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**IDAPA 05
TITLE 01
Chapter 01**

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

**05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS
AND STANDARDS FOR PRIVATE CONTRACT PROVIDERS**

000. LEGAL AUTHORITY.

01. Section 20-504(2), Idaho Code. Pursuant to Section 20-504(2), Idaho Code, the Idaho Department of Juvenile Corrections shall establish minimum standards for detention, care and certification of approved detention facilities based upon such standards. (4-5-00)

02. Section 20-504(9), Idaho Code. Pursuant to Section 20-504(9), Idaho Code, the department shall establish minimum standards for the operations of all private residential and nonresidential facilities and programs which provide services to juvenile offenders. (4-5-00)

03. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (4-5-00)

04. Section 20-504(14), Idaho Code. Pursuant to Section 20-504(14), Idaho Code, the department, in cooperation with the courts and the counties, shall establish uniform standards, criteria and operating procedures for county juvenile probation services, as well as qualifications and standards for the training of juvenile probation officers. (4-5-00)

05. Section 20-531(4), Idaho Code. Pursuant to Section 20-531(4), Idaho Code, the department shall adopt standards, policies and procedures for the regulation and operation of secure facilities. (4-5-00)

06. Section 20-545(1), Idaho Code. Pursuant to Section 20-545(1), Idaho Code, the department shall have the power to adopt rules for the state juvenile corrections center as may be required by the Juvenile Corrections Act. (4-5-00)

07. Interstate Compact On Juveniles. By the provisions of Sections 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles," the department is authorized to promulgate rules and regulations to carry out more effectively the terms of the compact. (4-5-00)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.01, "Rules of the Idaho Department of Juvenile Corrections and Standards for Private Contract Providers," IDAPA 05, Title 01, Chapter 01. (4-5-00)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (4-5-00)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Department of Juvenile Corrections, 400 N. 10th (second floor), P.O. Box 83720, Boise, Idaho, 83720-0285. (4-5-00)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (4-5-00)

004. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (4-5-00)

- 01. Adult.** A person eighteen (18) years of age or older. (4-5-00)
- 02. Body Cavity Search.** The examination and possible intrusion into the rectal or vaginal cavities to detect contraband. It is performed only by the medical authority. (4-5-00)
- 03. Chemical Agent.** An active substance, such as oleoresin capsicum, used to deter disturbances that might cause personal injury or property damage. (4-5-00)
- 04. Classification.** A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and/or programs according to their needs and existing resources. (4-5-00)
- 05. Contact Visiting.** A program that permits juveniles to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact. (4-5-00)
- 06. Contraband.** Any item not issued or authorized by the facility. (4-5-00)
- 07. Control Center.** The central point within a facility or institution where activities are monitored and controlled. (4-5-00)
- 08. Commit.** Commit means to transfer legal custody. (4-5-00)
- 09. Community-Based Program.** An in-home detention program or a non secure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county. (4-5-00)
- 10. Corporal Punishment.** Any act of inflicting punishment directly on the body, causing pain or injury. (4-5-00)
- 11. Court.** Means district court or magistrate's division thereof. (4-5-00)
- 12. Day Room/Multi-Purpose Room.** That portion of the housing unit used for varied juvenile activities which is separate and distinct from the sleeping rooms. (4-5-00)
- 13. Detention.** Detention means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (4-5-00)
- 14. Detention Center.** A facility established pursuant to Sections 20-517 and 20-518, Idaho Code. (4-5-00)
- 15. Detention Facility.** Accommodations for detaining a juvenile for the temporary placement of juveniles who require secure custody for their own or the community's protection in physical restricting facilities. (4-5-00)
- 16. Direct Care Personnel.** Any care staff member charged with day to day supervision of juveniles housed in a juvenile detention facility. (4-5-00)
- 17. Director.** The Director of the Department of Juvenile Corrections. (4-5-00)
- 18. Diversion.** The utilization of local community resources, churches, counseling for the juvenile and/or family, substance abuse counseling, informal probation, community service work, voluntary restitution, or any

other available service or program as an alternative to the filing of a petition with the juvenile court. (4-5-00)

19. Department. The Idaho Department of Juvenile Corrections. (4-5-00)

20. Emergency Care. Care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Emergency care shall be provided to the juvenile population by the medical staff, physician, other appropriately trained staff, local ambulance services and/or outside hospital emergency rooms. (4-5-00)

21. Emergency Plans. Written documents that address specific actions to be taken in an institutional emergency or catastrophe such as a medical emergency, fire, flood, riot or other major disruption. (4-5-00)

22. Existing Facility. Any juvenile detention facility in use, or for which bids have been let, prior to the effective date of these Rules. (4-5-00)

23. Facility Records. Information regarding the maintenance and operation of the facility including but not limited to correspondence, memorandums, complaints regarding the facility, daily activity logs, security and fire safety checks, head counts, medical records, health inspection records, and safety inspection records, use of physical force records and use of restraints records, employee training and certification for use of security equipment. (4-5-00)

24. Health Authority. The physician, health administrator, or agency responsible for the provision of health care services at an institution or system of institutions; the responsible physician may be the health authority. (4-5-00)

25. Health-Trained Employee. A person who provides assistance to a physician, nurse, physician's assistant, or other professional medical staff. Duties may include preparing and/or reviewing screening forms for needed follow-up; preparing juveniles and their records for sick call; and assisting in the implementation of medical orders regarding diets, housing, and work assignments. (4-5-00)

26. Housing Unit. The total living area available to a group or classification of juveniles in a detention facility. This area may consist of a dormitory or a combination of the space in each sleeping room and day room/multi-purpose room. (4-5-00)

27. Incident Report. A written document reporting an unusual occurrence or special event such as the discovery of contraband, use of physical force, use of chemical agents, discharge of firearms, etc., and action taken including notation of strip and cavity searches. (4-5-00)

28. Judge. A district judge or a magistrate. (4-5-00)

29. Juvenile. A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (4-5-00)

30. Juvenile Offender. A person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult. (4-5-00)

31. Juvenile Records. Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainer, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (4-5-00)

32. Legal Custody. The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care. (4-5-00)

- 33. Legal Guardian.** A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender. (4-5-00)
- 34. Medical Employee.** A certified person such as nurse, physician's assistant, emergency medical technician who works under the supervision and authority of the Health Authority consistent with their respective levels of training, education and experience. (4-5-00)
- 35. Medical Records.** Separate records of medical examinations and diagnoses maintained by the Health Authority. (4-5-00)
- 36. Medical Screening.** A system of structured observation/initial health assessment of newly arrived juveniles. May be performed by a Medical Employee or by a Health Trained Employee. (4-5-00)
- 37. New Facility.** Any facility for which bids are let for construction after the effective date of these Rules. (4-5-00)
- 38. Non-Contact Visiting.** A program that restricts juveniles from having physical contact with visitors. Physical barriers usually separate the juvenile from the visitors with screens and/or glass. Voice communications between the parties are typically accomplished with phones or speakers. (4-5-00)
- 39. Observation And Assessment Program.** Any state-operated or purchased service program responsible for temporary custody of juvenile offenders for observation and assessment. (4-5-00)
- 40. Pat Search.** The touching or feeling of a subject's clothed body to detect contraband. (4-5-00)
- 41. Perimeter Security.** A system that controls ingress and egress to the interior of a facility or institution. The system may include electronic devices, walls, fence, patrols and/or towers. (4-5-00)
- 42. Perimeter Security Check.** Physical inspection of the perimeter of the facility performed for the purpose of discovering or preventing security breach. May include the inspection of the perimeter of the facility and adjacent containment fence or areas as designated by facility policy and procedures. (4-5-00)
- 43. Petition For Exemption.** A formal written document addressed to the Director of the Department of Juvenile Corrections requesting exception from a Detention Facility Standard. The Petition for Exemption must contain written justification why the petitioner should be relieved from enforcement of specific detention standard(s). (4-5-00)
- 44. Physical Assessment.** An evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, the Health Authority. (4-5-00)
- 45. Policy And Procedures.** Standard operating strategies and processes developed by the administrative authority governing detention facility operations. (4-5-00)
- a.** Policy is a course of action that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. (4-5-00)
- b.** Procedure is the detailed and sequential action which must be executed to ensure that policy is implemented. It is the method of performing an operation or a manner of proceeding on a course of action. It differs from a policy in that it directs actions required to perform a specific task within the guidelines of the policy. (4-5-00)
- 46. Rated Capacity.** The actual number of juveniles which may be housed in a particular room, housing unit, or facility based upon available square footage, sanitation fixtures, and other physical plant features specified in these rules. (4-5-00)

