
**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 youngster is classified from one of the juvenile courts by a regional administrator or his/her designee.

(1) Each regional administrator, subject to all other divisional rules and policies, has full authority to assign youngsters 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 youngster 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 youngster's home community, the regional administrator should assign the youngster to that unit;

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

(C) If no vacancy exists on a regional basis, the assignment should be made on the basis of urban youngsters to urban units and rural youngsters to rural units; and

(D) When none of the circumstances in (2)(A)—(C) exist, the youngster 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 child.

(3) The regional administrator will inform the juvenile court of where the youngster is to be delivered and will insure that all the appropriate records are delivered with the youngster.

(4) Unit managers who do not agree with a particular classification assignment may appeal this assignment to their immediate supervisor.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

13 CSR 110-2.020 Classification and Assignment from Reception Centers

PURPOSE: The purpose of this rule is to establish guidelines and lines of authority for the classification procedure when a youngster is classified from one of the institutional reception centers in lieu of or as a supplement to regional classification.

(1) The director of reception, subject to all other divisional rules and policies, has full authority to assign youngsters to any residential unit. 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 youngster would best function, if it is determined s/he could best function in a community-based program, the assignment will be made in the following order:

(A) If a vacancy exists in the youngster's home community, the director of reception should assign the youngster to that unit;

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

(C) If no vacancy exists on a regional basis, the assignment should be made on the basis of urban youngsters to urban units and rural youngsters to rural units; and

(D) When none of the circumstances in (2)(A)—(C) exist, the youngster can be assigned to a community-based program regardless of the location, as long as the director of reception still considers the assignment in the best interest of the child.

(3) All records are to accompany each youngster upon his/her assignment and delivery to another unit.

(4) Unit managers who do not agree with a particular classification assignment may appeal this assignment to their immediate supervisor.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

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 youngsters 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 the reception unit directors are responsible for making the initial determination that special services are necessary for a particular youngster.

(2) When it is apparent that the Division of Youth Services cannot furnish special services needed for a particular youngster, the regional administrator should attempt to gain those services by going back through the court and obtain a changed order of commitment under section 219.081, RSMo (1986). If this is not possible and arrangements cannot be made to see that the child receives the necessary services almost immediately, the youngster should be assigned to the appropriate institutional reception unit. The regional administrator shall immediately notify the reception unit director in writing of the special problem of the youngster involved.

(3) If the regional administrator is able to obtain the services locally, the regional administrator is responsible for preparing the appropriate received and released slips and notifying the special services administrator and central office.

(4) If the child does not receive special services through regional classification, it will be the responsibility of the reception unit director to initiate action that will insure that the youngster receives the necessary special care.

(5) Request for psychiatric evaluations and mental retardation evaluations are to be made in accordance with the Department of Mental Health's established catchment area guidelines.

(6) Upon receipt of the evaluation recommendation, the reception unit director will initiate the necessary paperwork.

(7) Special services requests are to be made directly to the special services administrator.

(8) The reception unit director is responsible for initiating the appropriate received and released slips at any time the youngster's status changes.

(9) The regional administrators and the reception unit directors shall constantly keep the special services administrator apprised of status changes of youngsters and any problems they may encounter.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*



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) An adequate physical, psychological and sociological profile should be developed by the classifier. Areas to be considered in this profile are listed as follows:

(A) Physical Examination and Review of 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 Assessment. Areas that should be profiled through formal and informal testing are listed as follows:

- 1. Intellectual functioning;
2. Educational achievement;
3. General personality assessment;
4. Screening for organic impairment;
5. Drug abuse screening; and
6. Behavioral observation and personal interview

(An informal personal interview and ongoing behavioral observation should be incorporated with formal assessment to further ascertain the youth's degree of socialization in the delinquent subculture. This information should be gathered through personal contact with parents, guardians, teachers, juvenile court staff and relevant others. This will assist the classifier in his/her efforts to properly match the youth with the service category to which s/he may be assigned.); and

(C) Sociological Assessment.

