



Administrative Policies and Procedures: 12.1

Subject:	Return to Home Placement Supervision 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; Public Chapter No. 486/House Bill No. 713
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 (FPP), Individual Program Plan (IPP) for YDC's only, 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	<ol style="list-style-type: none"> 1. Prior to scheduling a Release Child and Family Team Meeting (CFTM) there are several factors that are addressed to ensure the youth has completed adequate requirements to be recommended for release. The Pre-Release Readiness Work Aid for Delinquent Youth will 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 Child and Family Team will 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 begins 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 FPP 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, will 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 by the team and documented by the FSW. The aftercare plan is documented in the FPP. The <u>Protocol for the Youth and Family Intervention Agreement</u> is followed and indicated areas addressed in the aftercare plan. The youth and family will 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 applicable (facility, provider or FSW) case manager will 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; 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, 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 <u>16.20 Expedited Custodial Placements</u> will be conducted prior to submitting the legal referral and the results will 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 will send form CS-0130, Release to Home Placement Request accessed from <i>TFACTS</i> 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>

- 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 will 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.

4. Aftercare plan

- a) The FPP, developed at the CFTM will:
 - ◆ Include all recommendations made at the CFTM;
 - ◆ Address on-going and support issues identified in the YLS/CMI reassessment, 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 FPP as outlined in DCS Policy [11.6 Youth Level of Service/Case Management Inventory \(YLS/CMI\)](#).
 - ◆ Desired outcomes and action steps in the FPP will address treatment areas indicated as "Very High", "High", and "Moderate" on the YLS/CMI reassessment.
 - ◆ 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 will notify the committing Court of the youth's proposed home placement at least fifteen (15) days prior to the trial home pass date by presenting release documentation.
- b) Form **CS-0130 Release to Home Placement Request**, a copy of the release summary, the aftercare plan (FPP) will be presented to the Court for review.
- c) If the committing Court agrees to the recommendation for proposed home placement, a signature will 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

**No release of youth is permitted prior to obtaining Commissioner's/
designee's signature**

- a) If the Court approves the release, the FSW will send the completed release packet to Central Office for the Commissioner/designee's review and approval.
- b) Once the Commissioner/designee 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 youth's release packet has been approved and send the signed for **CS-0130 Release to Home Placement Request**. A notation will be made on the appropriate screens in **TFACTS** within forty-eight (48) hours.
- d) The release 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 will be reported to the youth's facility caseworker and the FSW's team leader.
 - ◆ The FSW and the other members of the youth's treatment team will agree that the advancement of release date is in the best interest of the youth.
 - ◆ The FSW will 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 will be documented on the appropriate screens in the **TFACTS** and by e-mail or fax to the case worker. The FSW will obtain a written order as soon as possible.
 - ◆ The Commissioner/designee will approve all cases of advancement of release date. A **Release to Home Placement Request** (form **CS-0130**) will be completed.

8. **Determinate Commitment**

- a) DCS is required to provide notice to the Juvenile Court, although Court approval is not required for release. Form **CS-0004, *Determinate Commitment Release Notification*** will be completed and provided to the Court as notification only.
- b) If the Commissioner/designee or the treatment team 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 committal will be requested through Regional DCS Legal Attorneys pursuant to *TCA Section 37-1-137 (c)(2)*.
- c) The request will clearly state the reasons for the recommended home placement and will make specific recommendations on where the youth will be placed. The District Attorney will 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.
- d) 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 FPP will be updated to include an aftercare plan.
- e) If a youth is nineteen years of age (19) or is returning home after serving a determinate sentence and has no additional obligation to DCS, no supervision is necessary.

9. **Log of release forms and documents**

The release documents will be tracked in **TFACTS** on the *Release Request History Screen*. The paperwork process will be documented on this screen as below:

a) **Youth Development Centers**

The YDC staff will record the date release documents are sent to the FSW.

b) **Regional/Field Offices**

The FSW will record the **date** 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.

c) **Central Office**

- ◆ Central Office staff responsible for processing release forms and documents will record the **date** the forms and documents are received in central office, the Commissioner/designee's decision and the date, and the date they are returned to the FSW or facility.

