



Administrative Policies and Procedures: 12.1

Subject:	Return to Home Placement for Youth Adjudicated Delinquent and Procedures for Aftercare
Authority:	TCA 37-5-105 (3), 37-5-106; 37-5-112; 37-1-137; Fostering Connections Act
Standards:	ACA: 4-JCF-3A-24, 4-JCF-5I-01, 4-JCF-5I-02, 4-JCF-5I-03, 4-JCF-5I-05; COA: PA-JJCM 3.01, PA-JJCM 3.02, PA-JJCM 4.04, PA-JJCM 7: DCS Practice Model Standards- 5-400; 5-401; 5-402; 5-500; 5-501; 5-502; 8-306;
Application:	To All Department of Children's Services Family Service Workers, Youth Development Center Employees, and Applicable Private Provider Employees
Policy Statement:	
Delinquent youth in family foster care, private provider agencies and Youth Development Centers shall be returned to home placement when they have met the desired outcomes and action steps of the Family Permanency Plan, approval of the Committing Court, and the Commissioner of the Department of Children's Services (DCS). When a special hardship circumstance exists, an indeterminately or determinately committed youth may be recommended for an advancement of his/her release date.	
Purpose:	
To provide guidelines for delinquent youth's release from DCS custody and preparation for return home.	
Procedures:	
A. Planning before the release CFTM	<p>Prior to scheduling a Release Child and Family Team Members (CFTM) there are several factors that must be addressed to ensure the youth has completed adequate requirements to be recommended for release. The <u>Pre-Release Readiness Work Aid for Delinquent Youth</u></p> <ol style="list-style-type: none"> 1. must be completed prior to the release CFTM. The FSW will ensure that the areas listed on the <i>Work Aid</i> are addressed in the release summary. 2. The FSW and the CFTM must ensure that the areas identified as needs during the assessment phase have been resolved through the treatment process. The following areas will be addressed: <ol style="list-style-type: none"> a) Legal; b) Assessment; c) Education; and d) The child/youth's treatment, behavior history, family treatment and custodial issues and community reintegration.

	<p>3. Aftercare planning should begin when the youth enters custody.</p>
<p>B. Preparation for return to home placement</p>	<p>1. Youth Level of Service/Case Management Inventory (YLS/CMI) Reassessment</p> <p>When a youth adjudicated delinquent nears completion of the Individual Program Plan (IPP) objectives and/or Family Permanency Plan goals, the youth’s Family Service Worker (FSW) or designee will complete a <i>YLS/CMI re-assessment</i> prior to scheduling the release child and family team meeting.</p> <p>2. Release Child and Family Team Meeting</p> <p>Once the YLS/CMI has been completed, the youth’s Facility Case Manager or Family Service Worker (FSW) or designee as applicable, must schedule a child and family team meeting (CFTM) to discuss release issues.</p> <p>a) All team members will participate in the CFTM. The youth’s aftercare supervision plan will be developed at the meeting and documented by the FSW. The Family Permanency Plan (YFIA) will be updated at the meeting to include the aftercare plan. The youth and family must have input in the plan. The meeting will be rescheduled if the youth, parent/guardian or the FSW cannot participate.</p> <p>b) If it is determined that returning home is appropriate, the facility case worker must initiate release documents.</p> <p>c) A youth under 18 years of age will not be released to a person(s) who did not have legal custody prior to DCS committal, unless however; if the Child and Family Team feel permanency is best reached with someone who did not have legal custody prior to the youth entering state custody. In this case, a motion or petition for relief of custody to a specific person’s legal custody will be filed by appropriate DCS Regional Legal Counsel. The child will be released to a fit person willing to obtain legal custody. A background check pursuant to DCS Policy 16.20 Expedited Custodial Placements must be conducted prior to submitting the legal referral and the results shall be included with the referral.</p> <p>3. Release forms and documents</p> <p>a) If the youth is placed in a YDC, the facility case worker must send form CS-0130, Release to Home Placement Request accessed from TFACTS and a comprehensive release summary documenting the youth’s entire stay in custody, to the youth’s FSW at least thirty (30) days prior to the youth’s trial home visit date.</p> <p>b) If the youth is in a private provider agency, the private provider agency caseworker will submit a release summary to the FSW at least thirty (30) days prior to the youth’s trial home visit date. The summary will be a comprehensive summary of the youth’s entire stay in custody. The FSW will attach form CS-0130, Release to Home Placement Request.</p> <p>c) Wherever a youth is placed, the FSW will review DCS policy 21.18 Notification to School Principals of Certain Delinquent Adjudications, to determine if any adjudication must be reported to the school before the youth returns home and, if so, the FSW will immediately e-mail the</p>

regional education specialist.