47. Renovation. The alteration of the structure of any existing juvenile detention facility, or portion thereof, for the purposes of changing or improving its function. This may include, but not be limited to, altering the physical layout of essential areas within the facility or reconstruction of the existing structure, areas, or interior features. (4-5-00)

48. Restraints. Devices used to restrict physical activity. (4-5-00)

49. Rule Infraction. A violation of detention center rules of conduct and/or Policies and Procedure as governed by facility Policy and Procedures. (4-5-00)

50. Safety Equipment. Devices primarily used for safety purposes such as but not limited to firefighting equipment, for example, chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices, gas masks, fans, first aid kits, stretchers, and emergency alarms. (4-5-00)

51. Security Devices. Equipment used primarily to confine and control detained persons and may include but is not limited to locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security. (4-5-00)

52. Secure Facility. Any state-operated facility or facility operated under contract with the state which provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department. (4-5-00)

53. Secure Perimeter. The outer portions of a facility that provide for secure confinement of facility residents. (4-5-00)

54. Staffing Plan. A documented schedule which includes staffing of direct care personnel, staffing ratios, resident activities, and the certification level of staff. (4-5-00)

55. Strip Search. An examination of a resident's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of all the individual's clothing while such is not being worn. (4-5-00)

56. Use Of Physical Force. Physical force used in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. (4-5-00)

57. Volunteer. A person who donates his time and effort to enhance the activities of the program. Volunteers may be classified into two categories: (4-5-00)

a. Direct care volunteer. A person serving as unpaid direct care personnel, serving in the same capacity as an employee of the juvenile detention center, having direct and unsupervised contact with juveniles. (4-5-00)

b. Program Volunteer. An unpaid volunteer, program or organization serving in, or as a program of the juvenile detention center, such as Alcoholics Anonymous, etc., which is constantly supervised by Direct Care Personnel of the juvenile detention center. (4-5-00)

58. Work Program. A public service work project which employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offender's delinquent behavior. (4-5-00)

011. -- 099. (RESERVED).

100. INITIATION OF SERVICES.

Juveniles are committed to the department under the provisions of the Juvenile Corrections Act. (Sections 20-501 through 20-547, Idaho Code) and the Interstate Compact on Juveniles (Sections 16-1901 through 16-1910, Idaho Code). (4-5-00)

101. SERVICES TO BE PROVIDED.

Services are based on a legal rather than a financial criteria, and are provided to all juveniles committed by courts regardless of individual or family income. Services which may be provided include: (4-5-00)

- 01. Diagnostic Work.** Diagnostic work necessary to develop goals and treatment plans. (4-5-00)
- 02. Counseling And Treatment.** Counseling and treatment necessary to remediate the juvenile presenting problem. (4-5-00)
- 03. Placement.** Placement consistent with identified treatment needs. (4-5-00)
- 04. Periodic Reviews.** All committed juveniles will be contacted at least monthly, and notes regarding services provided will be entered in the case records on at least a monthly basis. A semiannual case review will be conducted for each child committed to the Department under the provisions of the Juvenile Corrections Act who is placed outside their home. (4-5-00)
- 05. Re-Evaluation And Reports.** All juveniles committed to the Department will be reassessed at intervals not exceeding one (1) year. Reports of periodic reassessments made pursuant to this section shall be filed with the court from which the juvenile was committed. (4-5-00)

102. -- 198. (RESERVED).

199. RELEASE FROM CUSTODY.

- 01. Release.** Juveniles may be released to their own home, to a residential community-based program, to a nonresidential community based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on probation until the probation is terminated by the court. (4-5-00)
- 02. Notification.** When the department is considering release of a juvenile offender committed to the department for confinement, the department shall notify the prosecuting attorney of the county from which the juvenile offender was committed to confinement, the judge whose order caused the juvenile offender to be committed to confinement and the victim of the juvenile offender's unlawful conduct. (4-5-00)

200. STANDARD OPERATING PROCEDURES FOR CONTRACT PROVIDERS.

The Idaho Department of Juvenile Corrections or its designee shall have the authority to visit and inspect all contract provider facilities to access such facilities' compliance with these rules. (4-5-00)

201. PURPOSE.

The condition and appearance of physical surroundings in which juveniles are placed have a positive or negative influence on the behavior of juveniles participating in the program. It shall be the responsibility of the contractor to see that all the buildings used to house, feed, supervise or instruct juveniles are structurally sound, adequately maintained and sanitary at all times. (4-5-00)

202. COMPLIANCE WITH STATE AND LOCAL CODES AND ORDINANCES.

- 01. Local Building Code.** The facility shall be in compliance with all state and local building codes certified at the time of construction or building purchase and shall continue to conform through any remodeling or new construction. (4-5-00)
- 02. Zoning Laws.** The contractor shall provide evidence that the facility meets all applicable zoning laws, regulations and neighborhood restrictions. (4-5-00)
- 03. Life Safety Codes.** The facility shall be in compliance with all state and local life safety codes as well as all local and state health and sanitation standards and shall make all documentation accessible to the Department of Juvenile Corrections upon request. (4-5-00)

203. COMPLIANCE WITH CHILD CARE LICENSURE REQUIREMENTS.

The contractor agrees to maintain compliance with all relevant state child care licensure requirements and standards. This specifically includes those standards requiring all facility operators, owners, and all assigned staff and volunteers to submit fingerprints for completion of criminal history background checks. The contractor agrees that any and all subcontractors and consultants are also subject to this section. (4-5-00)

204. LOCATION OF FACILITY.

01. Site. A facility should be located on a site which is conducive to the purposes and goals of its program. The design of the facility shall promote the purposes of the program and provide an environment consistent with the functions of the program. (4-5-00)

02. Site Approval. If the program has been established or is seeking to exclusively serve juveniles referred by the Department of Juvenile Corrections, the Department reserves the right to approve the site, design and proposed floor plan for any new or relocated facility. The contractor will be asked to produce: (4-5-00)

a. Evidence that the site location of the facility will be appropriate to juveniles to be served in terms of individual needs, program goals and access to service facilities. (4-5-00)

b. A description of the way in which the facility physically harmonizes with the neighborhood in which it is located considering such issues as scale, appearance, density and population. (4-5-00)

205. ACCESSIBILITY, GENERAL SAFETY AND MAINTENANCE OF BUILDINGS AND GROUNDS.

01. Reasonable Access. The program buildings, parking lots and other facilities shall provide reasonable access as required by the Americans with Disabilities Act and other federal and state laws and regulations. (4-5-00)

02. Maintenance. The contractor shall ensure that all structures are maintained in good repair and are free from hazards to health and safety. The facility grounds shall also be maintained and shall be free from any hazard to health and safety. (4-5-00)

03. Written Plan. The program shall have a written plan for preventive and ongoing maintenance of the facility. (4-5-00)

04. Safety Program. Each contractor shall have a designated staff member who is responsible for the safety program at the facility. This individual shall conduct routine inspections of the facility monthly, with copies of the inspections kept on file for review by the DJC facility monitors, to identify: (4-5-00)

a. Fire safety; (4-5-00)

b. Existing hazards; (4-5-00)

c. Potential hazards; and (4-5-00)

d. The corrective action that should be taken to address these hazards. (4-5-00)

206. VEHICLES.

01. Condition. Vehicles used to transport juveniles must be mechanically sound, in good repair and meet the Department's requirements for insurance coverage. (4-5-00)

02. Compliance With Applicable Laws. All vehicles must possess current state licenses and shall comply with all applicable state laws. When in use, all vehicles must carry a standard first aid kit and a fire extinguisher. (4-5-00)

