



Administrative Policies and Procedures: 12.5

Subject:	Passes for Youth Adjudicated Delinquent
Authority:	TCA 37-5-105; 37-5-106
Standards:	ACA: 3-JTS-5I-06; DCS Practice Standards: 5-500; 8-306
Application:	To All Department of Children's Services Employees and Contract Agency Employees

Policy Statement:

Youth who have been committed to the Department on an adjudication of delinquency must meet criteria established by each program to be eligible for passes. Passes shall be considered in the development of each youth's individual treatment plan. Objectives or tasks to be completed while a youth is on pass shall be monitored. The committing court must be consulted prior to passes being granted. Passes differ from visitation as they can be restricted.

Purpose:

To ensure compliance with established criteria to grant passes to delinquent youth.

Procedures:

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| <p>A. DCS group homes and contract agencies</p> | <ol style="list-style-type: none"> 1. Delinquent youths participating in community-based residential programs, foster care, independent living programs, etc., must have the opportunity to practice new skills in their home environment. 2. Treatment teams consisting of staff from DCS group homes/contract agency and the youth's Family Service Worker (FSW) must determine when passes are appropriate and the duration of such passes. 3. The committing court must be consulted and approval obtained prior to any proposed pass. If the court declines to approve or disapprove the pass, the FSW's Team Leader and/or Team Coordinator must be consulted to approve or deny the pass. 4. Youth who remain in assessment placements for periods of time in excess of thirty (30) working days may be considered for passes if their behavior has been appropriate. 5. Youth who have been granted passes may retain their pass eligibility if transferred to a new placement. If a transfer is due to the negative behavior of a youth, the CFT will determine pass eligibility |
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<p>B. Delinquent youth with determinate commitment sentences</p>	<ol style="list-style-type: none"> 1. Youth residing in community-based residential programs who received a determinate commitment will have completed at least one-half (1/2) or one hundred twenty (120) days (which ever is less) of his/her commitment before being considered for passes. 2. All youth pass requests will <u>not</u> be allowed without the consent of the committing court.
<p>C. Passes for youth in Youth Development Centers</p>	<ol style="list-style-type: none"> 1. In order to be eligible for a pass, youth placed in a YDC should be in pre-release status and within forty-five (45) days of release. 2. Youth in YDC's with the following committing offenses, will not be considered for passes unless ordered by the committing court: <ol style="list-style-type: none"> a) First degree murder b) Conspiracy to commit murder c) Second degree murder d) Aggravated kidnapping e) Especially aggravated robbery f) Aggravated rape g) Aggravated arson h) Solicitation for first degree murder i) Aggravated robbery j) Rape k) Aggravated sexual battery l) Aggravated child abuse m) Kidnapping n) The attempt to commit any of the above offenses 3. All exceptions to this requirement must be approved by the Regional Administrator or designee and the Deputy Commissioner of Juvenile Justice or designee and the committing court.
<p>D. Coordination of pass requests</p>	<ol style="list-style-type: none"> 1. Requests for passes will be made at least ten (10) working days prior to the proposed pass. For youth in DCS group homes, contract agencies or YDCs, the facility case manager will provide the FSW with information pertinent to the pass request. The information to be provided includes: <ol style="list-style-type: none"> a) A brief current progress report and case notes documenting progress; b) Beginning date and duration of the proposed pass; c) Who will supervise the youth on pass, where the youth will be while on pass (address, telephone number); and d) Any special conditions of the proposed pass, and any tasks that are to be

	<p>undertaken while on pass.</p> <ol style="list-style-type: none"> 2. If the youth has been committed as delinquent, the FSW will present the pass request to the committing judge through the court liaison. Once the court has either approved or denied the pass request, the assigned Facility Case Manager at the YDC, group home or contract agency will be notified of the court's decision. 3. Each pass must be approved in such a manner unless the committing court has made a provision for "blanket" pass approval for a youth. If the committing court declines to take action on a pass request and indicated that the court will neither approve nor disapprove the pass, the youth's child and family team may take action and approve the requested pass. It is the treatment team's responsibility to assure continuing contact between the child and his/her family. 4. Monitoring and follow-up on passes is the joint responsibility of the Facility Case Manager and the FSW. 5. The child's/youth's behavior as well as other significant issues concerning parent activities, completion of specific treatment related tasks, etc., will be discussed with the child/youth and parents. Any significant information related to the pass will be documented on the appropriate screens in the <i>current child welfare information system</i>¹ and shared as needed. 6. Children/youth will be allowed passes in the temporary physical custody of their parents, guardians and other approved relatives, approved prospective adoptive parents or approved foster parents. 7. All persons accepting temporary physical custody of a child/youth must be properly identified. Persons accepting temporary custody of a youth from a DCS facility will be advised in writing of their responsibility and must sign form CS-0058, Temporary Custody Agreement.
<p>E. Types of passes covered by this policy</p>	<ol style="list-style-type: none"> 1. Day Pass An authorized visit of no more than eight (8) hours with an approved resource. The child/youth is not required to remain at the facility but may not leave beyond a fifty-mile radius from the facility/program location. A day pass may be for emergency situations, as well as for routine visitation. 2. Day Pass to Home An authorized home visit that does not exceed twelve (12) hours. Approved resource and child/youth may leave the county in which the facility/program is located. A day pass to home may be granted for emergency situations, as well as for routine visitation. 3. Over Night Pass An authorized visit that does not exceed forty-eight (48) hours to the home of the

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.