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 profile, the classifier should determine services most appropriate as itemized in the following DHS continuum (available services listed in parentheses):

(A) Category I. Services to maintain the youth in his/her own home or the home of a family-connected person (placement directly

into aftercare supervision, special services, contractual purchase of services);

(B) Category II. When category I is not helpful to the youth, 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);

(C) Category III. When categories I or II are not helpful to the youth, services are provided to maintain the youth in appropriate DHS community residential care (DYS group homes, community treatment centers and park camps);

(D) Category IV. Where community maintenance is not helpful to the youth, services are provided to the youth in an appropriate institutional center; and

(E) Category V. When a youth has special needs that cannot be met by any of the services provided in categories I, II, III or IV, the classifier is referred to 13 CSR 110-2.070 of this chapter.

(3) To be eligible for community placement in categories I, II or III, the youth must meet the following criteria:

- (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 child'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 category IV are listed as follows:

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

(B) Direct intervention through institutional treatment would preclude the likelihood of damaging community treatment failures.

Auth: section 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

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

PURPOSE: The purpose of this rule is to protect the rights and insure the appropriate treatment of juveniles moved from one Division of Youth Services (DYS) facility to another. The procedure is to be used if a youngster has

been inappropriately classified into a facility or if the facility is not meeting his/her needs. Residential care 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) A lateral transfer is a transfer from one (1) foster home to another, from one (1) community-based facility to another or from (1) one institution to another.

(A) A lateral 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 a member of the treatment staff may request a lateral transfer. The facility manager or the superintendent having programmatic responsibility for the youth may initiate a lateral transfer and is authorized to complete the transfer. S/he shall consider the following information as relevant in reaching a conclusion:

- 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 move is across regional lines, then the appropriate regional administrator, institutional superintendent or assistant director should be involved.

(C) The facility manager or superintendent making the decision shall notify, in writing, the youth, the parents or guardian of the decision to transfer or not to transfer (if requested by the youth, parent or guardian) and the reasons for reaching this decision. The decision shall be made within seven (7) days of the request and a copy of the notice shall be included in the youth's case record.

(2) A vertical transfer is a transfer from a community-based program to an institution.

(A) A vertical transfer may be effected when—1) the youth poses a danger to the safety of other persons, either staff or youth, at the facility; or 2) the youth will benefit more

from the program(s) offered at an institution than from the program(s) offered in the current placement.

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

1. The youth, the parents or guardian of the youth or the person who has physical custody of the youth may request a transfer pursuant to this rule;

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

3. Upon receipt of the request, the director or his/her designee shall appoint a three (3) member committee, with one (1) member designated as a chairperson, to hear evidence on the request. At least one (1) committee member shall be a supervisor. Other members may be selected from the aftercare workers, facility, treatment staff, classification specialists or other supervisors. All three (3) members of this committee shall be neutral and detached and shall not have worked directly with the youth in question prior to this time;

4. The committee shall set a date for a hearing on the question of transfer. In no event shall more than seven (7) days elapse between the time the request is received and the time the hearing is held;

5. The youth, the parents or guardian of the youth and the person who has physical custody of the youth shall be given adequate and timely notice of the time and place of the hearing and of the reasons, 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 proceeding.

(C) Only information adduced as evidence at the hearing shall be considered by the committee. 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 committee chairman 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 for it.

(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. After a careful examination of the youth's needs, s/he determines that the transfer should be effected. Within five (5) days after the decision to transfer is made, the youth, his/her parents or guardian 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) An emergency transfer is the transfer of a youth from any division program, community-based or institutional, to either another division facility or a court-approved detention center for a short period of time, not to exceed ten (10) days.

(A) An emergency transfer may be effected only when the youth poses a serious threat to the safety of staff or other youth or the youth is in a situation perilous to his/her safety.