- d) If the youth is currently receiving TennCare, refer to the [Protocol for Continuation of TennCare Eligibility for Children Exiting Custody](#).
- e) Ensure form **CS-0158, Notification of Equal Access to Programs and Grievance Procedures** is explained and signed by youth.

4. Aftercare plan

- a) The **Family Permanency Plan** (YFIA), developed at the CFTM must:
 - ◆ Address on-going and support issues identified in the treatment summary, permanency plan issues that are targeted for aftercare and the youth's formal and informal supports;
 - ◆ Address unmet needs while in custody;
 - ◆ Identify services needed or desired and specify steps for obtaining these services and specify responsibilities of all parties, who will do what in obtaining services;
 - ◆ Be reviewed and approved by the FSW's supervisor prior to submission to the Court;
 - ◆ Include the YLS/CMI re-assessment score documented in the *Safety section* of the **Family Permanency Plan (YFIA)** as outlined in DCS Policy [11.6 Youth Level of Service/Case Management Inventory \(YLS/CMI\)](#).
 - ◆ Document what the youth's level of supervision will be once returning home.
- b) If youth will be discharged, form **CS-0046, Discharge** will be completed in **TFACTS** and attached to the release documents.

5. Notification to the committing Court

- a) The FSW must notify the committing Court of the youth's proposed home placement at least fifteen (15) days prior to the trial home pass date.
- b) Form **CS-0130 Release to Home Placement Request**, a copy of the release summary, the aftercare plan and the updated **Family Permanency Plan (YFIA)** must be presented to the Court for review.
- c) If the committing Court agrees to the recommendation for proposed home placement, a signature must be obtained on form **CS-0130, Release to Home Placement Request**. Some Courts may decline to sign form/documents. If that occurs, document on the forms/documents the reason for the Court's action in **TFACTS**.

6. Packet for the Commissioner's review

- a) After the forms and documents approves the release, the FSW will send the completed release packet to Central Office for the Commissioner's review and approval.
- b) Once the Commissioner has reviewed and approved the youth's release, central office staff will return the signed form **CS-0130, Release to Home Placement Request** to the FSW and the appropriate DCS residential

program.

- c) The FSW will notify the program where the youth is placed that the release packet has been approved. A notation will be made on the appropriate screens in **TFACTS** within forty-eight (48) hours.
- d) The **Release to Home Placement Request, (CS-0130)** form will be sent to the applicable program at least forty-eight (48) hours prior to the release date.
- e) The documents may be scanned and sent electronically to/from central office.

7. Advancement of release date due to hardship

- a) Under hardship circumstances a youth may be released early. Examples of hardship circumstances may include, but are not limited to:
 - ◆ Death of an immediate family member, or
 - ◆ A major medical problem of the youth or an immediate family member that necessitates the youth's return home.
- b) The facility case worker will make the request to the FSW who will investigate the circumstances of the request. The following will occur:
 - ◆ The results of the investigation must be reported to the youth's facility case worker and the FSW's team leader.
 - ◆ The FSW and the other members of the youth's treatment team must agree that the advancement of release date is in the best interest of the youth.
 - ◆ The FSW must notify the committing Court of the proposed advancement date and the reasons for advancing the date.
 - ◆ If the proposed date does not allow sufficient time for the required fifteen-day (15) waiting period, the FSW will ask the regional attorney to file an emergency motion.
 - ◆ Oral approval from the Court must be documented on the appropriate screens in the **TFACTS** and by e-mail or fax to the case worker. The FSW must obtain a written order as soon as possible.
 - ◆ The Commissioner must approve all cases of advancement of release date. A **Release to Home Placement Request** (form **CS-0130**) must be completed.

