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**Rules of**  
**Department of Social Services**  
**Division 110—Division of Youth Services**  
**Chapter 2—Classification Services**  
**and Residential Care**

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## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 110—Division of Youth Services Chapter 2—Classification Services and Residential Care

#### 13 CSR 110-2.010 Regional Classification Services

*PURPOSE: The purpose of this rule is to establish guidelines and lines of authority for the classification procedure when a youth is classified from one of the juvenile courts by a regional administrator or his/her designee.*

(1) Each regional administrator or his/her designee, subject to all other divisional rules and policies, has full authority to assign youth to any residential unit or appropriate other placement. Classification criteria to be used is contained in 13 CSR 110-2.040.

(2) After a determination of the type of program in which a youth could best function, if it is determined s/he could best function in a community-based program, the assignment will be made in the following priority order:

(A) If a vacancy exists in the youth's home community, the regional administrator should assign the youth to a program in that community;

(B) If no vacancy exists in a local program, the assignment can be made on a regional basis; and

(C) When none of the circumstances in (2)(A)–(B) exist, the youth can be assigned to a community-based program regardless of the location as long as the regional administrator still considers the assignment in the best interest of the youth.

(3) The division will inform the juvenile court of where the youth is to be delivered and will ensure that all the appropriate records are delivered with the youth.

*AUTHORITY: section 219.036, RSMo 1994.\* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993,*

#### 13 CSR 110-2.020 Classification and Assignment from Reception Centers (Rescinded August 30, 2000)

*AUTHORITY: section 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

#### 13 CSR 110-2.030 Special or Unique Service Needs

*PURPOSE: The purpose of this rule is to establish the guidelines and lines of authority for youth who are in need of services that are not generally provided by this agency. This would include such things as mental disorders, mental retardation, specialized foster home care, special medical needs, etc.*

(1) The regional administrators or their designees are responsible for making the initial determination that special services are necessary for a particular youth.

(2) When the division finds that a youth committed to its custody is in need of care of treatment other than that which the division is equipped to provide, the division may apply to the court which committed such youth requesting an order relieving the division of custody. If a change of custody is not ordered by the court, the division shall ensure the youth is provided special services within the division's capability.

(3) Requests for psychiatric evaluations and developmental disability evaluations are to be made in accordance with the Department of Mental Health's established catchment area guidelines.

(4) Upon receipt of the evaluation recommendation, the regional administrators or their designees will review the evaluation recommendation and take appropriate action to see that the necessary services are provided. If the services can be provided directly by the division then such services will be utilized. If such services cannot be provided directly by the division or if they can be provided in a more economical, effective, or practical manner by a contract provider pursuant to section 217.036, RSMo, the regional administrator or designee will initiate the necessary paperwork to obtain such services from a contract provider.

(5) The service coordinator's supervisor shall keep the regional administrator apprised of status changes of youth and any problems they may encounter.

*AUTHORITY: section 219.036, RSMo 1994.\* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993.*

#### 13 CSR 110-2.040 Classification Criteria for Placement into Division of Youth Services (DYS) Programs

*PURPOSE: Classification criteria shall provide broad guidelines for adequately assessing the individual need for services and appropriate placement for each youth committed to Division of Youth Services.*

(1) A medical, psychological and social history shall be developed for each youth by the service coordinator. Areas to be considered in developing this history are listed as follows:

(A) Medical History. Special medical needs shall be evaluated to determine if such needs can be met by Division of Youth Services (DYS). If the needs can be met by DHS, then they should be identified, treated and explained in meaningful terms as to the impact they may have on the treatment process;

(B) Psychological History. If a youth's psychological history reveals the need for additional assessment, the following areas may be evaluated through formal or informal testing:

1. Intellectual functioning;
2. Educational achievement;
3. Screening for organic impairment;
4. Drug abuse screening; and
5. Behavioral observation and personal interview (This information shall be gathered through personal contact with parents, guardians, teachers, juvenile court staff and relevant others. This will assist the service coordinator in his/her efforts to properly match the youth with the service category to which s/he may be assigned); and

(C) Social History.

1. An evaluation of relevant past history should include retrieval and evaluation of any pertinent information in social histories, court records, school files, etc.

2. An evaluation of the present environment should include pertinent information concerning home, school and community conditions having an effect on classification.