03. Maintenance And Equipment Check List. The contractor shall have a vehicle maintenance and

equipment check list, which shall include a listing of all critical operating systems and equipment inspections, the date of the last inspection, and the type of service or action taken. All repairs required to critical operating systems (i.e., brakes, head lights) shall be made immediately. All worn or missing critical equipment shall be replaced immediately (i.e., tires, jacks, seat belts). (4-5-00)

207. DRIVERS.

All drivers of vehicles must possess a valid Idaho driver's license and the proper licenses required by state law for the type of motor vehicle operated. All operators' driving records must be checked through the Office of Motor Vehicles to assess their suitability to transport juveniles. If the driving record is checked by the insurance agency, which reports acceptability to the contractor, this is sufficient to meet the terms of this section. Appropriate documentation shall be kept in personnel files. (4-5-00)

208. CONSULTANTS.

01. Additional Services. All consultants employed by the contractor are subject to the provisions of Section VII of the Standard Contract. (4-5-00)

02. Service Provider. Consultants may provide consultation to program staff regarding treatment planning, staff training, program development, and individual or family services. Consultants may also provide individual, group or family services to the clients of the program, as part of the overall individual service plan. (4-5-00)

209. SUBCONTRACTORS.

01. Indemnification. While it is not anticipated that the contractor will subcontract any specific services of the contract, should subcontracting be approved according to the provisions of Section VI of the Standard Contract, the contractor agrees to assume responsibility for the performance of any subcontractor. (4-5-00)

02. Subcontractors. The contractor shall maintain a list of subcontracted service providers and their qualifications. Documentation of services provided by subcontractors shall include the units of service and cost. (4-5-00)

210. EMERGENCY PROCEDURES.

The Contractor will utilize and maintain a current emergency procedure manual which shall include, at minimum, procedures pertaining to: (4-5-00)

- 01. Fire Safety And Escape.** (4-5-00)
- 02. Emergency Medical Care.** (4-5-00)
- 03. Notification And Filing Charge On Escape.** (4-5-00)
- 04. Incidents Of Violence Within The Facility.** (4-5-00)
- 05. Suicide Prevention.** (4-5-00)
- 06. Child Abuse Reporting.** (4-5-00)
- 07. Sexual Abuse Disclosures.** (4-5-00)

211. EMERGENCY REPORTING REQUIREMENTS.

The contractor shall immediately notify the Department's Juvenile Management Center by telephone (not FAX), the probation officer and the youth's parents with a written incident report transmitted to JMC within twenty-four (24) hours, unless notification to the youth's parents would endanger the youth, in the event that any of the following changes occur: (4-5-00)

- 01. Escapes.** (4-5-00)

02. Significant Change In Treatment Plan. (4-5-00)

03. Significant Medical Difficulties. (4-5-00)

04. Major Incidents. Incidents involving suicide or attempted suicide; rape; felony crime committed by the youth; sexual incidents involving youth in residence; placement in higher level of care; serious injury to the youth; or other major incidents. (4-5-00)

05. Abuse And Neglect. Allegations of abuse and neglect shall also be reported to the Licensing Agency and/or law enforcement. (4-5-00)

212. DOCUMENTATION.

01. Juvenile Files. The contractor shall maintain individual files on all youth in residence which shall include documentation on services provided under the terms of the Contract. (4-5-00)

02. Contractor Files. The contractor shall document and retain documentation of all information related to the following: (4-5-00)

a. Consultation provided at the facility; (4-5-00)

b. Training provided to staff; (4-5-00)

c. All alleged instances of child abuse; (4-5-00)

d. Medical care provided to youth, including initial physical examination and assessment; (4-5-00)

e. Fiscal and program audits or reviews, including corrective actions required and taken; and (4-5-00)

f. Reports of sexual abuse disclosures to Health and Welfare and/or law enforcement. (4-5-00)

213. STAFF QUALIFICATIONS.

01. Licenses. All individuals providing services to juveniles in the custody of the Department must possess all licenses and/or certifications required by statute or by Department of Health and Welfare, Division of Family and Community Services, as applicable. (4-5-00)

02. Education And/Or Experience. All individuals providing services must be qualified to do so by educational background and experience. In addition, certain program and professional care givers must meet specific minimum standards for education and/or experience. These standards shall constitute, in part, the basis for determining the adequacy of program and professional services delivered under contractual agreement with the Department. (4-5-00)

214. POSITION DESCRIPTIONS AND QUALIFICATION CRITERIA.

01. Case Manager. An individual to whom the juvenile is assigned at admission who assists the juvenile with his individualized program plan, evaluates the juvenile and maintains his case record, presents the case in staffing, communicates with appropriate individuals regarding the juvenile, and prepares written communications including discharge reports. The Case Manager may also serve as the Counselor. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in the social sciences or a related field. (Providers with case management staff that do not meet this qualification must ensure that those staff are supervised directly by an individual who meets the qualifications. The provider will be expected to demonstrate continuing efforts to qualify existing staff). (4-5-00)

02. Counselor. An individual responsible for developing and monitoring personal program plans for

juveniles under his supervision, providing counseling regarding the implementation of those plans and coordinating with and for parents of juveniles. He also communicates with community agencies that the juveniles are using. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in the social sciences or a related field. (4-5-00)

03. Juvenile Care Worker/Direct Care Worker. An individual responsible for supervising the juveniles' day-to-day living activities and performing such duties as preparing nutritious meals, supervising and training juveniles in basic living skills, and providing some community transportation. He must have a high school diploma or its equivalent. (4-5-00)

04. Recreational Specialist. An individual who develops and implements an individualized and goal-directed recreational plan for a juvenile. The individual providing this function must possess a bachelor's degree in recreational therapy, health and physical education, or a related field or have a high school diploma and two (2) years related experience in providing recreational services to juveniles. (4-5-00)

05. Social Worker. An individual who is responsible for the assessment of treatment needs and the provision and monitoring of therapeutic/rehabilitative treatment services to juveniles participating in a treatment program. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in social work, psychology or counseling and state certification. (4-5-00)

06. Teacher. An individual who provides basic educational services as required by state and federal statutes. This individual must hold a valid teaching certificate in the state where the services are being provided and in the appropriate instructional field. (4-5-00)

07. Therapist. An individual who conducts a comprehensive assessment of the psychological, behavioral, social/familial deficits or dysfunctions presented by the juvenile, then establishes and implements a plan for therapeutic services. The plan must specify diagnosis and treatment problems to be addressed, an estimate of the time needed, and a schedule of the frequency and intensity of the services to be provided. At a minimum, the individual must possess a medical degree in psychiatry, be a Board Certified Social Worker, or possess a master's degree in social work, psychology or counseling. Although a license is not required by persons who meet these minimum education standards, no therapist shall have had a license in any of the above fields revoked or suspended for a serious disciplinary violation. (4-5-00)

215. PROGRAM STAFFING REQUIREMENTS.

The contractor shall ensure that an adequate number of qualified staff are present at all times to supervise juveniles and provide for their health, safety and well-being. Staffing patterns should provide maximum case manager availability to juveniles at times when they are in the facility and should provide consistency and stability so that they know the roles of each staff member. (4-5-00)

216. TRAINING AND STAFF DEVELOPMENT.

A well planned and executed training program increases the competency and performance of staff and volunteers and establishes a common understanding of a program's objectives, policies and rules. Staff should have a minimum of forty (40) hours of training per calendar year following the first year of employment. In the first year of employment with contractor fifty-six (56) hours of training is mandatory. In addition to the fifty-six (56) hours of first year training, newly hired staff with one year or more of direct child care experience with "at risk" youth are also required to complete a minimum of forty (40) hours of "mentoring" and newly hired staff with less than one year of direct child care experience with "at risk" youth are also required to complete a minimum of eighty (80) hours of on-the-job "mentoring" (internship) prior to being assigned sole responsibility for supervision of youth as outlined in Section 218. (4-5-00)

217. GENERAL REQUIREMENTS FOR TRAINING PROGRAMS.

01. Program Plan. Training for staff and volunteers shall be conducted in accordance with a written program plan for staff development and coordinated by a designated staff member at the supervisory level. All training programs shall be presented by persons that are qualified in areas in which they are conducting training. Training programs should define requirements for completion and make provisions for attendance recording, a system to recognize completions, and an evaluation of the training. They should also identify areas requiring annual

re-certification and meet those needs. (4-5-00)