	<ul style="list-style-type: none"> ◆ 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</i> screen in TFACTS.
<p>C. Court response to release request</p>	<ol style="list-style-type: none"> 1. Assent via no objection 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 will consider the Court to have assented to the home placement and the youth will immediately be released to aftercare. 2. If the Court issues a verbal order only, even though they do not follow statute, the FSW will immediately contact Regional General Counsel for further legal advice on whether or not to file a motion clarifying the Court's position.
<p>D. Court objection to release</p>	<ol style="list-style-type: none"> 1. If the committing Court objects to the home placement supervision, such objection will be made in writing to the Commissioner/designee documenting the reasons for objections. 2. No youth will be released on aftercare if the committing Court objects in writing. 3. Upon receiving the objection from the committing Court, the Commissioner/designee will review the child's file and consult with the committing judge regarding such denial in the form of a hearing set by either the Court or by motion of DCS or any attorney for the youth. 4. If no agreement is reached between DCS and the committing judge, then the Commissioner/designee will request a hearing on the proposed placement by a three (3) judge panel to be appointed by the executive committee of the Tennessee Council of Juvenile and Family Court Judges. This panel will hear and resolve the controversy within thirty (30) days of receipt of the Commissioner/designee's request for a hearing. The decision of the panel will be final. 5. 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</i> section. 6. Delay of the return home 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>E. 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>F. Violation of trial home placement</p>	<ol style="list-style-type: none"> 1. Documentation of violations In the event new delinquent acts are alleged or other major violations occur, the FSW will 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 will address the following: <ol style="list-style-type: none"> a) The History of Supervision; b) The Nature of the Violation; and c) Recommendation of the Team. 2. The youth is afforded all due process rights required by departmental policy prior to a return to custody. A violation petition will be filed with the committing Court if termination of a trial home visit is being requested. 3. Return to physical custody during trial home pass <ol style="list-style-type: none"> a) 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 DCS’s physical custody. b) If the youth violates the trial home visit, a CFTM is held to discuss options and efforts will be made to maintain the youth in the community. c) If the team decides to return the youth to physical custody, Juvenile Court permission is not required to remove the youth from the home. However, notice of such removal and disruption (<i>i.e.</i>, Violation Report, form CS-0156, <i>etc.</i>) of the trial home pass is filed with the Court within ten (10) days as a violation, or other appropriate petition or motion, so that the legal custody of DCS is not terminated. d) A review hearing is held within thirty (30) days of the filing of the petition.
<p>G. Termination of Custody</p>	<p>If the trial home visit is successful, the youth is automatically placed on home placement status, and DCS’s legal custody of the youth terminates at the end of thirty (30) days.</p>

<p>H. 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>I. 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 will 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:</p> <ul style="list-style-type: none"> ◆ Youth who have reached their 19th birthday; or ◆ As ordered by the committing Court; or ◆ A determinate sentenced youth who has flattened out his sentence. <p>c) The FSW will 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 FPP 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 is 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 will ensure safety for the FSW and be documented in the regional safety plan.</p> <p>4. Rules of Aftercare</p> <p>a) Rules of Aftercare (CS-0012) and any special conditions imposed by the Court is discussed with the parent/guardian and youth at the Release CFTM.</p> <p>b) All special conditions, such as curfew and Court ordered conditions will be added to the FPP. Progress will be tracked and documented via the quarterly review process.</p> <p>c) The FSW may request that the Court remove or modify special conditions as applicable. Requests is made in writing to the Court with a copy maintained in the youth’s case file or documented on the appropriate screens in TFACTS.</p> <p>d) FSW’s will have no involvement in the determination of, or collection of restitution, Court costs, or fines; however, the FSW will regularly monitor</p>

	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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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>
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Collateral documents:	<u>Protocol for Continuation of TennCare Eligibility for Children Exiting Custody</u> <u>Pre-Release Readiness Work Aid for Delinquent Youth</u>
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