(2) After developing an adequate individual history, the service coordinator should determine services most appropriate as itemized in the following DHS continuum (available services listed in parentheses):

(A) Community Based. Services to maintain the youth in his/her own home or community (placement directly into aftercare/community care, foster care, or special services);

(B) Community-Based Residential. When community-based services do not meet the



needs of the youth, community-based residential services are provided in group homes, community treatment centers, and park camps; and services provided to maintain the youth in a foster family or non-DYS group home setting (foster home services, aftercare supervision, special services, contractual purchase of services); and

(C) Moderate/Secure Residential Treatment. When community-based or community-based residential services do not meet the needs of the youth or the community, services are provided to the youth in an appropriate residential treatment facility.

(3) To be eligible for community-based services as provided in subsections (2)(A) and (B) of this rule, the youth must meet the following guidelines:

(A) Have the ability to acceptably control him/herself in an open community environment where supervisory controls are minimal;

(B) Be willing to participate in a community program; and

(C) Prior or committing offenses cannot be such that community reaction to the youth's immediate return to the community would negate any benefit the child might receive from community placement.

(4) General guidelines for classification and initial assignment of youth to a moderate/secure residential treatment facility are listed as follows:

(A) There are no known community services presently available that will effectively provide for the youth's needs;

(B) Direct intervention through institutional treatment would increase the likelihood of successful community placement; and

(C) General community safety issues have been considered.

*AUTHORITY: section 219.036, RSMo 1994. \* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993,*

### 13 CSR 110-2.050 Transfers from One DYS Residential Facility to Another DYS Facility

*PURPOSE: The purpose of this rule is to protect the rights and ensure the appropriate treatment of youth moved from one Division of Youth Services (DYS) facility to another. The procedure is to be used if a youth has been inappropriately classified into a facility or if the facility is not meeting the youth's*

*needs. Residential care services are those services which provide twenty-four (24)-hour living accommodations and are operated by division employees. These facilities include group homes, park camps and institutions.*

(1) An administrative transfer may be effected when a change in placement, either interagency or intragency, may better serve the needs of the youth. An administrative transfer is a transfer from one (1) foster home to another, from one (1) community-based facility to another or from one (1) institution to another.

(A) Such a transfer may be effected when one (1) or more of the following conditions are present:

1. An opening exists in a similar placement that is closer to the youth's home community;

2. A placement in a different area would provide access to a program(s) and that would be of special benefit to the youth; and

3. There is evidence the youth has potential to benefit from the program offered in his/her current placement but either internal or external forces make it difficult for him/her to obtain maximum value from the placement.

(B) The youth, his/her parent or guardian or site or service coordinator may request an administrative transfer in writing to the regional administrator and his/her designee. The regional administrator or his/her designee shall review the request and, if appropriate, shall authorize the transfer. In determining whether a transfer is appropriate the following information as relevant to reaching a conclusion shall be considered:

1. Reasons offered both in support of and in opposition to the transfer;

2. Evaluation of the progress of the youth in the current placement; and

3. Availability of space in other programs and approval of the receiving facility manager. If this transfer is across regional lines, then the appropriate regional administrator or his/her designee shall be involved.

(C) The regional administrator or his/her designee shall notify, in writing, the youth, his/her parents or guardian and site or service coordinator of the decision as to whether the transfer is approved or disapproved and the reason therefore. The decision shall be made within two (2) working days of the request and a copy of the transfer shall be included in the youth's case record.

(2) A vertical transfer is a transfer from a community-based program to any DYS residential program.

(A) A vertical transfer may be effected when—1) the youth poses a danger to the safety of other persons, staff, the site, or the community; or 2) the youth will benefit more from the program(s) offered at the recommended site than from the program(s) offered in the current placement.

(B) The following procedures must be followed in order to effect a vertical transfer:

1. The youth, parent or guardian, site or service coordinator may request a transfer;

2. The request shall be in writing to the regional administrator or his/her designee and shall state the reasons the transfer is being requested;

3. Upon receipt of the request, the regional administrator or his/her designee shall appoint a hearing officer and one or more parties who are neutral and objective to hold a hearing;

4. The hearing officer shall set a date for a hearing on the question of transfer. This hearing shall be held within seven (7) calendar days from the date the request is received;

5. The youth, parents or guardian of the youth, and the site or service coordinator shall be given adequate and timely notice of the time and place of the hearing and of the reasons therefore, stated with specificity, that the transfer has been requested; and

6. The youth and the parents or guardian of the youth shall also be notified that the youth has the right to present evidence, to confront and cross-examine witnesses and to remain silent at the hearing. Further, the youth shall have the right to request a staff member or a parent or guardian or attorney to represent him/her at this hearing.