02. Mandatory Inclusions. Training programs shall do the following: (4-5-00)

a. Include professional development and skills development for all personnel and volunteers; (4-5-00)

b. Meet the needs of each staff member's respective job classification and be pertinent to his individual work with juveniles; (4-5-00)

c. Where available, involve the use of community resources; and (4-5-00)

d. Include in-service training in existing practices, procedures and skills necessary for working with juveniles. (4-5-00)

218. PRE-SERVICE ORIENTATION.

01. Mandatory Pre-Service Topics. Pre-service orientation for all staff shall include, but not be limited to, program goals and objectives, program rules and regulations, job responsibilities, personnel policies, juvenile supervision, report writing, instruction in safety and emergency procedures, confidentiality issues, juvenile rights and grievance procedure, standard operating procedures, and communicable diseases. (4-5-00)

02. Mandatory Direct Juvenile Care Topics. In addition to meeting the pre-service requirements listed above, individuals employed as direct child care staff who do not possess at least one (1) year of direct child care experience with "at risk" youth must complete a minimum eighty (80) hour internship. During this period, they shall be under the supervision of an experienced child care worker or direct care supervisor. They shall not be assigned sole responsibility for the supervision of juveniles until they can demonstrate, and it has been documented, that they have achieved basic child care/supervision competencies as defined above and have successfully completed any additional criteria set by the contractor. (4-5-00)

219. IN-SERVICE TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS, COUNSELORS AND CASE MANAGERS.

All juvenile care workers, supervisors, counselors and case managers (including all volunteers in these positions) shall receive a total of fifty-six (56) hours of training during the first year of employment. Training course contents must include at least the following: (4-5-00)

01. Principles And Practices Of Juvenile Care And Supervision. (4-5-00)

02. Program Procedures And Programmatic Goals. (4-5-00)

03. Juvenile Rights. (4-5-00)

04. Procedures And Legal Requirements Concerning The Reporting Of Abuse And Critical Incidents. (4-5-00)

05. Behavioral Observation, Adolescent Psychology And Child Growth And Development. (4-5-00)

06. Basic Counseling Skills. (4-5-00)

07. Handling Of Violent Juveniles (Use Of Force/Crisis Intervention). (4-5-00)

08. Significant Legal Issues (i.e., Juvenile Corrections Act). (4-5-00)

09. Security Procedures (Key Control, Searches, Contraband). (4-5-00)

10. Socio-Cultural Lifestyle Of Juveniles. (4-5-00)

- 11. Report Writing.** (4-5-00)
- 12. Emergency Procedures/First Aid/CPR.** (4-5-00)
- 13. Standard Operating Procedures.** (4-5-00)
- 14. Communicable Diseases.** (4-5-00)

220. DOCUMENTATION OF TRAINING.

01. Staff Training Records. Staff training records shall be kept by a designated staff person. Separate training records shall be established for each staff member and volunteer and shall include name, assignment category (position, type of employee full-time/part-time/ volunteer), employment beginning date, annual training hours required, and a current chronological listing of all training completed. (4-5-00)

02. Training Programs. Training programs must be documented by date and times training was conducted, topic of the training session, name and qualifications of the instructor, and a roster with signatures of all participants. (4-5-00)

221. VOLUNTEERS.

Programs serving juveniles should consider soliciting the involvement of volunteers to enhance and expand their services, however, volunteers shall be recruited to supplement and enrich a program, not to substitute for the activities and functions of facility staff. (4-5-00)

222. VOLUNTEER PLAN.

01. Written Plan. Programs that utilize volunteers regularly shall have a written plan that includes stipulations for their use and training. (4-5-00)

02. Recruitment. Recruiting of volunteers is conducted by the chief administrative officer or his designee. Recruitment is encouraged from all cultural and socio-economic segments of the community. (4-5-00)

03. Volunteer Requirements: (4-5-00)

a. Volunteers must be at least eighteen (18) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (4-5-00)

b. Volunteers must complete an application for the position and are suited for the position to which they are assigned; (4-5-00)

c. Volunteers must agree in writing to abide by all program policies; (4-5-00)

d. Volunteers who perform professional services must be licensed or certified as required by state statute or regulation; (4-5-00)

e. Written job descriptions must be provided for each volunteer position; and (4-5-00)

f. Volunteers must agree to background and criminal record checks as prescribed by state statutes. (4-5-00)

04. Supervision. Volunteers will be supervised by a paid employee of the program. This individual shall coordinate and direct the activities of the volunteer. Volunteer performance shall be evaluated periodically and evidence of this evaluation be made part of the personnel record of the volunteer. (4-5-00)

05. Termination. There will be a procedure established for the termination of volunteers when substantial reasons for doing so exist. (4-5-00)

223. CRIMINAL BACKGROUND CHECKS.

01. Procedure. All contractors providing services to the Department shall ensure that all employees and volunteers, as required by statute, have submitted the required fingerprint cards and releases to the Department of Law Enforcement/Bureau of Criminal Identification. Documentation of appropriate requests and responses should be kept in the employee personnel records. (4-5-00)

02. Serious Crimes. Persons convicted of the following crimes shall not be employed by the contractor. For the purposes of this section, a withheld judgement shall be considered a conviction: (4-5-00)

- a.** First degree murder, Section 18-4001, Idaho Code; (4-5-00)
- b.** Second degree murder, Sections 18-4003 and 18-4015, Idaho Code; (4-5-00)
- c.** Manslaughter, Section 18-4006, Idaho Code; (4-5-00)
- d.** Rape, Sections 18-6101 and 18-6108, Idaho Code; (4-5-00)
- e.** Aggravated assault, Sections 18-905 and 18-907, Idaho Code; (4-5-00)
- f.** Assault/battery with intent to commit a serious felony, Sections 18-909 and 18-911, Idaho Code; (4-5-00)
- g.** Domestic assault/battery, Section 18-918, Idaho Code; (4-5-00)
- h.** Kidnapping, Sections 18-4501 and 18-4506, Idaho Code; (4-5-00)
- i.** Desertion or non-support of wife or children, Section 18-401, Idaho Code; (4-5-00)
- j.** Prostitution, Sections 18-5613 and 18-5614, Idaho Code; (4-5-00)
- k.** Inducing person to prostitution, Sections 18-5609 through 18-5611, Idaho Code; (4-5-00)
- l.** Injury to children, Section 18-1501, Idaho Code; (4-5-00)
- m.** Sexual abuse of a child under age 16, Section 18-1506, Idaho Code; (4-5-00)
- n.** Lewd conduct with a minor child under age 16, Section 18-1508, Idaho Code; (4-5-00)
- o.** Sexual battery of a minor child, Sections 18-1508 and 18-1508-A, Idaho Code; (4-5-00)
- p.** Crimes against nature, Sections 18-6605 and 18-6606, Idaho Code; (4-5-00)
- q.** Incest, Section 18-6602, Idaho Code; (4-5-00)
- r.** Forcible sexual penetration by use of a foreign object, Section 18-6608, Idaho Code; (4-5-00)
- s.** Child pornography, Sections 18-1506 and 18-1507, Idaho Code; (4-5-00)
- t.** Trafficking in marijuana, Section 37-2732-B; (4-5-00)
- u.** Indecent exposure, Section 18-4116, Idaho Code; (4-5-00)
- v.** Counseling, etc. children to commit crimes, Section 18-204, Idaho Code; (4-5-00)
- w.** Criminal neglect, Section 18-1501, Idaho Code; (4-5-00)

- x. Excessive punishment, Section 18-1501, Idaho Code; (4-5-00)
- y. Ritualized abuse of a child, Section 18-1506-A, Idaho Code; (4-5-00)
- z. Providing shelter to a runaway child, Section 18-1510, Idaho Code; (4-5-00)
- aa. Sexual exploitation of a child, Section 18-1507, Idaho Code; (4-5-00)
- bb. Conviction for attempt to commit or conspiracy to commit any of the above offenses or any substantially similar crime in another state or jurisdiction. (4-5-00)

224. PROGRAM.

Contract programs with the Department shall provide rehabilitative services designed to improve the juvenile's behavior in the home and to facilitate his successful return to his home/community. (4-5-00)

