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**Rules of  
Department of Social Services  
Division 110—Division of Youth Services  
Chapter 3—Aftercare Responsibilities**

<b>Title</b>	<b>Page</b>
13 CSR 110-3.010 Initial Home Evaluation .....	3
13 CSR 110-3.020 Aftercare Involvement During Residential Treatment.....	3
13 CSR 110-3.030 Aftercare Supervision .....	3
13 CSR 110-3.040 Revocation of Aftercare Supervision .....	4
13 CSR 110-3.050 Instructions for the Implementation of Revocation Procedure .....	5
13 CSR 110-3.060 Grievance Procedure for Children in Aftercare .....	7

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 110—Division of Youth Services

#### Chapter 3—Aftercare Responsibilities

#### 13 CSR 110-3.010 Initial Home Evaluation

*PURPOSE: The purpose of this rule is to standardize the investigation into the pertinent circumstances of the youth's background to facilitate appropriate treatment and aftercare planning.*

(1) Each aftercare worker will be required to supplement the court history data that is received from the specific county juvenile court from which a youth is committed to the division. This investigation will be one of the most important documents that the aftercare worker will compile. It will be used by the institutional staff and the aftercare worker in the ultimate placement planning for each youth's future release, as well as a vehicle for institutional treatment. Some duplication of previous studies may be necessary; yet this study should deal with the present situation and problems. This investigation will be completed within fifteen (15) calendar days following the youth's admission to the division. The evaluation shall be completed under the following outline:

(A) Presenting Problem—complete record of previous delinquency; view of parent's reasons for causes of problems; extend this view with views of community, agencies, etc;

(B) Development History—present physical state of child; past physical state of child; any physical abnormalities; any psychological problems; any health insurance and number; family doctor and dentist; any military benefits; description of home, etc;

(C) Family Profile.

1. All members of the family giving age, education, employment, etc.

2. Describe interpersonal relationships.

3. Indicate need for placement out of home (obtain name, addresses of relatives and friends interested in youth).

4. Aftercare volunteers—sponsor.

5. Religion;

(D) Social Security information—child's Social Security number; parents' Social Security number; description of public assistance benefits, including name of family service worker and worker's impressions;

(E) Education and vocation—records of last school and information from school personnel regarding child and peer relationships; and child and staff relationships.

1. Information regarding vocational interests or previous training and results.

2. Any test score.  
3. Employment of child, place and length of job.

4. Note child's interest and state child's weaknesses; and

(F) Aftercare impressions and recommendations—indicate preliminary possibilities for youth's placement and explain specific needs of youth.

(2) Procedure for hazardous placement cases requires that these cases be identified by the aftercare youth counselor at the time of the initial home evaluation (see 13 CSR 110-2.090).

*Auth: section 219.036, RSMo (1986).*

*Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.*

#### 13 CSR 110-3.020 Aftercare Involvement During Residential Treatment

*PURPOSE: The purpose of this rule is to outline the aftercare youth counselor's involvement with facility staff, the youth, his/her family and the community to facilitate appropriate treatment and aftercare planning while the youth is in a residential treatment program.*

(1) Involvement with Youth and Facility. Facility visits by the aftercare youth counselor are encouraged; however, the scheduling of these visits will be approved by the regional administrator. The facility visits will allow for joint planning involving the aftercare youth counselor (AYC), the youth and the facility personnel. This will allow for joint counseling and coordination of treatment services between the facility staff and aftercare worker. It also provides for the developing of the relationship between the aftercare youth counselor and the youth.

(2) Family Counseling. The aftercare youth counselor's efforts in family counseling will be directed toward coordinating treatment provided at the facility with family preparation for the youth's return to the home, and when possible, coordinate his/her visit to the facility with the family's visit to the facility.

(3) Community Preparation. This involves creating a climate which will allow for the youth to be reintegrated into the community by providing for educational, vocational, employment and health needs. Community preparation would also involve anticipating adverse reactions from the community and helping the community and the youth to deal with those problems.