(B) The following procedure must be used in order to effect an emergency transfer. The unit manager or institutional superintendent is authorized to approve and effect an emergency transfer. The unit manager or institutional superintendent shall notify the director or his/her designee of the decision to make an emergency transfer. Upon notification, the director or his/her designee shall initiate the same transfer proceeding that is used in effecting a vertical transfer. The youth shall be given a fair hearing before a special committee in accordance with paragraph (2)(B)3. of this rule, and the committee shall decide whether to replace the youth in the original facility or to place him/her in a different facility.

(5) 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 (1986).

Auth: sections 219.021.4. and 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed May 30, 1979, effective Sept. 14, 1979.

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 should be directed to the treatment team that works directly with the youth. The reason for and purpose of the furlough should be discussed. This should include consultation with the youth's aftercare youth counselor.

(2) If the cottage committee or treatment team feels the furlough is justified, then a recommendation should be sent to the immediate supervisor describing the justification for the furlough.

(3) Upon approval of the request by the immediate supervisor, the treatment team should arrange transportation and notify the parents and aftercare youth counselor of the furlough and any other pertinent information.

(4) 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.)

(5) 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 should be considered a runaway.

Auth: section 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

13 CSR 110-2.070 Day Release Procedures

PURPOSE: The purpose of this rule is to establish guidelines for day release programs. Day releases granted to youths 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 day releases be granted.



(1) Requests for day releases should be directed to the treatment team who works directly with the youth. The reason for and purpose of the day releases should be discussed. This should include consultation with the youth's aftercare youth counselor.

(2) If the cottage committee or treatment team feels a day release program is justified, then a recommendation should be sent to the immediate supervisor describing the justification for the program.

(3) Upon approval of the request by the immediate supervisor, the treatment team should arrange transportation and notify the parents and aftercare youth counselor of the program and any other pertinent information.

(4) 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.)

(5) If a youth fails to return from day release 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 should be considered a runaway.

Auth: sections 219.021 and 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

13 CSR 110-2.080 Runaway and Runaways Apprehended

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 local police shall be notified and given the information they will need to help locate the youth.

(B) As a general rule, if the youth is not apprehended within a relatively short period of time (about four (4) hours), then the youth's parents and the aftercare youth counselor shall be notified.

(C) If the youth is not apprehended during the initial search period, then an arrest warrant shall be sent to local police and to the police headquarters at the child's home community.

(D) Whether or not the youth is apprehended, a certain amount of reporting must be accomplished. As soon as practical a written report shall be forwarded to central office to the supervisor. A copy of this report shall also be sent to the aftercare youth counselor. In addition to this report, a letter shall be sent to the youth's parents notifying them of the run and circumstances under which the run occurred. This is to be done even if the parents were previously called.

(2) These procedures are to be followed when runaways are apprehended. In most cases the steps to be followed are simply necessary to reverse the actions taken in section (1) of this rule.

(A) If the parents, local police and aftercare worker have been notified of the runaway and the youth is apprehended by division personnel, these same individuals shall be informed that the youth is back in DYS custody.

(B) 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 runaway, a letter will also be sent to notify them that the youth has been apprehended; and if an arrest warrant has been forwarded to the various police units, a letter will be sent to officially cancel the warrant.

(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.

Auth: section 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

13 CSR 110-2.090 Hazardous Placement Policy

PURPOSE: The purpose of the rule is to emphasize that youngsters, in whose cases the nature of the offense, the attitude of the committing court or the attitude of the community would cause

or create a hazardous placement situation when community release eligibility has been determined through Division of Youth Services (DYS) evaluation, require special attention and to insure that when the student is recommended for release from one DYS residential facility, s/he will not be placed into a hostile or unaccepting placement environment.

(1) The aftercare youth counselor preparing the initial home evaluation will add a section entitled community attitude to each report. It will be a part of the aftercare youth counselor's investigative duties to evaluate if the community will be hostile and unaccepting of the youngster's return to the community upon release from the DYS residential facilities. The results of this investigation are to be indicated in this new section.