225. ADMISSION POLICIES.

Each contractor shall have clearly defined written policies and procedures governing admission. The policy and procedures shall include, but not be limited to: (4-5-00)

01. Types Of Information. The types of information to be gathered on all applicants before admission, criteria for acceptance, and procedures to be followed when accepting or rejecting referrals. Written notification of acceptance or rejection shall be submitted on the referral cover sheet to the Placement Manager within seven (7) days of receipt of referral. (4-5-00)

02. Admission Policy Shall Be Stated In Contract. The admission policy shall be clearly stated in the contract with the Department and shall list the specific population to be served, the specific admission criteria, and specific exclusions. (4-5-00)

03. Change In Admission Policy. Any change in the admission policy shall be considered a change in the contract, requiring a formal contract amendment or waiver. This does not preclude temporary exceptions requested by the Department or approved for the facility by the Department (i.e., changes in age limitations, level of intellectual functioning, pregnancy, and mental status). (4-5-00)

04. Admission Of Juveniles. No juvenile shall be refused admission due to race, ethnic origin, or religion. (4-5-00)

05. Admitting More Juveniles Than Specified In Provider's License. Without authorization from the licensing agency and the Department, a contractor shall not admit more juveniles into care than the number specified on the provider's license. If a contractor wishes to increase capacity, he is responsible for contacting the licensing agency. A copy of the written confirmation to the contractor from the licensing agency for verbal approval to exceed the licensed capacity shall be forwarded to the Juvenile Management Center Superintendent and the Contract Manager. (4-5-00)

06. Admission Based On Assessed Needs And Contractors Ability To Meet Same. A juvenile's admission into a program shall be based on an assessment of the juvenile's comprehensive problems and needs and on the ability of the contractor to address same. A contractor shall not accept any juvenile for placement whose needs cannot be adequately met by the provider's program. (4-5-00)

07. Participation In Admission Process. A contractor shall ensure, if feasible, that the juvenile and the person legally responsible for him are provided an opportunity to participate in the admission process and related decisions. (4-5-00)

226. EMERGENCY PLACEMENT.

A residential facility shall not admit a juvenile on an emergency placement if the presence of that juvenile will be damaging to the on-going functioning of the group and/or the juveniles already in care. When a juvenile is accepted for emergency placement any available social, evaluative, and medical information shall be provided by the

Placement Manager. (4-5-00)

227. RIGHT OF REFUSAL.

A contractor shall not, without just cause, deny admission to any juvenile who meets the specific admission criteria set forth in the program description. If a contractor rejects a referral that the Department determines is consistent with the contract criteria for admission, the contractor shall submit in writing, or “e-mail”, to the Placement Manager specific justification for rejecting the juvenile referred by the Department. (4-5-00)

228. DISCHARGES.

01. Department Concurrence. A juvenile cannot be released from the program without prior concurrence of the Department. Release preparation for a juvenile begins with the initial development of an individual program plan and is an ongoing process throughout the juvenile’s program. Criteria for the juvenile’s release shall be explained to him/her as soon after admission to a program as possible. (4-5-00)

02. Release Preparation. The District Juvenile Services Coordinator is responsible for release preparation and must ensure that all the facility’s obligations to the juvenile have been met prior to release. (4-5-00)

229. PLANNED DISCHARGES.

01. Successful Completion. A planned discharge is a discharge following the juvenile’s successful completion of his treatment program. (4-5-00)

02. Release Plan. As soon as a juvenile is admitted to a program, a written release plan or aftercare plan shall be formulated. The release plan shall include expected length of stay, specific program goals to be achieved while in the program, and plans to support and the resources to be provided to the juvenile in order to continue to meet treatment goals in the community. (4-5-00)

03. Written Recommendation. A contractor shall provide to the District Juvenile Services Coordinator a written recommendation for release at least thirty (30) days prior to the juvenile’s completion of the program. This recommendation shall include a current summary of the juvenile’s progress, a summary of the efforts to reach the juvenile’s goals and objectives, any unresolved goals or objectives, goals and objectives for parents/aftercare workers to continue to reinforce, recommendation for continuing service in the home community, the prognosis, and the current address of the recommended custodian. (4-5-00)

04. Release Staffing. The Department shall convene a release “staffing” which will include the juvenile’s probation officer, the contractor, the juvenile’s parent(s), and the juvenile. Based upon the results of that “staffing”, the Department will make the final decision regarding release. (4-5-00)

05. Discharge Procedures. The following procedures shall be completed at the time of discharge: (4-5-00)

a. The contractor shall immediately provide to the individual or agency authorized to transport the juvenile his medication, prescriptions and Medicaid card. (4-5-00)

b. Within two (2) working days after a student leaves the facility, the contractor shall provide to the appropriate District Juvenile Services Coordinator any dental or medical records available, and all school records available from school(s) the juvenile attended while in the program. (4-5-00)

c. Within two (2) working days after a student leaves a facility, a report showing the student’s total hours, credits and associated grades shall also be transmitted directly to the Department’s education coordinator. The contractor shall maintain adequate documentation to support the submitted education reports. Timely receipt of these records is critical to assisting the transition of the juvenile to another educational facility. (4-5-00)

230. “UNPLANNED” DISCHARGES.

01. Termination Prior To Completion. An “unplanned” discharge is a juvenile’s termination prior to

the completion of the planned treatment program, either at the request of the contractor or on the initiative of the Department. (4-5-00)

02. Case Staffing. When a contractor believes a juvenile is at risk for an unplanned discharge, the contractor shall request a case staffing with the District Juvenile Services Coordinator to determine if the identified needs/problems can be resolved. (4-5-00)

03. Written Policy. A contractor shall have a written policy concerning unplanned discharges. If the discharge is at the request of the contractor, the contractor shall provide a written request for release, at least fourteen (14) days prior to the recommended date of removal. This request shall include, but is not limited to, the following information: (4-5-00)

- a.** A current summary of the juvenile's progress; (4-5-00)
- b.** A summary of the juveniles' efforts towards achieving individual goals and objectives; (4-5-00)
- c.** Specific offense(s) and, where applicable, dates and incident reports regarding the offense(s) which precipitated the request for removal; and (4-5-00)
- d.** Any unresolved goals or objectives. (4-5-00)

04. Provider Staffing. Upon receipt of the fourteen (14) day notice of discharge the District Juvenile Services Coordinator shall schedule (to be held within five (5) days) a staffing with the provider to discuss the appropriateness of the request and determine what steps need to be taken in order to execute the discharge. The recommendation shall be documented on the Department staffing form and forwarded to the Placement Manager for approval. If an agreement cannot be reached, the case shall then be immediately referred to the Placement Manager for review and to allow for sufficient time for a decision to be made prior to the 14th day. (4-5-00)

05. Prior Approval. No juvenile shall be discharged from the facility without prior approval of the Placement Manager. (4-5-00)

06. Discharge Due To Behavior. A contractor shall not request the discharge of a juvenile based solely on behaviors specifically identified in the contract as "admission criteria". (4-5-00)

231. EMERGENCY DISCHARGES.

01. Discharge Situations. Emergency discharge situations include, but are not necessarily limited to, the following: (4-5-00)

- a.** Juvenile participation in a major disturbance at the facility (i.e., riot or hostage situation, etc.); (4-5-00)
- b.** Involvement and/or arrest of a juvenile for use, or threatened use, of a weapon against another person; or (4-5-00)
- c.** Attempted suicides and other psychiatric emergencies. (4-5-00)

02. Endangerment To Staff/Juvenile. Emergency discharges shall be initiated only when the health and safety of a juvenile or staff is endangered by the juvenile's continued placement at the facility. (4-5-00)

03. Hospitalization. Emergency discharge situations which result in hospitalization in a non-public facility due to psychiatric or medical reasons shall require prior authorization from the Placement Manager, or his designee. (4-5-00)

- 04. Written Policy.** A contractor shall: (4-5-00)
 - a.** Have a written policy concerning emergency discharges. The policy shall include as a minimum the

following provisions: unless an extremely urgent situation exists, the facility shall give the Department a seventy-two (72) hour notice of discharge; (4-5-00)

b. Except in cases of life threatening emergencies, emergency discharges shall take place only after consulting with the District Juvenile Services Coordinator; and (4-5-00)

c. In cases of life threatening emergencies, the Placement Manager or his designee shall be contacted as soon as possible. (4-5-00)