(4) Preparation of Placement Plan. It is the function of the aftercare worker to submit a community placement plan within ten (10) days after it is requested by the specific facility. The placement plan should be a brief, yet comprehensive analysis of the conditions under which the child will be returned to the community.

*Auth: section 219.036, RSMo (1986).*

*Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.*

#### 13 CSR 110-3.030 Aftercare Supervision

*PURPOSE: The purpose of this rule is to outline responsibilities and procedures for the supervision of youth in aftercare.*

(1) Community Placement. It is the responsibility of the aftercare youth counselor (AYC) to provide treatment services for the client and his/her family.

(2) Case Recordings. The aftercare youth counselor shall maintain the following records:

(A) A record of dates and type of contacts made on each individual client;

(B) A monthly summary will be prepared for each youth. The summary will include the date and times of contacts as well as client progress and future planning; and

(C) It is mandatory that each six (6) months an evaluation be completed on all children committed to the Division of Youth Services (DYS) to determine if existing dispositions should be modified or continued (see 13 CSR 110-2.110(1)(E)).

(3) Transfers. Transfer of an aftercare case shall be made as follows:

(A) To Interstate. (see 13 CSR 110-2.130(2));

(B) Transfers between regions must be approved by the two (2) regional administrators involved; and

(C) To Other Agencies. Transfers to other agencies will be coordinated through the special services administrator.

(4) Foster Care. Except in cases of emergency, children under Division of Youth Services supervision and placed in foster homes funded by DYS shall be so placed only after an evaluation of the home has been completed. This evaluation shall include, but not be

limited to, the adequacy of the home, family stability and composition and the motivation and ability of the foster parents to provide foster care.

(A) Preparation for Placement. It is the responsibility of the aftercare youth counselor to prepare the family and the child for the impending placement. That preparation may include, but not be limited to, the following:

1. Counseling and training with the foster family;
2. Preplacement visits between the child and the foster family;
3. Explanation of agency rates of payment and guidelines for expenditures of money in the foster child's behalf;
4. Evaluation of any other income the child might have, such as Social Security benefits, Veteran's Administration benefits, etc., as well as the youth's family's financial situation. The applicability of these funds to the child's needs will be determined by the regional administrator;
5. Discussion of arrangement for payment of special needs, such as, medical expenses, educational or therapeutic, etc; and
6. All foster homes will be approved prior to the child's placement by the regional administrator. All foster home placements will be approved by the regional administrator.

(B) Services to Family and Child. The aftercare youth counselor will provide services to the youth and foster family as well as youth's family.

(5) Contractual Services. The need for the services will be determined by the regional administrator prior the placement of a youth. The regional administrator will clear with the special services administrator that funds are available.

(6) Return to Facility (Shelter). A temporary return of the child in aftercare to the institutional facility for reasonable cause may be permitted upon the recommendation of the youth counselor with the approval of the regional administrator. Reasonable cause is to be determined only upon the basis of need for alternative placement with none immediately available. Where the child is returned for shelter, every effort is to be made by the aftercare worker to complete alternate placement plans within thirty (30) days. A report will be submitted each week that the youth is in shelter over thirty (30) days. The report will be submitted to the regional administrator justifying the continued need for shelter and outlining plans for alternative arrangements with a copy to the facility providing shelter. When a placement is established by the AYC, s/he will notify the facility and make arrange-

ments for the youth to be released with the approval of his/her supervisor.

(7) Return to Facility (Aftercare Supervision Violators). Procedure for the return of youths held in violation of the conditions of aftercare supervision is outlined in 13 CSR 110-3.040 and 13 CSR 110-3.050.

(8) Discharges from Aftercare Supervision. Section 219.026, RSMo (1986) requires the division 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, shall be responsible for giving such notification in writing immediately following the youth'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 110-3.040 Revocation of Aftercare Supervision**

*PURPOSE: The purpose of this rule is to provide a standard procedure for the apprehension, detention, and revocation of children in aftercare.*

(1) The director, at any time after the child is placed in aftercare and before order of discharge is issued, may order the child's apprehension without notice to the child by the issuance of a warrant for his/her apprehension and detention. Any aftercare counselor assigned to supervise children in aftercare, or any other employee designated by the director, may apprehend a child without a warrant or may issue such warrant to law enforcement officials, when in the judgment of the aftercare counselor, the child has violated the conditions of his/her placement and his/her presence in the community is considered dangerous to him/herself or to the community, or when the child may flee the jurisdiction of the division. When the child is detained, the counselor shall present to the detaining authority a statement of the circumstances of violation.