(2) Upon receipt of the initial home evaluation at the residential facility, it will be the responsibility of that facility's staff to review the community attitude section. If the aftercare youth counselor has indicated the youngster will probably not be able to return to his/her community upon release, the residential facility staff should immediately inform the youngster of this fact and solicit from the youngster possible alternative placement. The youngster's suggestions are to be forwarded immediately to the aftercare youth counselor for use in coordinating an alternative placement. Should the institutional staff become aware of information that would indicate a hazardous placement, the institutional staff should immediately discuss this fact with the youngster and notify, in writing, the appropriate after-care youth counselor and central office.

Auth: section 219.036, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

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) In an institution this procedure calls for the appointment of a grievance committee which will hear all grievances of students that cannot be resolved to the youth's satisfaction at the cottage committee or cottage-team level.

(2) Any student who has a grievance shall submit it in written form to the cottage committee or cottage team. This committee shall reply, in writing, to the student, with a copy to the superintendent, of whatever action was taken concerning the grievance. If the reply is not satisfactory to the student, the student may then notify the superintendent in writing. The grievance will be conveyed to the grievance committee along with the action suggested or taken by the cottage committee. The student will be advised of the date the grievance committee will consider his/her complaint and the student may request that any person represent him/her at the hearing. The student will have the right to cross-examine, call witnesses or present any testimony in his/her behalf.

(3) 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 student. The student will be given a copy of the findings and of other information s/he desires.

(4) The grievance committee should be appointed by the administration of the institution. The duty, however, may be assigned to an existing (other than cottage) committee, if the administration so chooses. The membership of this committee should represent a cross-section of the institutional staff. This committee shall consist of impartial members and this impartiality will be monitored by the administration of the institution. Provision to disqualify any member who is directly involved in a particular grievance should be established.

(5) Grievance procedures for group homes should basically follow the institutional format except, that if the grievance cannot be satisfied at the group home committee level, the regional administrator will act as an arbitrator and set the policy which will be considered final action on the matter. The student, however, will have the same right to present his/her case to the regional administrator in that the student may request any person to represent him/her at the hearing. S/he shall also have the right of cross-examination and to present witnesses for testimony in his/her behalf. The regional administrator shall maintain impartiality; and if for some reason s/he cannot be impartial, s/he shall appoint a third party to hear the grievance. Written procedure as outlined in this rule will be followed on the part of the student and staff.

(6) It shall be the duty of the administrator 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 student by another student(s); 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.

(7) 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.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

13 CSR 110-2.110 Responsibilities of Facility Managers

PURPOSE: The purpose of this rule is to define the responsibilities of the facility managers and to establish guidelines for certain reports required by the division.

(1) The facility manager under direction of his/her immediate supervisor is accountable for the management of his/her unit. His/her responsibilities include the implementation and monitoring of the treatment program, public relations, budget and personnel management and such reports as required by the division.

(A) Pre-transfer Progress Report. When it is determined by facility staff that a youth is ready for transfer to aftercare, a progress report will be prepared. This progress report will include a summary of the youth's adjustment within the program, family relations as seen by the facility staff, placement plans, academic or vocational achievements and any other pertinent information such as medical problems, special services required, etc.

(B) Accident Reports. In the event an accident occurs involving an employee or a ward of the Division of Youth Services (DYS), a written report must be filed within twenty-four (24) hours. The report should include how the accident occurred, copy of the police report, if applicable and information concerning insurance, if applicable. If any injuries occurred, a report must also be sent to the child's family and they are to be notified by phone immediately.

(C) Fire Reports. If a fire occurs in a facility the appropriate supervisory and administrative staff are to be notified immediately.

(D) Notification to Parents of Youth's Arrival at Facility. It will be the facility's responsibility to notify parents by letter when a youth is received. The letter shall include the following information: name, address and phone number of the facility; name of facility manager; visiting information and any other information deemed necessary by the facility manager.

