney’s or their authorized representative’s identity cannot be satisfactorily verified or if such access would pose a threat to the safety and security of the facility or would otherwise unduly disrupt the orderly management and operations of the facility.</li> <li>2. A youth has the right to refuse to meet with or interviewed by an attorney or their authorized representative unless required by law.</li> </ol>

<b>Forms:</b>	<a href="#"><u>CS-0318, Request for Legal Consultation</u></a> <a href="#"><u>CS-0559, Authorization for Release of Information and Protected Health Information To and From the Department of Children’s Services and Notification of Release</u></a>
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<b>Collateral documents:</b>	<i>None</i>
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