232. DISCHARGE SUMMARY.

01. Comprehensive Discharge Summary. In cases of all discharges, the facility shall provide a comprehensive discharge summary to the District Juvenile Services Coordinator to include, at a minimum a report on progress/lack of progress on all treatment plan areas, recommendations for follow-up, and prognosis as well as all educational and medical records. (4-5-00)

02. Reporting Requirements. The report shall be forwarded to the Department within two (2) working days of the date of discharge if the juvenile has completed the program. The report shall be forwarded within seventy-two (72) hours of discharge if it is an unplanned discharge or emergency discharge. (4-5-00)

233. RESERVATION OF PROGRAM SLOTS.

01. Interruption. When a juvenile's treatment program is interrupted and there is an expectation that the juvenile will return and continue to receive services, a program slot may be reserved for this purpose. (4-5-00)

02. Reserved Time. Hospitalization for psychiatric or medical reasons, trial home visits, court appearances and escapes are routine situations for program slot reservation. In these cases, the program slot may be reserved for up to two (2) days. (4-5-00)

03. Escape Status. Program slots shall be reserved for juveniles who are on escape status for two (2) days, unless early discharge is requested by the Department Placement Manager. (4-5-00)

04. Department Contact. When a program slot is to be reserved, the contractor shall contact the District Juvenile Services Coordinator and request that the slot be reserved. (This action may also be initiated by the Department in which case the request should be coordinated with the facility.) (4-5-00)

05. No Plan For Return. If there is no definite plan for the juvenile to return to the program (residential or non-residential) or if a date of return cannot be established within the maximum time allotted, the juvenile should be discharged effective the last day he was physically present in the program. (4-5-00)

234. NON-RESIDENTIAL ABSENCES.

Program Attendance. Non-residential programs shall make reasonable efforts to ensure that the juveniles attend their program daily. The non-residential program shall inform the District Juvenile Services Coordinator of daily attendance and all attendance problems. The reporting guidelines shall be as follows: (4-5-00)

01. Daily Attendance. Daily attendance shall be reported by 10 a.m. (4-5-00)

02. Plan Of Action. When a juvenile is absent for two (2) consecutive meetings/appointments the facility shall provide the District Juvenile Services Coordinator with a plan of action to include the reason for the absences, if known, the facility's efforts to assist the juvenile in returning back to the program, and the juvenile's expected date of return, if known. (4-5-00)

03. Staffing. The District Juvenile Services Coordinator will conduct a staffing if no plan of action is submitted or the plan is inappropriate. (4-5-00)

04. Notification of Parent(s). The facility shall also notify the juvenile's parent(s) of the absence as soon as practical. (4-5-00)

235. TIME LIMIT (RESIDENTIAL PROGRAMS).

Unless the Department Director or his designee gives specific approval, the maximum time for which a program slot may be reserved and the contractor continue to receive payment is forty-eight (48) consecutive hours. At the end of this time, payment ceases and the juvenile shall be discharged from the program. If the juvenile returns to the program after the maximum time allotted for reservation of a program slot, new placement documents must be initiated by the Placement Manager. (4-5-00)

236. HOME PASSES.

01. Potential Risk To Public Safety. Home passes for juveniles assigned to residential facilities should be considered as an integral part of the offender's treatment plan. However, in all cases, the potential risk to public safety and adequacy of home supervision shall be considered prior to allowing a juvenile to return home. It is also important that passes not interfere with the ongoing treatment and supervision needed by juveniles in Department custody. (4-5-00)

02. Pass Restrictions. Prior to granting an initial home pass to a juvenile, the contractor shall contact the Juvenile Probation officer and the District Juvenile Services Coordinator to assure whether the court or the Department has placed restrictions on the juvenile's pass privileges. All requests for home passes must be approved by the District Juvenile Services Coordinator. Home passes involving an overnight stay or which involves special circumstances (such as a victim in the home) must be approved in writing two (2) weeks in advance by the District Juvenile Services Coordinator. (4-5-00)

237. ELIGIBILITY.

Eligibility for passes shall be determined by the contractor in accordance with the program description submitted to and approved by the Placement Manager or as part of a Contract Proposal, subject to the following conditions: (4-5-00)

01. Eligibility. A juvenile must be in placement a minimum of thirty (30) days before he is eligible for any passes. Any exceptions due to extenuating circumstances must be approved by the District Juvenile Services Coordinator from the juvenile's original district (refer to Section 241 of these rules). (4-5-00)

02. Restrictions. The committing juvenile court, the juvenile's probation officer or original district Juvenile Services Coordinator may prohibit or otherwise restrict home passes. (4-5-00)

238. FREQUENCY.

Frequency of passes shall be consistent with the terms of the juvenile's individual service plan and shall be determined by the contractor in accordance with the program description submitted to and approved in accordance to contract requirements, subject to the following: (4-5-00)

01. Frequency Of Home Passes. Home passes shall not exceed ninety-six (96) hours per month unless the juvenile is being prepared to return to his community within the next thirty (30) days. If this is the case, more frequent home passes may be approved by the District Juvenile Services Coordinator upon receipt of a written request from the contractor. (4-5-00)

02. Number Of Hours A Juvenile Is Allowed On Pass. No juvenile shall be allowed to be on pass for more than one hundred sixty-eight (168) hours during a thirty (30) day period. (4-5-00)

239. "SPECIAL" AND HOLIDAY PASSES.

01. Guidelines. When planning holiday home passes, the following guidelines shall be adhered to: (4-5-00)

a. Juveniles should be advised about the criteria for holiday home passes as far in advance as possible. There should be no deviation from this criteria. (4-5-00)

b. To the extent possible, passes should be in line with the existing behavioral treatment program (i.e.,

level system). (4-5-00)

c. The length of the pass should be based on the needs of the juvenile rather than those of facility staff. (4-5-00)

d. Regular passes can be accumulated during the month for an extended holiday pass up to a maximum of ninety-six (96) hours for those juveniles on the highest program levels. (4-5-00)

e. Under no circumstances may a juvenile obtain a pass to visit facility staff, the family of facility staff, or the family of other juveniles. (4-5-00)

02. Approval. All other special passes (i.e., funerals, extra passes due to weather conditions, etc.) must be approved by the District Juvenile Services Coordinator. (4-5-00)

240. GROUP ACTIVITIES WITH DEPARTMENT JUVENILES AWAY FROM AGENCY FACILITIES.

01. Recreational Activities. This policy applies to all Juvenile Corrections youth involved in outdoor recreational or work activities with an increased risk, i.e., overnight trips, water activities, etc. Facility Staff are to be responsible to ensure adherence to this policy as it applies to youth they oversee and to designate one (1) program staff member to be responsible for planning and conducting each trip which falls under this guideline. Individuals responsible for conducting the activity shall bring to the attention of the Facility Administrator hazards not specifically covered by this policy statement so that individual determination can be made regarding authorization of the program. (4-5-00)

02. Requirements. (4-5-00)

a. An activity plan and itinerary covering activities to be engaged in, when and where the group is going, how they will travel, how long they will stay and why the activity is being planned will be submitted to the local District Juvenile Services Coordinator prior to the event. Time will be allowed for thorough review of plans before the group leaves. Routine, low risk activities within the local community(ies) adjacent to the facility do not require prior approval and are to be conducted at the discretion of and under the responsibility of the Contractor. (4-5-00)

b. A basic first aid kit and current Red Cross First Aid Manual will be taken with the group. At least one (1) person certified in first aid and CPR shall accompany the group. (4-5-00)

c. A staff or trained volunteer to client ratio of one (1) to six (6) for youth will be adhered to as a minimum unless there is a reason to require more staff. Physical disabilities, high client irresponsibility, mental deficiencies, or inclusion of groups of youth below age twelve (12) are reasons to consider additional staff. (4-5-00)

d. All participants will be registered as program clients, staff, or volunteers including name, age, address, program title, and date. (4-5-00)

e. All clients will have Department consent forms signed by parents or guardians (if available) and Department's Juvenile Management Center (JMC) staff giving permission for program participation and acknowledging awareness of the activities to be engaged in along with permission to seek and/or administer necessary medical attention in the case of emergency. (4-5-00)

f. There will be no consumption of alcoholic beverages or illicit drugs by staff or participants while engaged in any agency-sponsored trip or activity. (4-5-00)

g. The Department's District Juvenile Services Coordinator will be given a list of all program participants prior to the activity. (4-5-00)

h. The Department's District Juvenile Services Coordinator will be advised of the staff and volunteers involved in the program. (4-5-00)