	<p>parent, guardian, visiting resource, etc. An over night pass may be granted for emergency situations, as well as for routine visitation.</p> <p>4. Extended Over Night Pass</p> <p>An authorized visit that may exceed forty-eight (48) hours to the home of the parent, guardian, visiting resource, etc. Examples of this type of pass would be extended holiday visits and bereavement passes. An extended overnight pass may be authorized for emergency situations, as well as for routine visitation.</p> <p>5. Medical Pass</p> <p>A pass authorized by the health services coordinator for the purpose of obtaining medical treatment or evaluation of such duration as is medically appropriate.</p> <p>6. Out-of-State-Passes</p> <p>Out of state passes will be allowed as approved in the IPP, permanency plan or adoption assistance plan or in case of unanticipated emergency situations. Out of state passes for forty-eight (48) hours or more will require the completion of an <i>Interstate Compact on Juveniles (ICJ) Out of State Travel Permit</i> and the approval of the FSW’s Team Leader or Team Coordinator and the Court. Once the out-of-state travel is approved locally, the travel permit form must be faxed to the DCS ICJ Deputy Compact Administrator, Commissioner’s designee. A travel permit may be issued for up to thirty (30) days. If the pass will exceed 30 days, the FSW will send specific supervision instructions for the juvenile to maintain contact with the FSW in Tennessee. (See the <u>Interstate Compact on Juveniles (ICJ) Practices and Procedures Manual</u> for further information on ICJ Travel Permits.)</p> <p>7. Information on the ICJ Travel Permit will include:</p> <ol style="list-style-type: none"> Name, address and phone number of the party accompanying the youth; Date and time of departure; Mode of transportation (if by automobile, include make, model and tag number); Date and time youth is to return; Reason(s) for the necessity of the pass; and Mode of transportation (if by automobile, include make, model and tag number),
<p>F. Clarification of the difference between visitation and passes</p>	<ol style="list-style-type: none"> Delinquent youth have the right to have visitation from their families at their placement per policy <u>26.5, Visitation and Visitor Control for Youth in DCS Group Homes, 26.2-DOE Youth Development Center Visitation/Visitor Control,</u> and the <u>Provider Policy Manual.</u> If a delinquent youth has a sibling in custody, DCS policy <u>16.43 Supervised and Unsupervised Visitation between Child-Youth, Family and Siblings</u> must be adhered to and staff must arrange for visitation between siblings.

	<p>3. A youth's visitation with his/her family may never be restricted, however, passes may be restricted if there are therapeutic reasons to deny passes.</p> <p>4. If a youth is approved to go on pass then violates program rules, the pass may be postponed or cancelled due to the severity of the violation.</p> <p>5. The youth's FSW must be consulted regarding any change in plans for approved passes.</p> <p>6. If a youth has committed a major violation of program rules, they should not be allowed to go on pass.</p>
G. Exceptions	The Commissioner/designee must approve in writing any exceptions to this policy.

Forms:	<p><u>CS-0058, Temporary Custody Agreement</u></p> <p><u>CS-0394, Youth Pass Request</u></p> <p><u>Interstate Compact on Juveniles (ICJ) Out of State Travel Permit</u></p>
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Collateral documents:	<p><u>ICJ Practices and Procedures Manual</u></p>
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Glossary:

Term:	Definition:
Pass:	Any authorized absence by a delinquent youth from his/her placement without staff supervision.
Travel Permit:	The travel permit, depending on whether the form is utilized by the sending state as a provisional or temporary travel form, is executed when a child on aftercare or probation is traveling to an established residence in a member state prior to formal acceptance or is just visiting a member state.
Visitation:	Regular contact between a child/youth and his/her parents as mandated and defined by federal foster care legislation. Any dependent/neglected, unruly or delinquent child/youth placed in foster care must be granted an opportunity for a minimum of four (4) hours visitation each month, which may be supervised or unsupervised. Please note, however, that any visitation by delinquent youth that involves a return to the home community for a period of time and is unsupervised by program staff, the consent of the committing court is required unless the court has declined or failed to exercise the authority granted in <i>TCA §37-5-106 (4)</i> .