(2) Preliminary Hearing. Whenever revocation of aftercare is to be considered, the staff of the aftercare services of the Division of Youth Services (DYS) shall hold preliminary hearing to determine if there is reasonable cause to believe that the child has violated an aftercare condition.

(A) At no time shall the hearing officer be the child's aftercare counselor assigned to supervise the child. Any other aftercare counselor or supervisor may act in this capacity, except that the designation as the hearing officer of a supervisor giving direct supervision to the counselor assigned to supervise the juvenile should be avoided.

(B) The preliminary hearing shall be an informal inquiry and shall be held promptly and reasonably near the place of violation or detention.

(C) The child and his/her parent or guardian, or the person with whom the child has been placed or other responsible adult, shall be given notice that the hearing will take place and that the purpose of the hearing is to determine whether there is probable cause to believe that the child is in violation of the conditions of aftercare supervision and aftercare supervision should be revoked.

(D) At the hearing, the child, his/her parent or guardian or responsible adult and legal counsel, if any, may appear and speak in the child's behalf. They may bring and present documents and other evidence relating to the allegation against the child. They may present witnesses in his/her behalf, but testimony of the witnesses must be relevant to the alleged violation. The child may request that persons, who have given evidentiary testimony on which the allegation is based, be made available for questioning in his/her presence at the hearing; however, if the hearing officer determines that the informant would be subject to risk or harm if his/her identity were disclosed, s/he may excuse the informant from confrontation or cross-examination by the child, his/her parents, guardian, responsible adult or counsel.

(E) The hearing officer shall make a summary or digest of the hearing including an explanation of the evidence presented by the child and by the aftercare counselor. Based on the information before him/her, the officer will determine whether there is probable cause to hold the child for the final decision of the director on revocation of aftercare supervision.

(F) A determination that probable cause exists is sufficient to warrant the child's continued detention and s/he shall be returned to an institution or facility of the Division of Youth Services pending the final decision.

(G) If the hearing officer does not find probable cause to revoke aftercare supervision, the child will be returned to active aftercare supervision. Further conditions for supervision may be imposed on the child if the hearing officer believes they are justified.

(3) Dispositional Hearing or Review. If the child is returned to an institution or facility of Division of Youth Services, s/he and

his/her parents or guardian will be given an opportunity to petition on a form provided by the division for a dispositional hearing prior to the final decision on revocation of aftercare supervision by the director or his/her designated representative. If the child, his/her parent or guardian does not petition for such a dispositional hearing, the director, or his/her designee, will review the findings of the hearing officer at probable cause hearing and other pertinent case material and will then make a final disposition of the recommendation for revocation of aftercare supervision.

(A) If the child, his/her parent or guardian shall petition for a dispositional hearing, the director, or his/her designee shall convene a hearing at the institution where the child resides within thirty (30) days of the receipt of the written request for a hearing.

(B) The child, his/her parent or guardian shall have the right to be represented by counsel, call and question witnesses and cross-examine those witnesses appearing against the child. The division of youth services shall not bear the cost or expenses of witnesses or attorneys requested by the child, his/her parent or guardian.

(C) The individual conducting the dispositional hearing shall deliver his/her decision in writing to the child, his/her parent or guardian within five (5) days of the close of the dispositional hearing. The decision shall clearly set forth the evidence presented, a summary of the testimony elicited and the decision of the individual conducting the hearing.