(C) Only information introduced as evidence at the hearing shall be considered by the hearing officer(s). The following are considered relevant to the determination: the treatment needs of the youth; and whether other programs, either community-based or institutional, would provide a program(s) better suited to the needs of the youth.

(D) Within two (2) days of the hearing, the hearing officer(s) shall notify, in writing, the youth, the parents or guardian of the youth and the person who has physical custody of the youth of its decision and the reasons therefore.

(E) A vertical transfer shall not be authorized as punishment.

(3) An interagency transfer is a transfer from a program or facility operated by or under the control of the division to a program or facility operated by or under the control of another agency.

(A) An interagency transfer may be effected when the division lacks the programs or



services to promote the rehabilitation of the youth and another childcaring agency is equipped to provide these programs or services.

(B) The director or his/her designee may authorize an interagency transfer if, after a careful examination of the youth's needs, s/he determines that the transfer should be effected. After a decision for transfer is made, the youth, his/her parents or guardian, and the service coordinator will be notified of the decision and the reasons for the transfer. One (1) copy of the notice will be retained in the youth's case record.

(4) Appeal of a Transfer Decision. When the decision is made to transfer the youth, the youth and the parents or guardian of the youth shall be notified of the right to petition the director for a hearing to review the decision in accordance with 219.051, RSMo 1994.

*AUTHORITY: sections 219.021.4, RSMo Supp. 1999 and 219.036, RSMo 1994. \* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed May 30, 1979, effective Sept. 14, 1979. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.021, RSMo 1975, amended 1980, 1981, 1987, 1993, 1995 and 219.036, RSMo 1975, amended 1993.*

### 13 CSR 110-2.060 Furlough Policies and Procedures

*PURPOSE: Furloughs granted to youth residing in Division of Youth Services (DYS) facilities should be purposeful and constructive supplements to the treatment program, not a social rewards system. Only through well-justified deliberation should furloughs be granted.*

(1) Requests for furloughs require verbal and written approval by the service coordinator with written notification to required officials, parents or guardians, courts, and victim's rights respondents.

(2) Upon approval of the request for furlough, the service coordinator or facility manager shall arrange for transportation.

(3) A furlough authorization form should be prepared to accompany the youth. (The form should identify the youth, state the date, and purpose of his/her furlough and include the name and phone number of the DYS residential facility authorizing the furlough.)

(4) If a youth fails to return from furlough at the designated time, s/he should call to provide justification for his/her delay and to establish an estimated time of return. If the youth does not notify the facility or provide satisfactory justification for his/her delay, s/he shall be considered a runaway and a critical incident form shall be submitted.

*AUTHORITY: section 219.036, RSMo 1994. \* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993.*

### 13 CSR 110-2.070 Day Release Procedures (Rescinded August 30, 2000)

*AUTHORITY: sections 219.021 and 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

### 13 CSR 110-2.080 Runaway and Absconding Youth

*PURPOSE: The purpose of this rule is to establish formal procedures to be followed when a youth runs away from a residential facility of the division or when s/he is on runaway status and is apprehended. It is recognized that local procedures followed in these circumstances vary from facility-to-facility. Each facility shall write procedures which can be logically and consistently followed. This policy covers only those actions that should be taken by all the facilities.*

(1) These procedures are to be followed in the case of runaways.

(A) Immediately upon the discovery and verification that a youth has run away, the premises shall be secured and an immediate search will be conducted. The local police shall be notified and given the information necessary to help locate the youth.

(B) Upon apprehension or return to replacement the case will be reassessed and necessary treatment intervention made and documented.

(C) If the youth is not apprehended during the initial search period, then the need for a pickup and detention warrant will be ascertained.

(D) A critical incident report shall be prepared by the site supervisor or service coordinator. Upon apprehension, the pickup order/warrant will be canceled and notification given to appropriate local law enforce-

ment, local juvenile officer, parent/guardian and service coordinator.