- i.** Swimming will only be allowed when a person in attendance has one (1) of the following certifications: (4-5-00)

 - i.** Basic Rescue and Water Safety Course; (4-5-00)
 - ii.** Water Safety Instruction; or (4-5-00)
 - iii.** Red Cross Life Saving Course. (4-5-00)
- j.** Activities involving specific hazards will be evaluated as a planning procedure to determine potential hazard, precautions to eliminate or cope with each hazard, and the Department's Juvenile Management Center will review and approve these plans. (4-5-00)
- k.** Injuries will be dealt with as follows: (4-5-00)

 - i.** Minor injuries, small cuts, minor burns, bruises, sprains, etc., will be treated immediately according to current Red Cross First Aid procedures. (4-5-00)
 - ii.** Serious or potentially serious injuries such as broken bones, large cuts or abrasions, concussions, etc., must be treated by a physician as soon as possible. If the injured person can safely be moved or if no ambulance is available, the person will be transported to the nearest medical clinic or hospital emergency room for treatment. If the person should not be moved, as in cases of suspected spinal injury, he should receive basic first aid as indicated in the Red Cross Manual and an ambulance should be requested. Parents are to be notified by the person in charge as soon as possible in cases of any injury requiring medical attention. (4-5-00)
 - iii.** A complete accident report will be filled out on all major injuries and returned to the Department's Juvenile Management Center as soon as possible. (4-5-00)
 - iv.** The Department's Juvenile Management Center will be notified at the first opportunity of serious injuries. (4-5-00)

241. SPECIAL CASES.

01. Variations. If a contractor has need to regularly vary from the conditions set forth in this Section in order to promote the objectives of the treatment program, a specific plan for passes/earned leave must be developed. The plan should be submitted in advance to the Placement Manager or his designee for approval. The approved plan will become the procedures to be followed by the contractor. (4-5-00)

02. Frequency/Duration Of Passes. Specific exceptions regarding the frequency and duration of passes may be granted by the District Juvenile Services Coordinator on a case-by-case basis, upon receipt of a written request by the contractor. (4-5-00)

242. TRANSPORTATION.

01. Facility Passes. Payment for transportation to and from the facility for passes that are a part of the facility's approved program description, or are in accordance with the juvenile's Individual Treatment Plan, shall be the responsibility of the contractor. (4-5-00)

02. Other Passes. Payment for transportation for all other passes are the responsibility of the juvenile's family or the individual requesting the pass. (4-5-00)

03. Arrangements. Arrangements for transportation and care shall be made between the facility and Department's Juvenile Management Center immediately upon receiving written notification requesting the juvenile's appearance at a court hearing. (4-5-00)

243. REPORTING.

At the conclusion of each home pass the facility shall determine whether any problems occurred or other significant

positive or negative events transpired while the juvenile was on pass. This information shall be documented in the facility case record. Any unusual occurrences shall be reported to the District Juvenile Services Coordinator who will report the incident to the Placement Manager. A drug screening UA may be conducted on each returning juvenile, at the expense of the contractor, and the results of that exam reported to the District Juvenile Services Coordinator.

(4-5-00)

244. TEMPORARY CLOSURE OF FACILITY.

01. Prior Approval. Contractors providing services to the Department are expected to provide these services on a continuous basis consistent with the terms of the contract. Without prior approval of the Department, a facility cannot be closed by assigning all juveniles home on pass.

(4-5-00)

02. Temporary Closures. The only situation not requiring prior approval for temporary closure shall be a natural disaster, fire, flood, or other emergency situation in which the facility may be closed temporarily at the discretion of the contractor. Payment shall be withheld if a facility cannot justify closure.

(4-5-00)

03. Notification. The Department shall be notified as soon as possible so that alternative arrangements may be made for program participants.

(4-5-00)

245. IN-STATE TRAVEL.

01. Overnight Outings. Planned overnight facility outings in-state maybe approved by the District Juvenile Services Coordinator.

(4-5-00)

02. Notification. The facility administrator, or his designee, shall notify the District Juvenile Services Coordinator in writing at least three (3) days prior to the outing the date(s) of the outing, location of over-night accommodations, scheduled location of outing, the number of juveniles involved, and the number of staff providing supervision as well as their names and positions.

(4-5-00)

03. Unusual Occurrences. Any “unusual occurrences” during the outing shall be reported to the District Juvenile Services Coordinator who will report the incident to the Placement Manager.

(4-5-00)

246. OUT-OF-STATE TRAVEL.

When a facility is planning an out-of-state trip for any of its residents, the facility administrator shall obtain prior authorization from the Placement Manager or his designee. The necessary sequence of action and approval is as follows:

(4-5-00)

01. Notification. The contractor notifies the District Juvenile Services Coordinator in writing two (2) weeks in advance of the scheduled outing the date(s) of the scheduled trip, the location of the trip, transportation arrangements, where the juvenile(s) will be staying if overnight accommodations are required (address/phone number), and who is going, i.e., juvenile(s) and staff by name and position.

(4-5-00)

02. Prior Approval. The facility administrator shall obtain all necessary approvals prior to authorizing travel.

(4-5-00)

03. Confirmation of Approval. The facility administrator shall contact the District Juvenile Services Coordinator for confirmation that approval has been obtained from the Placement Manager for out-of-state travel.

(4-5-00)

247. OUT-OF-STATE TRAVEL/INDIVIDUAL JUVENILES.

Out-of-state travel for an individual juvenile in the custody of the Department must have the prior written approval of the Department Placement Manager. The information required in Subsection 246.02 shall be included in the request for out-of-state travel.

(4-5-00)

248. TREATMENT.

01. Common Treatment Elements. Contract programs which offer treatment services to juveniles in

the custody of the Department are a diverse group. Even though many contract programs offer unique patterns of services, it is possible to identify common treatment elements in the majority of contract programs and to establish a minimum standard for content and competency. (4-5-00)

02. Waiver Or Variation. Minimum treatment standards established herein shall apply to all services provided by the contractor. Any waiver or variation from the standards stated in this Section must be specified in the contract with the Department. (4-5-00)

249. INDIVIDUAL TREATMENT PLAN.

01. Assessment. Each juvenile assigned to the care of the contractor shall be assessed to determine educational, vocational, personal, behavioral, placement and chemical dependency needs. The plan shall state expected goals and behavior, reflect the components of the Balanced Approach, and shall be completed and submitted to the District Juvenile Services Coordinator within thirty (30) days of admission. It should satisfy requirements set forth by licensing standards. (4-5-00)

02. Individualized Treatment Plan. The contractor shall provide an individualized treatment plan designed to enhance the growth and development of each juvenile assigned to their care and consistent with the personal needs of the child as identified by the assessment. This plan shall include input from the JPO and the District Juvenile Services Coordinator. The contractor shall provide required information on the juvenile's current status to the District Juvenile Services Coordinator on a monthly basis. These reports must include, in part, treatment progress, educational status and other program status and other program status information. (4-5-00)

250. COUNSELING.

For the purpose of this Section, all counseling services provided to juveniles, whether individual, group or family, must possess the following elements: (4-5-00)

01. Planning. Counseling should be planned and goal directed. (4-5-00)

02. Methods. The methods and techniques applied in counseling and the frequency and intensity of the sessions should be determined by assessment. (4-5-00)

03. Direction. Counseling should be reality oriented and directed toward helping individuals understand and solve specific problems, to discontinue inappropriate, damaging, destructive or dangerous behaviors, and/or to fulfill individual needs. (4-5-00)

04. Minimum Standard. The minimum standard for the frequency of counseling services shall be specified in the Statement of Work portion of the contract with the Department. (4-5-00)

