



Administrative Policies and Procedures: 12.1

Subject:	Return to Home Placement for Youth Adjudicated Delinquent
Authority:	TCA 37-5-106; 37-5-112; TCA 37-1-137
Standards:	ACA 3-JTS-5I-01; 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 Juvenile Justice Family Service Workers, Youth Development Center Employees, DCS Group Home Employees and Applicable Contract Provider Employees
Policy Statement:	
Delinquent youth in family foster care, contract agencies, DCS operated group homes and Youth Development Centers shall be returned to home placement with approval of the Committing Court and the Commissioner of the Department of Children's Services. 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 a uniform and timely process to prepare delinquent youth for release from the custody of the department.	
Procedures:	
A. Preparation for return to home placement	<p>1. Release Child and Family Team Meeting</p> <p>When a youth adjudicated delinquent nears completion of the IPP objectives and/or Permanency Plan goals, the youth's Facility Case Worker, or Family Service Worker (FSW) must schedule a child and family team meeting (CFTM) to discuss release issues.</p> <ul style="list-style-type: none"> a) All parties will participate in the CFTM. The youth's aftercare supervision plan, form CS-0843, Youth and Family Intervention Agreement (YFIA) will be developed at the meeting by the FSW. The youth and family must have input in this plan. The meeting will be rescheduled if the youth, parent/guardian or the FSW cannot participate. b) If it is determined that returning home is appropriate, the facility case worker must initiate release documents. 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, however, if the Child and Family Team decide that such is appropriate, a motion 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.

2. Release forms and documents

- a) If the youth is placed in a youth development center or DCS group home, the facility case worker must send form **CS-0130, Release to Home Placement Request** or appropriate release information accessed from the current *child welfare information system*¹, a comprehensive release summary of the youth's entire stay in custody to the youth's FSW thirty (30) days prior to the youth's trial home visit date.
- b) If the youth is in a contract agency, the contract agency case worker will submit a release summary to the FSW 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** or appropriate release information accessed from the *current child welfare information system*.
- 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 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.

3. Advancement of release date due to hardship

- a) Under hardship circumstances a youth's release date can be advanced. Examples of hardship circumstances may include, but are not limited to:
 - ◆ Death of an immediate family member,
 - ◆ A major medical problem,
 - ◆ Relocation of the family out of state, etc.
- 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.

¹ **NOTE:** TNKids is the current DCS child welfare information system and will be replaced by the new system "TFACTS" in the near future. When TFACTS is fully implemented, all references to TNKids or "*current child welfare information system*" will mean TFACTS.

- ◆ 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 to waive the 15-day period.
- ◆ Oral approval from the Court must be documented on the appropriate screens in the *current child welfare information system* and by e-mail or fax to the case worker.
- ◆ The Commissioner must approve all cases of advancement of release date. Form **CS-0130, Release to Home Placement Request** or appropriate release information retrieved from the *current child welfare information system* must be completed.

4. Aftercare plan

- a) Every youth will have a period of aftercare supervision that is no less than ninety (90) days in duration, which begins on the first day of the trial home visit. Exceptions are youth who reach their 19th birthday or as ordered by the committing Court.
- b) The completed aftercare plan, **YFIA** 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 supervisor prior to submission to the Court; and
 - ◆ Identify and document in the section of the youth's level of supervision once returning home.
- c) If youth will be discharged, form **CS-0046, Discharge** will be completed or appropriate discharge and aftercare plan information accessed from the *current child welfare information system*.

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** or appropriate discharge/release information accessed from the *current child welfare information system*, a copy of the release summary, the aftercare plan and the **YFIA** must be presented to the Court for review.
- c) If the committing Court does not object to the proposed home placement, a signature must be obtained on form **CS-0130, Release to Home Placement Request** or appropriate discharge/release information accessed from the *current child welfare information system*. Some Courts may decline to sign form/documents. If that occurs, note on the form/

documents the reason for the Court's action.