(E) If the youth is not apprehended or does not return within fourteen (14) days, the youth will be placed on the inactive roll by the Division of Data Processing until apprehension or appropriate discharge.

(F) In the event the youth is not apprehended, has reached age seventeen (17), and has been on runaway status for six (6) consecutive months, the service coordinator shall recommend discharge.

(2) These procedures are to be followed when a youth absconds from aftercare.

(A) Upon notification that a youth has absconded, the service coordinator shall assess the immediate situation, consulting with parents or guardians and the service coordinator's supervisor to determine the necessary intervention. Upon completion of the assessment, if appropriate, a pickup order/warrant shall be issued.

(B) Upon apprehension or return to placement, the case will be reassessed and necessary treatment intervention documented.

(C) If the youth is apprehended before central office has been notified of the runaway, this fact should be indicated on the report. If the youth was not apprehended and central office was notified, then a follow-up report should be sent to the appropriate supervisor indicating the youth is back in DYS custody.

(D) In the event a pickup order/warrant was issued, a letter will be sent to officially cancel the pickup order/warrant.

(E) In those cases where written documents were forwarded to the various officials, these documents shall be rescinded with the written document, that is, if a letter was forwarded to the parents to notify them of the youth's abscondence, a letter will also be sent to notify them that the youth has been apprehended.

(F) In the event a youth is not apprehended, has reached age seventeen (17) and has been on abscondence status for three (3) consecutive months, the service coordinator shall recommend discharge of the youth.

*AUTHORITY: section 219.036, RSMo 1994. \* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993.*

### 13 CSR 110-2.090 Hazardous Placement Policy

(Rescinded August 30, 2000)



*AUTHORITY: section 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

### 13 CSR 110-2.100 Grievance Procedures for Committed Youths

*PURPOSE: The purpose of this policy and procedure is to insure that when youths in Division of Youth Services (DYS) residential facilities have a complaint that the complaint will not be lost or ignored.*

(1) Any youth who has a grievance shall submit his/her grievance in written form to the group leader or first line supervisor. Following receipt of the written grievance, the group leader and first line supervisor shall discuss the matter within five (5) working days and then subsequently interview the youth. A written decision shall be issued to the youth within three (3) working days after the interview. Copies of this decision shall be distributed to the youth, parent/guardian, service coordinator, site supervisor and regional administrator. If the decision is not satisfactory to the youth, the youth may present the grievance to the site supervisor or next supervisor in line within five (5) days of the original decision. The site supervisor may—*a*) review the grievance and, after meeting with staff, prepare a response within five (5) working days; or *b*) convene a grievance committee of three (3) staff members, one of which is the designated chairperson, to hear the grievance. The youth will be advised of the date the grievance committee will consider his/her complaint and the youth may request that any person represent him/her at the hearing. The youth will have the right to cross-examine, call witnesses or present any testimony in his/her behalf.

(2) The findings of the grievance committee will be final. Records of action taken will be kept on file for future reference concerning policy or future complaints on the part of the youth. The youth will be given a copy of the findings and of other information s/he desires.

(3) The grievance committee should be appointed by the site supervisor of the facility. The membership of this committee should represent a cross-section of the facility. This committee shall consist of impartial members and this impartiality will be monitored by the site supervisor. Provision to disqualify any member who is directly involved in a particular grievance should be established.

(4) It shall be the duty of the site supervisor of each program to oversee the implementation of the grievance procedure and interpret to youth and staff the following areas which will be considered for grievances: 1) physical abuse; 2) staff allowing physical abuse to a youth by another youth; 3) lack of medical or dental treatment; 4) no opportunity for three (3) meals per day; 5) verbal abuse by staff; 6) lack of opportunity for recreational activities; 7) lack of opportunity for education; and 8) infringements upon religious tenets.

(5) If in the implementation of this procedure, a staff member practices prejudice against the youth who has filed the grievance and this prejudice is found to be a result of the youth's complaint, the staff member concerned shall be subject to immediate dismissal.