8. Determinate sentence

- a) If a youth is nineteen years of age (19) or is returning home after serving a determinate sentence and has no additional obligation to the department, no supervision is necessary.
- b) DCS is required to provide notice to the Juvenile Court, although Court approval is not required for release. Form **CS-0004, Determinate Sentence Release Notification** will be completed and provided to the Court as notification only.
- c) If the commissioner or designee or the treatment team believes that the

	<p>youth should be released to home placement prior to the completion of the determinate sentence, a hearing before the Juvenile Court Judge who made the determinate committal must be requested through Regional DCS Legal Attorneys pursuant to <i>TCA Section 37-1-137 (c)(2)</i>.</p> <p>d) The request must clearly state the reasons for the recommended home placement and must make specific recommendations on where the youth will be placed. The District Attorney must be copied on the request for the hearing. If the Court reviews the record and agrees, and if the District Attorney does not object, the Court can order the release to home placement without a hearing. Otherwise a hearing has to be scheduled within fifteen (15) days of receipt of the request.</p> <p>e) DCS, the youth and the District Attorney are all given the opportunity to be heard at the hearing. If the youth is released to early home placement under this procedure, then he/she will be on aftercare until the original release date or adjusted release date for any commitment reduction credits were earned if the Court orders it. The <i>Family Permanency Plan</i> will be updated to include an aftercare plan.</p> <p>9. Log of release forms and documents</p> <p>The release documents will be tracked in <i>TFACTS</i> on the <i>Release Request History Screen</i>. The paperwork process will be documented on this screen as below:</p> <p>a) <u>Youth Development Centers</u></p> <p>The YDC will record the date release documents are sent to the FSW.</p> <p>b) <u>Regional/Field Offices</u></p> <p>The FSW will record the <u>date</u> the release documents are received in the office, submitted to the Court; the Court’s decision and the date of the Court’s decision and the date the release documents are submitted to central office.</p> <p>c) <u>Central Office</u></p> <ul style="list-style-type: none"> ◆ Central Office staff responsible for processing release forms and documents will record the <u>date</u> the forms and documents are received in central office, the Commissioner’s decision and the date, and the date they are returned to the FSW or facility. ◆ If the release documents are withdrawn at any time, or if the Court objects to the youth’s release, it will be documented on the <i>Release Approval Tracking screen</i> in <i>TFACTS</i>.
<p>C. Response to Court’s objection</p>	<p>1. Assent via no objection</p> <p>Unless the committing Court makes an objection in writing or sets a hearing within fifteen (15) days of the date of the Court’s receipt of the notice, with such hearing to be held at the earliest possible date, the FSW must consider the Court to have assented to the home placement.</p> <p>2. If the Court issues a verbal order only, even though they do not follow statute, the FSW must immediately contact Regional General Counsel for further</p>

	<p>legal advice on whether or not to file a motion clarifying the Court's position.</p> <p>3. Objection by the Court</p> <p>As soon as the FSW is notified of the Court's objection, or the Court has written a letter to object to the release of a youth, immediate notice will be given to the facility case worker. The detailed reason for the denial will be documented in TFACTS. A notation will be made by the FSW on the appropriate screens in TFACTS on the <i>Release Request History Screen</i> in the <i>Withdrawal section</i>.</p> <p>4. Information for Commissioner's review</p> <p>If the committing Court objects in writing to a youth's proposed home placement, the Commissioner may request from the youth's FSW any information necessary for a thorough review of the proposed home placement. If the Commissioner concludes that the reasons for the objection are unsound, the department may pursue action as to any consultation hearing through the appropriate process outlined in <i>TCA 37-1-137(c) (1)</i> via DCS Regional General Counsel.</p> <p>5. Delay of the return home</p> <p>In the event of an appeal or consultation hearing, no youth will be returned to home placement until the appeal or consultation hearing process has been completed and a written order is issued stating so; However, if a child/youth is in a Youth Development Center he or she may be stepped down without Court permission as soon as it can be responsibly done after the initial denial.</p>
<p>D. Court ordered release</p>	<p>In the event a Court order to release a youth is issued even without DCS permission, the following steps will be followed:</p> <ol style="list-style-type: none"> 1. Program staff accompanying a youth to a Court hearing in which the Judge releases a youth will request something in writing from the Court, preferably the Court order. 2. The staff person accompanying the youth to Court will contact the facility and the FSW to notify them of the youth's Court ordered release and provide the written order.
<p>E. Violation of trial home placement</p>	<p>1. Documentation of violations</p> <p>In the event new delinquent acts are alleged or other major violations occur, the FSW must follow DCS Policy 13.6 Major and Minor Violations and document the violations in writing in case recordings or on form CS-0156, Violation Report, which must address the following:</p> <ol style="list-style-type: none"> a) The History of Supervision; b) The Nature of the Violation; and c) Recommendation of the Team. <p>2. The youth is afforded all due process rights required by departmental policy prior to a return to custody. A violation petition must be filed with the</p>