6. Packet for the Commissioner's review

- a) The FSW will **mail** the completed release packet to the Central Office for the Commissioner's review and approval.
- b) If it is within ten (10) working days of the youth's release date, the packet may be sent via fax. Central Office must review and return the signed **Release to Home Placement Request, (CS-0130)** form or appropriate discharge/release information accessed from the *current child welfare information system* to the FSW within five (5) business days.
- 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 the *current child welfare information system* within forty-eight (48) hours.
- d) The **Release to Home Placement Request, (CS-0130)** form or appropriate discharge/release information accessed from the *current child welfare information system* will be faxed to the applicable program at least forty-eight (48) hours prior to the release date.

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) Per statute (*TCA 37-1-137*), DCS is required to provide notice to the Juvenile Court. Approval is not required. Form **CS-0004, Determinate Sentence Release Notification** will be completed for this release.
- c) If the commissioner or designee believes that the 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 sentence must be requested through regional DCS legal set forth in section e) below.
- d) The request must 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 with fifteen (15) days of receipt of the request. 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 if commitment reduction credits were earned. An aftercare plan, YFIA is required.
- e) If the treatment team recommends an early release to home placement for a determinately sentenced youth prior to the completion of the determinate commitment, the FSW will contact the local DCS staff attorney to request a hearing. The FSW will provide the attorney with a release summary that

	<p>states the reasons for the recommended home placement and details on where the youth will be placed along with an aftercare plan. The attorney must file a request for a hearing copying the District Attorney.</p> <p>8. Log of release forms and documents</p> <p>Release forms and documents will be tracked by maintaining logs. The following logs will be maintained as follows:</p> <p>a) <u>Youth Development Centers/DCS Group Homes</u></p> <p>The facility will maintain a log to record the <u>date(s)</u> the release staffing was held; the date release paperwork is sent to the FSW and the date signed paperwork is returned to the facility.</p> <p>b) <u>Regional/Field Offices</u></p> <p>The regional and field offices will maintain a log to record the <u>date(s)</u> the release papers are received in the office, submitted and returned from the Court; submitted to central office and date the signed paperwork is returned to the facility.</p> <p>c) <u>Central Office</u></p> <p>Central Office staff who is responsible for processing release forms and documents will maintain a log to record the <u>date(s)</u> the release papers and the aftercare plan are received and the date they are returned to the FSW.</p>
<p>B. 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. 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. A notation will be made by the FSW on the appropriate screens in the <i>current child welfare information system</i> indicating the Court's objection to the release of the youth, including the reasons for the objection and any expectations the Court may have stated in order to consider the youth for release. The original release documents will be returned to the sending facility.</p> <p>3. 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 through the appropriate process outlined in <i>TCA 37-1-137</i> via DCS Regional Legal Counsel.</p>

	<p>4. Delay of the return home</p> <p>In the event of an appeal, no youth will be returned to home placement until the appeal process has been completed.</p>
<p>C. Court Ordered Release</p>	<p>1. In the event a Court order to release a youth is received from the committing Court, the following steps will be followed:</p> <ul style="list-style-type: none"> a) The office of the Deputy Commissioner of Juvenile Justice will be contacted to acknowledge receipt of the order. b) The order will be sent to DCS Legal Counsel for review. c) The facility case worker will prepare the release paperwork and forward them to necessary parties as outlined above in <i>Section A, items 2 and 3.</i> d) 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. e) As soon as possible, 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. <p>2. Documentation of violations</p> <p>In the event new delinquent acts are alleged or other major violations occur, the FSW must document them in writing on form CS-0156, Violation Report or on the appropriate screens in the <i>current child welfare information system</i>. The youth must be afforded all due process rights required by departmental policy prior to a return to custody. A violation petition must be filed with the 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>D. 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 on the appropriate screens in the <i>current child welfare information system</i> must be entered within thirty (30) days from the date of the contact or occurrence.</p>

Forms:	<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> <u>CS-0843, Youth and Family Intervention Agreement Youth and Family</u>
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Collateral documents:	<u>Protocol for Continuation of TennCare Eligibility for Children Exiting Custody</u> <u>Case Closure Protocol</u>
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