*AUTHORITY: section 219.036, RSMo 1994. \* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993.*

### 13 CSR 110-2.110 Responsibilities of Facility Managers

(Rescinded August 30, 2018)

*AUTHORITY: section 219.036, RSMo 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Rescinded: Filed Jan. 16, 2018, effective Aug. 30, 2018.*

### 13 CSR 110-2.120 Administrative Decisions Affecting the Constitutional Rights of Youths in DYS Facilities

*PURPOSE: The purpose of this rule is to standardize procedures and establish safeguards for the youth in those areas of treatment where the constitutional rights of the youth in residence in a Division of Youth Services (DYS) facility may be an issue. These areas include: transfers to administrative segregation or to a community detention facility; mailing and visitation privileges; photographing and fingerprinting; containment; grievance procedure; and transfers from one DYS facility to another.*

(1) Transfers to administrative segregation or to community detention facility shall be made according to the following procedure:

(A) When any child is charged with an offense which may result in his/her confinement apart from the general population of the

facility, in a separate room or cell or in a community detention facility where s/he is removed from the general population for over a twenty four (24)-hour period, s/he shall be afforded a hearing to determine guilt or innocence. This hearing shall be conducted as soon as possible but no later than within twenty-four (24) hours after initial confinement. The hearing shall be conducted by an impartial three (3) person panel of staff members not involved in the alleged offense;

(B) The child's parent or guardian, if known, will be advised in writing of the alleged offense and the disposition made of the charge; and

(C) Any child so segregated from the general population of the facility—

1. Shall be detained within calling distance of at least one (1) adult staff member at all times;

2. Shall be detained in clean quarters and be permitted to follow good personal hygiene;

3. Where feasible, s/he shall be permitted to pursue his/her educational program or keep up with his/her academic assignment;

4. Shall be allowed to wear normal casual clothing appropriate to the season;

5. Shall have access to reading material from the school and facility library;

6. Shall not have loss of mailing privileges; and

7. May be visited by his/her attorney and shall have access to chaplain or other designated minister or representative of his/her faith.

(2) Mailing. The Division of Youth Services (DYS) reserves the authority to inspect mail of youth in DYS residential care facilities for the purpose of detecting contraband. Mail may be opened in the presence of the youth for this purpose only. Mail between child and attorney will not be subject to the inspection.

(3) Visitations. The Division of Youth Services recognizes the importance of family visits with the child as a means of maintaining and improving family relationships. Each Division of Youth Services residential facility shall establish a regular visiting schedule for the purpose of maintaining order in the treatment program. Each youth and his/her family are to be advised in writing of the regular visiting hours at the time the youth is received at the facility.

(4) Photographing and Fingerprinting. The division will comply with the letter, intent and spirit of the juvenile code, specifically section 211.151.3, RSMo Supp. 1999, which provides that law enforcement officers shall



fingerprint and photograph youth who are taken into custody for offenses that would be considered felonies if committed by an adult without the approval of the juvenile court judge. Youth taken into custody for status offenses or as victims of abuse or offenses that would be considered a misdemeanor if committed by an adult may be fingerprinted and photographed with consent of the juvenile court judge.

(5) Containment. Corporal punishment or physical abuse of a child shall not be permitted. Physical restraint, if necessary, may be used for the purpose of containment only and only then when the child being restrained is involved in a serious incident (for example, a youth assaults another person, damages property, hurts him/herself or runs away). Failure of an employee to abide by this policy is cause for dismissal.

(6) Grievance Procedure (see 13 CSR 110-2.100).

(7) Transfer from one DYS Facility to Another (see 13 CSR 110-2.050).

*AUTHORITY: sections 219.036 and 219.051, RSMo 1994.\* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993 and 219.51, RSMo 1975.*

### 13 CSR 110-2.130 Release of Youths from DYS Facilities

*PURPOSE: The purpose of this rule is to provide an administrative procedure for the release of youths from Division of Youth Services (DYS) facilities.*

(1) Release to aftercare supervision shall be made under the following procedure:

(A) When it has been determined by the service coordinator and/or the facility that a youth is eligible for release to aftercare, the service coordinator assigned to the case shall provide an aftercare plan and submit all required Division of Youth Services (DYS) paperwork to the service coordinator supervisor. The service coordinator shall notify the parent/guardian and the community and the committing court; and

(B) Conditions of Aftercare Supervision. Transfer to aftercare supervision is a conditional release. The rules of placement to which the child shall agree prior to this transfer shall be the principal conditions of this transfer and violation of these conditions may result in revocation of aftercare supervision.