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

### 13 CSR 110-3.050 Instructions for the Implementation of Revocation Procedure

*PURPOSE: The purpose of this rule is to provide guidelines for the implementation of procedures to be followed in the revocation of aftercare supervision and return of youth to an institution or facility.*

(1) **Apprehension and Detention.** Whenever a youth in aftercare is apprehended and detained pending further inquiry into alleged violation(s) of the conditions of aftercare supervision, his/her apprehension and detention will be effected in accordance with the Division of Youth Services (DYS) rules governing these matters. Arrangements will be made for the preliminary hearing, to be held at the earliest reasonable time at or near his/her

place of detention or the home community, to determine if there is probable cause to believe that the youth is in substantial violation of the conditions of aftercare supervision and is in need of return to the DYS facility as an aftercare violator. The child and his/her parent or guardian shall be promptly notified of the alleged violations and of the time and place of the hearings (DYS Form RAS—13, see appendix i).

(2) **Initiation of Probable Cause Hearing.** Ordinarily the supervising aftercare youth counselor (AYC) will request the probable cause hearing when, in his/her own opinion, the youth in aftercare is considered to be in violation of the conditions of his/her placement and revocation is recommended. It is not necessary to place the child in detention prior to scheduling a probable cause hearing. Whether or not the youth is apprehended and detained depends upon the judgment of the aftercare counselor as to whether or not his/her presence in the community is considered dangerous to him/herself or to others in the community or the child might flee from Division of Youth Services jurisdiction.

(3) **Disposition of Alleged Law Violation.** Upon being advised that a youth in aftercare is being held subject to a court for an alleged commission of a new offense, which would also be a violation of the conditions of aftercare supervision, the supervising AYC or the supervisor will contact the court or a staff member of the court authorized to make decisions in these matters to determine whether the alleged violator is to be handled administratively by the division or is to be handled judicially by the court. The division and/or the court may request the law violation to be handled judicially, if in the opinion of the court or DYS the child is no longer considered amenable to treatment as a juvenile.

(A) If it is decided that judicial action is appropriate, no further action will be taken by the division until the court has made disposition.

(B) If it is mutually agreed upon by the aftercare youth counselor or his/her supervisor and the court representative that the matter should be handled through the division's revocation processes, proceedings will be initiated promptly in accordance with the division's established revocation procedure. This agreement will be verified in writing with the court by the AYC.

(C) In determining whether or not a youth is in violation of the conditions of the placement as a result of the new law violation, when the youth denies his/her involvement in the law violation, a thorough investigation by the

supervising AYC should be made concerning the allegation and the probable cause hearing officer will need to determine whether or not a preponderance of information indicated that there has been a law violation. This holds true equally in regard to any allegation of violation of aftercare conditions. Since the youth does have a right to confront his/her accusers even though the allegation of law violation may be based upon a comprehensive police report, the youth should have a chance to question the officer making the report and the officer should have an opportunity to confirm statements which s/he has made. If further witnesses are needed, they should be requested to attend the hearing; however, if it is felt that the witnesses' safety would be jeopardized by being present at the hearing, their presence will not be solicited.

(4) **Legal Representation.** If the youth, his/her parents or guardian wish to have their attorney present they should be advised that they are free to do so, however, the attorney should be advised that this is not a judicial hearing, that it is administrative procedure and informal in nature. The division is required to see that a child is represented by an attorney only if it is felt that the child and/or his/her parent or guardian is incapable of understanding the consequences of the procedure and would be incapable of presenting information in the youth's behalf. If the hearing officer is of the opinion that the counsel is needed and is not otherwise available to the youth, the hearing officer should immediately inform the special services administrator.

(5) **Presence of Parent or Guardian.** It is considered important that a parent or guardian be present at the probable cause hearing. If this is not feasible, arrangements should be made for some responsible adult, who would have an interest in the youth being dealt with fairly, to be present at the hearing.

(6) **Notice of Preliminary Hearing.** The DYS Form RAS—13, "Notice of Probable Cause Hearing," contains a statement advising the child and his/her parent or guardian that the probable cause hearing is a fact-finding hearing, that the youth will be asked to participate. It cautions the youth that the information given may be held against him/her in determining whether or not s/he is to be returned to a DYS facility or possibly in a court of law. Also it advises him/her that s/he will not be forced to give any information if s/he does not wish to do so. It is considered that this is sufficient warning for the purpose of the hearing since this is not a judicial hearing, but rather an administrative hearing.