(E) Report of Reexamination. The institution, facility or unit having programmatic responsibility for the child at the time the report of reexamination is due shall conduct a reexamination on each youth, no later than five (5) months after the youth is committed to and received by the Division of Youth Services. Subsequent reexaminations will be conducted at six (6)-month intervals. This reexamination shall include a study of all current circumstances of the child's personal family situation, an evaluation of the progress made by the child since the previous study, and a determination of whether existing programs and dispositions should be modified or continued. The institutional superintendents, or the regional administrator, will have the responsibility to see that these reexaminations are conducted on schedule and shall be responsible for reviewing the report as to content and the appropriateness of the disposition made, as well as reporting to the court and to the parent or guardian of the child.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

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 children in DHS residential care facilities for the purpose of detecting contraband. Mail may be opened in the presence of the child 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 child and his/her family are to be advised in writing of the regular visiting hours at the time the child 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, subsection 2, RSMo (1986), in prohibiting the fingerprinting and photographing for identification purpose of the children committed to the Division of Youth Services. Law enforcement officers may fingerprint or photograph these children only by court order.

(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 DHS Facility to Another (see 13 CSR 110-2.050).

Auth: sections 219.036 and 219.051, RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.

13 CSR 110-2.130 Release of Youths from DHS 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) Transfers to aftercare supervision (except direct classification into aftercare, hazardous placement cases and status offenders) shall be made under the following procedure:

(A) When it has been determined at the facility that a youth is eligible for transfer to aftercare, subject to approval of the institutional superintendent or in community service facilities the regional administrator, the regional office will be requested by the facility to initiate a preplacement report. A final facility progress report will accompany the request for preplacement report;

(B) Within ten (10) days the aftercare youth counselor will complete his/her replacement report. Upon receipt of the report which was approved by the regional administrator, the facility will complete arrangements for the youth's release. The committing court, the appropriate juvenile officer, and the parent will be notified of the transfer into aftercare. The director's consent for release is necessary in hazardous placement cases and direct

placements into aftercare including status offenders; however, if the committing court concurs with direct placement, the director's approval is not necessary; and

(C) 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 may be under the supervision of the Division of Youth Services until discharged; and

6. Other special rules or conditions may be invoked to meet specific adjustment problems of the child 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 DHS Facilities (Refer to transfer procedures 13 CSR 110-2.050).

(4) Transfer to a non-DHS 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 supervising aftercare youth counselor and approved by the regional administrator, the youth shall be discharged.

(6) Expiration of Commitment. All youths under Division of Youth Services jurisdiction will be discharged upon reaching their 18th birthday.

(7) Notification of Termination of DHS Supervision. Missouri statutes provide that the division is required to immediately notify, in writing, the child, his/her parent or guardian and the committing court of the termination of its supervision over the child. The institution, facility or aftercare, whichever unit has programmatic responsibility for the child at

the time of termination of supervision, will be responsible for giving the notification in writing immediately following the child's discharge from the division's jurisdiction.

*Auth: section 219.036, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

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) Information contained in the records of the division relating to any child committed to it shall be considered confidential. Full disclosure of this information shall be made to the parents or guardians, or if they be out-of-state, to the nearest immediate relative of such child upon reasonable notice and request. The division may require the request be made in writing.

(2) Information may be disclosed to those persons or agencies actively involved in providing care or treatment services to the youth or his/her family. If inquiry is made by telephone, proper identification shall be determined before this information is given to authorized persons. If identification cannot be determined, a request in writing shall be required. After the file has been closed, no information shall be disclosed unless the request is accompanied by a waiver signed by the former client.

*Auth: section 219.061, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*

13 CSR 110-2.150 Division of Youth Services 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 child serving agencies, which are offering delinquency prevention and delinquency rehabilitative treatment services to children 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.

*Auth: section 219.016, RSMo (1986).
Original rule filed Dec. 30, 1975, effective
Jan. 9, 1976.*