The rules established by the division are as follows:

1. I will obey all city, state and federal laws;

2. I will report to the aftercare youth counselor as directed and immediately report any changes in residence, school, employment or other status;

3. I will not leave the state of Missouri, or alter any conditions of my placement agreement without the advance permission of the aftercare youth counselor;

4. I will obey the rules and instructions of my parents, foster parents or guardian. I will advise my aftercare youth counselor immediately if any problems arise in this area;

5. I understand that I am under the supervision of the DYS until discharged; and

6. Other special rules or conditions may be invoked to meet specific adjustment problems of the youth in the community.

(2) Interstate Placement. The same release procedure as intrastate placement is to be followed; however, arrangements are to be made and approved by the interstate compact unit.

(3) Transfer to other DYS Facilities (Refer to transfer procedures 13 CSR 110-2.050).

(4) Transfer to a non-DYS Facility (Refer to 13 CSR 110-2.030).

(5) Direct Discharge. Upon determining that the youth is no longer in need of supervision as recommended by the service coordinator and approved by the regional administrator, the youth shall be discharged.

(6) Expiration of Commitment. All youths under DYS jurisdiction may be discharged upon reaching their eighteenth birthday.

(7) Notification of Termination of DYS Supervision. Missouri statutes provide that the division is required to immediately notify, in writing, the youth, his/her parent or guardian, the victim's rights respondent and the committing court of the termination of its supervision over the youth.

*AUTHORITY: section 219.036, RSMo 1994.\* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.036, RSMo 1975, amended 1993.*

### 13 CSR 110-2.140 Confidentiality of Case Records

*PURPOSE: The purpose of this rule is to regulate the disclosure of information contained in records of the division relating to youths*

*committed to the division.*

(1) Except as otherwise provided in this regulation, information contained in the records of the division relating to any youth committed to it shall be confidential.

(2) Authorized Disclosures.

(A) The parents or legal guardians of a youth committed to the division shall be entitled to full disclosure of all information and records pertaining to the youth, unless otherwise specifically restricted by law. Any youth who was formerly committed to the division may request a copy of his or her records upon reaching the age of eighteen (18) years. The division may require the request be made in writing and shall require proof of the requester's identity by either the presenting of a photo identification card or a notarized request before any such records are released. Fees for such copies may be levied in accordance with 13 CSR 5-1.030.

(B) Inquiries from the Social Security Administration. Information pertaining to a youth previously or currently committed to the division who has or may receive Social Security benefits may be disclosed in response to inquiries of the Social Security Administration (SSA) regarding establishment or maintenance of those benefits. Responses to inquiries of the SSA pursuant to this section shall not require a written authorization from the youth or, where applicable, the parent or legal guardian thereof, permitting the disclosure of confidential information to the SSA.

(C) Release of Information to Law Enforcement. Information pertaining to a youth may only be released to law enforcement pursuant to the provisions of section (4) below with the following exceptions: The Director of the Division of Youth Services (DYS), in his or her sole discretion, is authorized to release to appropriate law enforcement personnel information concerning a youth when the director determines that the information involves a matter of public safety to include, but not necessarily limited to: maintaining security in DYS facilities, protecting the safety of other youth within DYS facilities, the commission of a crime, a credible threat to commit a criminal offense, or to assist in the location and return of a missing or runaway youth.

(D) Release of Information to Medical Service Providers. The Division of Youth Services shall have full authority to release information to individuals and entities who need the information to provide services to or on behalf of a youth in DYS custody, or a DYS staff member to include, but not be limited to: first responders, medical care providers, mental health care providers, dental care



providers, and other persons providing medical or mental health care for a youth.

(E) Release of Information to Educational Institutions. The Division of Youth Services shall have full authority to release information to individuals and entities with a need for the information to provide educational services for a youth.

(F) Release of Information to Emergency Personnel in a Medical or Natural Disaster Emergency. The Division of Youth Services shall have full authority to release information to individuals and entities who have a need for the information in order to provide emergency care for the youth in the event of a medical or natural disaster.

(G) Judicial Proceedings. The division may release any record or information pursuant to an order of a court of competent jurisdiction as may be authorized by this regulation or otherwise specifically authorized by law, including any verbal order issued by a judge directing the release of the record or information during a court hearing.

