



Administrative Policies and Procedures: 24.12

Subject:	Access to Legal Counsel for Youth in Youth Development Centers
Authority:	TCA 37-5-105 (3), 37-5-106; <u>John L. v. Adams</u> , 969 F.2d 228
Standards:	ACA: 4-JCF-3A-01, DCS Practice Standards: 8-306, 9-203
Application:	To All Department of Children's Services Youth Development Center Employees
Policy Statement:	
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.	
Purpose:	
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.	
Procedures:	
A. Youth's notification of access to <u>John. L. v. Adams</u> attorneys or their authorized representative	<ol style="list-style-type: none"> 1. As required by <u>John L. v. Adams</u>, DCS contracts with attorneys to provide legal advice to youth placed at the YDC's. 2. All youth are notified of access to the <u>John. L.</u> attorneys during the youth's orientation to the YDC. 3. The names of the <u>John. L.</u> attorneys, along with addresses and telephone numbers, will be included in the youth handbooks, posted in the dorms, and provided upon request. 4. All youth in the YDC's is 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.
B. Attorney or their authorized representative access to youth	<ol style="list-style-type: none"> 1. The Superintendents/designee will assist youth in making confidential contact with attorneys or their authorized representatives. 2. Attorneys or their authorized representatives are permitted access to youth during the hours established by the youth development center between 8:00

	<p>a.m. to 4:30 p.m., Monday through Friday.</p> <ol style="list-style-type: none"> 3. The Superintendent/designee will make 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 will be provided in which others cannot overhear the discussion between the youth and attorney or their authorized representative. 4. Unless specifically authorized by the Superintendent/designee, all meetings between attorneys or their authorized representative and youth will be one-on-one. 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 6. If the youth is not a client or potential client, and if access is not required by law, the youth will be required to complete form CS-0559, Authorization for Release of Child-Specific Information from the Department of Children's Services and Contract Providers, or CS-0318 Legal Aid Request, as appropriate, before the attorney or their authorized representative is permitted access to the youth. 7. Any attorney or their authorized representative who enters a YDC will be subject to routine visitor search procedures. Briefcases may be searched for contraband, but documents will not be read or reviewed. 8. Any request by an attorney or their authorized representative to tour a YDC will be approved in advance by the Superintendent. The Superintendent will consult with the DCS General Counsel prior to approving the request. 9. Attorneys or their authorized representatives seeking access to any youth must provide identification and proof of licensure before visiting with the youth.
<p>C. Emergency access to youth</p>	<ol style="list-style-type: none"> 1. Under emergency situations, reasonable attempts will be made to provide attorneys or their authorized representative access to youth during days/hours other than described in Section A, 2, above. 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.
<p>D. Denial of attorney or their authorized representative access</p>	<ol style="list-style-type: none"> 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

	<p>disrupt the orderly management and operations of the facility.</p> <p>2. A youth has the right to refuse to meet with or interviewed by an attorney or their authorized representative unless required by law.</p>
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Forms:	<p><u>CS-0318, Legal Aid Request</u></p> <p><u>CS-0559, Authorization for Release of Child-Specific Information from the Department of Children's Services and Contract Service Providers</u></p>
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Collateral documents:	<p><i>None</i></p>
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