(7) New Information. In the event new information develops during the course of the Probable Cause Hearing which would implicate the youth in further violations of the conditions of his/her placement and where these violations would adversely affect the decisions of the hearing officer, that is, probable cause would not be found without the new information, either a second probable cause hearing should be scheduled in which the youth should have an opportunity to prepare to respond to the new allegations or s/he should sign a statement waiving his/her right to a second probable cause hearing. The parent, guardian or responsible adult should also sign the statement. The allegations as contained in the RAS-13, "Notice of Probable Cause Hearing," as well as the RAS-14, "Summary Report of Probable Cause Hearing," should cite the specific conditions or rules of aftercare which have been violated and the date and allegations which are in violation of the particular condition(s) of aftercare supervision.

(8) Summary Report—RAS-14 "Summary Report of Probable Cause Hearing". This summary report shall be prepared within five (5) days following the hearing. This summary report should be complete enough to give the reader an understanding of the information leading to the finding of the hearing officer, and if revocation is recommended, the report should include the reasons why the recommendation of revocation is being made. It should include information to show why the child should not continue in the community, but needs to be returned to a facility for further treatment.

(A) If probable cause is not found, the hearing officer or the supervising AYC should promptly arrange for the child to be released (if detained) and returned to active aftercare supervision.

(B) Where probable cause is found, the child should promptly be returned to the DYS facility (DYS Form RAS-14, see appendix ii).

(9) Notice of Right to Dispositional Hearing. When a child is returned to an institution or a facility following the probable cause hearing, s/he should promptly be given an RAS-15, "Notice of Right to Dispositional Hearing." This form contains a statement for the youth's signature indicating that s/he either requests or does not request the dispositional hearing. A copy of this form is sent to the parent or guardian. To each copy, one (1) given to the youth and one (1) forwarded to the parent or guardian, there should be attached a copy of the RAS-14, the "Summary Report of the Probable Cause Hearing." It is expected that the copy bearing the child's signature, and

indicating his/her request regarding the hearing, will be mailed to central office by the facility within ten (10) days after the youth's return (DYS Form RAS-15, see appendix iii).

(10) Disposition. If the child or his/her parents or guardian do not petition for a dispositional hearing, the dispositional hearing officer will make disposition for the recommendation for revocation after reviewing all the information submitted on the matter.

(11) Dispositional Hearing. A request for a hearing made by a child, his/her parent or guardian will result in a dispositional hearing being conducted within thirty (30) days of receipt of the request at the division's central office. The child, his/her parent, guardian, pertinent witnesses (if any) and the child's legal counsel (if any is known to the division) will be notified of the time and place of the dispositional hearing.

(12) Report of Dispositional Hearing. Within five (5) days after the dispositional hearing, the hearing officer will deliver a decision and prepare a summary report of the hearing. Copies of this report will be supplied to the parent or guardian and to the child. If in the opinion of the dispositional hearing officer, there is not sufficient basis for revocation, either as a result of the hearing, or of the review when a hearing is not conducted, the dispositional hearing officer is authorized to have the child returned to active aftercare supervision. If the hearing officer determines that there is a preponderance of information to indicate aftercare supervision should be revoked, the supervision will be terminated and the youth will be assigned to an appropriate facility for further care and treatment.

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

Appendix i

RAS-13

Notice Of Probable Cause Hearing

To: \_\_\_\_\_ Date: \_\_\_\_\_

Aftercare Youth Counselor \_\_\_\_\_

\_\_\_\_\_ alleges that you have violated the conditions of aftercare supervision as follows:

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

A Probable Cause Hearing to determine if you have violated your aftercare conditions scheduled on: \_\_\_\_\_ at \_\_\_\_\_ am/pm at \_\_\_\_\_.