(H) Regulatory Oversight. The division may release any record or information deemed necessary to complete an audit or other regulatory oversight inspection required by state or federal law.

(3) Information pertaining to any youth who was formerly committed to the division may be disclosed to those persons or agencies actively involved in providing care or treatment services to the former client or his/her family provided that a release of information has been signed by the former client's parent or guardian or the former client. Information pertaining to any youth currently committed to the division may be disclosed to those persons or agencies actively involved in providing care or treatment services to the client or his/her family at the discretion of the division.

(A) Inquiries from Elected Officials. Information pertaining to a youth previously or currently committed to the division may be disclosed in response to inquiries of elected officials of the state, or their staff members, submitted to the division on behalf of a constituent residing within the jurisdiction said official represents with the consent of the subject youth, if over the age of eighteen (18) years, or the parent(s)/legal guardian of the subject youth if still a minor. Responses to inquiries of elected officials pursuant to this subsection shall not require a written authorization from the subject youth or his/her parent(s)/legal guardian permitting the disclosure of confidential information to the elected official, but division staff must receive at least a verbal consent to do so from the sub-

ject youth, if over the age of eighteen (18) years, or the parent(s)/legal guardian of the subject youth if still a minor, before divulging any case information. For any information obtained from the division under this subsection, elected officials shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the division and shall be notified of such, verbally or in writing, by division staff prior to divulging any requested case information.

(B) Documentation Requirements. In the event division staff rely upon the verbal authorization of the subject youth, if over the age of eighteen (18) years, or the parent(s)/legal guardian of the subject youth, if still a minor, to divulge any case information to an elected official under the authority granted above in subsection (3)(A), and/or a verbal notification of the disclosure restrictions and confidentiality requirements incumbent upon receipt of case information required above in subsection (3)(A), division staff shall immediately memorialize such verbal communication(s) in the case file. Such memorialization shall be in the form of a memorandum for record setting forth the date and time of the communication, the name of the individual granting consent and/or receiving the notification, the information authorized to be disclosed and/or the contents of the notification disseminated, the purpose of the disclosure, and the printed name and signature of the staff member making the disclosure and/or notification, as applicable to the case at hand.

(4) Youth intake and furlough dates may be shared with law enforcement officials, including juvenile officers and prosecutors, upon request.

(5) Subject to the restrictions of applicable law, information contained in the records of the division may be released to any person engaged in *bona fide* research purpose, with the permission of the division director; provided, however, that no information identifying the youth shall be made available to the researcher, unless the division determines that the identifying information is essential to the research or evaluation and the researcher provides the division adequate assurances that the confidentiality of said information shall be maintained. The division shall require the researcher to execute a confidentiality agreement, complete an Application to Conduct Research/Study form and the researcher shall complete and comply with the terms of the application.

*AUTHORITY: sections 219.061.3 and 660.017, RSMo 2016.\* Original rule filed*

*Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000. Amended: Filed March 31, 2017, effective Oct. 30, 2017.*

*\*Original authority: 219.061, RSMo 1975, amended 1994 and 660.017, RSMo 1993, amended 1995.*

### 13 CSR 110-2.150 Division of Youth Services Staff Training Programs

*PURPOSE: The purpose of this rule is to provide for the establishment of comprehensive training programs for staff of the division and of other agencies and organizations, public and private, engaged in activities relating to the prevention of delinquency and the provision for care and treatment to delinquent youth.*

(1) The division will establish comprehensive training programs for its staff, employed or to be employed.

(2) The division will also be responsible for extending training opportunities to other public and private youth serving agencies, which are offering delinquency prevention and delinquency rehabilitative treatment services to youth within the state as funds for such training are made available. The division, in conjunction with these public and private agencies, will initiate and facilitate an assessment of training needs. After the assessment all needs will be prioritized, and appropriate training will be jointly planned and initiated by qualified Division of Youth Services (DYS) staff, qualified staff or agencies served and/or by purchase of services from other qualified training consultants.

*AUTHORITY: section 219.016, RSMo Supp. 1999.\* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000, effective Aug. 30, 2000.*

*\*Original authority: 219.016, RSMo 1975, amended 1993, 1995.*