	<p>committing Court if termination of a trial home visit is being requested.</p> <p>3. Return to physical custody</p> <p>The youth’s failure to abide by aftercare rules during the thirty (30) day trial home visit may result in the termination of a youth’s trial home visit and in a return to the department’s physical custody. If the youth violates the trial home visit, a CFTM will be held, a violation report filed with the Court and a hearing held. A new committal order must be issued before the youth is returned to custody.</p>
<p>F. Termination of Custody</p>	<p>If the trial home visit is successful, the youth is automatically placed on home placement status, and the Department’s legal custody of the youth terminates at the end of thirty (30) days.</p>
<p>G. Documentation</p>	<p>Unless other requirements are specified in this policy for documentation, or events not documented elsewhere or requiring a broader explanation, all information required to be documented in TFACTS within thirty (30) days from the date of the contact or occurrence.</p>
<p>H. Aftercare supervision</p>	<p>1. Aftercare Guidelines</p> <p>a) Aftercare supervision is required to ensure that the youth makes a successful transition back into the community after a custody episode. <u>The period of supervision is based on the needs of the youth and the family.</u> Supervision can continue until age 19 if necessary; however, a youth must be supervised on aftercare for a MINIMUM of (90) ninety days.</p> <p>b) The Aftercare period begins on the first day of the trial home visit. Exceptions are 1) youth who have reached their 19th birthday; or 2) as ordered by the committing Court; or 3) a determinate sentenced youth who has flattened out his sentence.</p> <p>c) The FSW must meet with the youth and parent/guardian within (24) twenty-four hours (excluding weekends and holidays) of the youth’s return to the community on trial home placement.</p> <p>d) At the meeting, the FSW will review the Rules of Aftercare (CS-0012) and the revised Family Permanency Plan completed at the release CFTM.</p> <p>e) If the family is in need of community services, the FSW will explain how this process works and assist the youth and family as needed. Referrals will be made as soon as possible, and the FSW will follow up regularly to ensure prompt service delivery. Services and supports will be documented on the appropriate screens in TFACTS.</p> <p>f) The FSW may make unannounced curfew checks via telephone calls and make home visits as needed. Each region will develop a procedure for curfew checks. The procedure should ensure safety for the FSW and be documented in the regional safety plan.</p> <p>3. Rules of Aftercare</p> <p>a) Rules of Aftercare (CS-0012) and any special conditions imposed by the</p>

	<p>Court will be discussed with the parent/guardian and youth at the Release CFTM.</p> <ul style="list-style-type: none">b) All special conditions, such as curfew and Court ordered conditions will be added to the Family Permanency Plan (YFIA). Progress will be tracked and documented via the quarterly review process.c) The FSW may request that the Court remove or modify special conditions as applicable. Requests will be made in writing to the Court with a copy maintained in the youth's case file or documented on the appropriate screens in TFACTS.d) FSW's will have no involvement in the determination of, or collection of restitution, Court costs, or fines; however, the FSW should regularly monitor payment of such costs and report non-payment to the Court.e) Rules of Aftercare are in effect until the Court approves case closure.
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<p>Forms:</p>	<p><u>CS-0004, Determinate Sentence Release Notification</u> <u>CS-0012, Rules of Aftercare</u> <u>CS-0130, Release to Home Placement Request</u> <u>CS-0156, Violation Report</u> <u>CS-0158, Notification of Equal Access to Programs and Grievance Procedures</u></p>
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<p>Collateral documents:</p>	<p><u>Protocol for Continuation of TennCare Eligibility for Children Exiting Custody</u> <u>Pre-Release Readiness Work Aid for Delinquent Youth</u></p>
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