Failure to appear for this Hearing will be sufficient cause for your apprehension and detention to assure a Probable Cause Hearing. This will be a fact finding hearing in which you will be asked to participate. The information you give may be held against you in determining whether or not you are to be returned to a DYS facility. You will not be forced to give information if you do not wish to do so.

Regional Supervisor

PARENT OR GUARDIAN NOTE: As \_\_\_\_\_ parent/guardian, you are urged to attend this hearing.

- Prepare 4 copies
1 to Juvenile
1 to Parent or Guardian
1 to Aftercare Counselor for file
1 to Central Office for file

Appendix ii

RAS-14

Summary Report

PROBABLE CAUSE HEARING (Fact Finding)

Date: \_\_\_\_\_ Re: \_\_\_\_\_

Institution and number

Place: \_\_\_\_\_

Time: \_\_\_\_\_

Allegations:

- 1.
2.
3.

Witnesses for Youth Present at Hearing:

- 1.
2.
3.

Documents Presented in Evidence:

- 1.
2.
3.



Record of Proceedings and Summary:  
(Attach a second page if additional space is needed.)

- Prepare Four (4) copies
- 2 to Central Office
- 1 to Parent Institution or facility
- 1 to Aftercare Counselor for file

**Appendix iii**

RAS—15

**Notice of Right to Dispositional Hearing**

To: \_\_\_\_\_  
From: \_\_\_\_\_

It has been determined that probable cause exists that you have violated conditions of your placement in aftercare and you have been returned to \_\_\_\_\_ upon a recommendation issued on \_\_\_\_\_ (date).

You or your parent or guardian have the right to request a hearing by the Director or his/her designated representative before the decision is made to revoke Aftercare Supervision.

The following rules govern this revocation hearing:

1. You will have five (5) days to respond advising the Director that a final hearing is requested. You will have an additional five (5) days to prepare for the hearing. Additional time may be permitted upon request. Failure to respond within the 5-day period will be considered as a waiver of your right to a hearing, but an administrative review of the recommendation to revoke will be conducted by Division of Youth Services.
2. If a final hearing is requested, you will be given a written notice of time and place of hearing.
3. You will appear in person and you may be represented by counsel.
4. You may present witnesses and letters or other documents.
5. You may request the appearance of witnesses who have given adverse information about you.
6. After the hearing you will be given a written statement as to the evidence relied upon the reasons for the decision made at the hearing.

Expenses of witnesses and counsels may not be paid by the state.

Attached is a copy of the Summary Report of the Probable Cause Hearing (RAS—14).

This notice was given to you on the date and time shown below:

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Signature \_\_\_\_\_  
Title \_\_\_\_\_

- I request a dispositional hearing
- or
- I do not request a dispositional hearing

Signature of youth/parent/guardian

- Prepare 5 copies
- 1 to Juvenile
- 1 to parent or guardian
- 1 to Central Office
- 1 to Institution
- 1 to AYC

**13 CSR 110-3.060 Grievance Procedure for Children in Aftercare**

*PURPOSE: The purpose of this rule is to insure that when youths in aftercare have a complaint, this complaint will not be ignored.*

- (1) Complaints. Should a youth on placement, his/her parent or his/her guardian or foster parent, have a grievance concerning treatment supervision, or the lack thereof, or other relevant concern while on placement, s/he, in writing, may file a grievance with the appropriate regional administrator. The administrator will make a decision and advise the youth and the aftercare worker with regard to the decision made in the matter. Appropriate written records will be maintained concerning disposition of the matter.
- (2) Instructions. It shall be the duty of the administrators 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:
  - (A) Physical abuse by staff;
  - (B) Staff allowing physical abuse to a child by another child in aftercare;
  - (C) Repeated verbal abuse by staff, that is, use of profanity or ill-temper in giving direction and guidance;
  - (D) Lack of opportunity to receive adequate supervision by an aftercare worker (in accordance with current caseload standards).
  - (E) Disagreement with placement decision or special conditions of aftercare supervision.

(3) Staff Prejudice. 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 219.051.(1), RSMo (1986). Original rule filed Dec. 30, 1975, effective Jan. 9, 1976.*