



Administrative Policies and Procedures: 25.7

Subject:	Disciplinary Report/Notice of Hearing for Youth in DCS Group Homes
Authority:	TCA 37-5-105, 37-5-106
Standards:	DCS Practice Standards: 7-202A, 7-203A
Application:	To All Department of Children's Services Group Home Employees

Policy Statement:

DCS Group Home employees shall prepare a disciplinary report/notice of hearing of incidents when a youth is alleged of committing a major violation of facility rules. As soon as a determination of the infraction is made, but no more than twenty-four (24) hours after the incident, the youth shall be provided a written notice of the alleged rule violation.

Purpose:

To ensure due process, it is essential that youth are given written notice of the charges against them within twenty-four hours for major rule violations.

Procedures:

A. Major violation	<p>When a youth in a DCS Group Home has committed a major violation, staff shall issue a disciplinary report/notice of hearing to the youth on form CS-0055, <i>Disciplinary Report/Notice of Hearing</i>. The report must be signed and dated by the reporting DCS Group Home facilities staff and must contain:</p> <ol style="list-style-type: none"> 1. The youth's name; 2. A plain, concise statement of what occurred, including the time and date and a description of any unusual behavior exhibited by the youth; 3. The date and time the report is issued; 4. All rule violations/charges of which the youth is being accused; 5. The name(s) of witness(s), both staff and youth; 6. The disposition of any physical evidence, and 7. A statement of youth's rights.
B. Schedule of hearing	<ol style="list-style-type: none"> 1. Youth charged with major rule violations are scheduled for a hearing as soon as possible, but no later than seven (7) days, excluding weekends and holidays, after the alleged violation.

	<ol style="list-style-type: none"> 2. Youth are notified of the time and place of the hearing at least twenty-four (24) hours in advance of the hearing. 3. A youth may waive the right to a hearing provided that the waiver is documented and reviewed by the DCS Group Home facility supervisor.
<p>C. Responsibilities of DCS Group Home facilities staff</p>	<ol style="list-style-type: none"> 1. Before obtaining a signature from the youth for the disciplinary report/notice of hearing, the reporting DCS Group Home facilities staff shall read and/or explain the report to the youth in a manner that enables him/her to understand the charge(s) and his/her rights. 2. The DCS Group Home facilities staff shall take into account the youth's academic/intellectual capabilities and current emotional state. 3. The DCS Group Home facilities staff shall explain in an impartial manner the waiver of rights and shall determine whether the youth understands them. 4. DCS Group Home facilities staff other than the reporting staff may complete, read, and/or explain the report to the youth and present it to the youth for his/her signature, if circumstances exist which would make it unsafe, difficult, or impossible for the reporting staff to do so. 5. The original report must be forwarded to the hearing officer/discipline committee chairman at the facility. A copy of the notice of hearing must be given to the youth within twenty-four (24) hours of the infraction(s). 6. When a youth is being charged with seven (7) minor violations, the disciplinary report/notice of hearing must include the documentation verifying the seven minor rule violations.

<p>Forms:</p>	<p><u>CS-0055, Disciplinary Report/Notice of Hearing</u></p>
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<p>Collateral documents:</p>	<p><i>None</i></p>
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Glossary

<p>Term</p>	<p>Definition</p>
<p>Seven-Minor-Rule Violation:</p>	<p>Once a youth receives seven (7) minor disciplinary violations within a consecutive seven (7) day period, the case manager must write up a major disciplinary report and the report shall be routed through the normal channels for a disciplinary hearing. The report must include documentation of the seven (7) minor disciplinary violations.</p>