05. Progress. There should be a mechanism developed to monitor and record incremental progress toward desired outcome of counseling services. (4-5-00)

251. INDIVIDUAL COUNSELING.

01. Availability. Individual counseling shall be available as an ongoing component of the juvenile's Individual Treatment Plan. If the assessment indicates a need for these services, individual counseling shall make provisions for crisis intervention and pursuit of goals/behaviors identified in the juvenile's Individual Treatment Plan. (4-5-00)

02. Space Requirement For Treatment. The contractor shall furnish adequate space for conducting private interviews and counseling sessions at the facility. The room(s) should be comfortably furnished. (4-5-00)

252. GROUP COUNSELING.

01. Availability. Group Counseling shall be available as an ongoing component of the juvenile's Individual Treatment Plan. If the assessment indicates a need for these services, group counseling shall provide for crisis intervention and attention to goals/behaviors relevant to the entire group. (4-5-00)

02. Space Requirement For Treatment. The contractor shall provide sufficient space to accommodate group meetings at the facility. The room(s) should be comfortably furnished. (4-5-00)

253. FAMILY COUNSELING.

01. Availability. Family counseling services shall be available as a part of the juvenile's Individual Treatment Plan. If the assessment indicates a need for these services, family counseling should specifically address issues that directly or indirectly resulted in the child's removal from his home and the issue of his eventual reintegration back into the family unit. A statement of goals to be achieved or worked towards by the juvenile and his family should be part of the Individual Treatment Plan. (4-5-00)

02. Counselor Qualifications. Family counseling may include private family counseling sessions and/or family group sessions, which shall be conducted by a staff person with, at a minimum, a Masters of Social Work, Masters of Counseling, or Masters of Psychology. (4-5-00)

254. SUBSTANCE ABUSE COUNSELING.

01. Participation. Juveniles with an identified substance abuse problem shall participate in substance abuse counseling with a certified substance abuse counselor and should have access to in-house and/or community AA/NA meetings, at the appropriate point in his treatment. (4-5-00)

02. Education. Juveniles considered to be at risk for substance abuse shall participate in drug awareness education. (4-5-00)

255. INDEPENDENT LIVING SKILLS TRAINING.

01. Minimum Training. A residential contractor shall have a program to train age-appropriate juveniles in independent living skills consistent with their needs. This program shall include, at a minimum, instruction in: (4-5-00)

- a.** Hygiene and grooming skills; (4-5-00)
- b.** Laundry and maintenance of clothing; (4-5-00)
- c.** Appropriate social skills; (4-5-00)
- d.** Housekeeping; (4-5-00)
- e.** Use of recreation and leisure time; (4-5-00)
- f.** Use of community resources; and (4-5-00)
- g.** Money management. (4-5-00)

02. Additional Training. When appropriate, the program shall also include instruction and training in: (4-5-00)

- a.** Use of transportation; (4-5-00)
- b.** Budgeting and shopping; (4-5-00)
- c.** Cooking; (4-5-00)
- d.** Punctuality, attendance and other employment-related matters; and (4-5-00)
- e.** Vocational planning. (4-5-00)

256. RECREATION.

01. Written Plan. A residential contractor shall have a written plan for providing recreational services based on individual needs, interests, and the functional levels of the juveniles served. (4-5-00)

02. Activities. The recreational program should include indoor and outdoor activities. Activities should minimize television and make use of a full array of table games and other activities that encourage both solitary entertainment and small group interaction. A comfortable furnished area should be designated inside the facility for leisure activities. (4-5-00)

03. Staff. The contractor shall have staff educated/experienced in recreational programs to ensure good planning, organizing, supervision, and use of facility and community activities. Recreational activities considered part of the treatment plan shall be funded by the contractor. The use of community recreational resources should be maximized. When feasible for the juvenile population served, the contractor shall arrange the transportation and supervision required for maximum usage of community resources. No juvenile shall be required to pay to participate in recreational activities made available through the program. (4-5-00)

257. EMPLOYMENT.

01. Written Policies And Procedures. If consistent with the particular program, written policy and procedure shall provide that program resources and staff time are devoted to helping employable juveniles locate employment. Staff shall ensure that each employment opportunity meets all legal and regulatory requirements for juvenile employment. The contractor shall make periodic checks on the job-site to ensure the juvenile is working under acceptable conditions. The juvenile's employer shall be consulted regularly by the contractor concerning the juvenile's work abilities and performance on the job-site. (4-5-00)

02. Employment Opportunities. Every reasonable effort shall be made to select employment opportunities that are consistent with the individual interests of the juvenile to be employed. Preference will be given to jobs that are related to prior training, work experience, or institutional training and that may be suitable for continuing post release employment. Reasonable effort shall be made to provide juveniles with the highest paying job possible. Earned income by a juvenile shall be handled consistent with Subsection 267.05 of these rules. (4-5-00)

258. EDUCATION.

01. Appropriate Services. A residential contractor shall ensure that each juvenile is given appropriate educational and vocational services that are consistent with the juvenile's abilities and needs, taking into consideration age, level of functioning, and any educational requirements specified by state or federal law. (4-5-00)

02. Mandatory Enrollment. All juveniles of mandatory school age or who have not yet obtained a GED or high school diploma shall be enrolled in a school system or in a program approved and/or certified by the State Board of Education to provide both special education and other services. Any contractor who provides education on the grounds of a facility through a cooperative agreement with the local education agency, or by virtue of an approved alternative school status, shall ensure that all educational services and accommodations included in the juvenile's Individual Education Plan (IEP) and required by state and federal regulation are provided by a properly state-certified teacher or teachers. (4-5-00)

03. Special Education. The contractor shall ensure that the special education needs of juveniles assigned to his care are addressed. The contractor must comply with Section 504 of the Rehabilitation Act of 1973 and the federal Individuals with Disabilities Education Act (IDEA), as well as any other applicable state or federal laws. If a juvenile entering the facility has a valid IEP for delivery of 504 or IDEA services, the contractor must convene a Child Study Team that includes the Department's educational coordinator or designee within 30 days of the juvenile's admission to the facility. Under no circumstances shall the contractor or its teaching staff make modifications in the juvenile's 504 or IDEA educational program without conducting a Child Study Team meeting in consultation with the Department's educational coordinator or designee. (4-5-00)

04. Cooperative Relationships. The contractor shall make a good faith effort to maintain cooperative

relationships with local school systems, colleges, and trade schools for the purpose of developing and maintaining suitable programs for juveniles. (4-5-00)

05. Gainful Employment. All juveniles not enrolled in an appropriate educational/vocational program should be gainfully employed, if possible. (4-5-00)

06. Structured Activities. The contractor shall provide structured educational activities for juveniles pending their enrollment in an appropriate educational/vocational setting. Each juvenile must be enrolled in the appropriate educational or vocational program no more than one (1) week after being placed in the contractor's facility. (4-5-00)

07. Minimum Hours Of School. The contractor will provide educational services to juveniles for a minimum of four (4) hours each school day. The course of study for each juvenile shall be determined based on his or her individual needs, and shall take into account the juvenile's program design and probable release situation. (4-5-00)

08. Student Records. Student records shall be maintained by the contractor at all times in accordance with the Family Rights and Privacy Act (FERPA). At a minimum, the following information shall be included in the record: subjects taken, grades by subject and explanation of the grading system, units of credit with explanation, attendance records and any standardized test scores. Reports of the student's educational progress shall be provided in the manner and within the time periods specified in section 260. (4-5-00)

259. RELIGION.

01. Policy And Procedure. Written policy and procedure shall ensure that attendance at religious services is voluntary. No juvenile shall be required to attend religious services. (4-5-00)

02. Voluntary Practice. All juveniles shall be provided the opportunity to voluntarily practice their respective religions in a manner and to the extent that will not compromise the safety, security, emotional or physical well being of the juveniles in the facility. (4-5-00)

03. Attendance. Juveniles may be permitted to attend religious services of their choice in the community. (4-5-00)

04. Transportation. The contractor must, when reasonably possible, arrange transportation for those juveniles who desire to take part in religious activities in the community. (4-5-00)

05. Risk/Safety To Community. If the juvenile cannot attend religious services in the community because staff has reason to believe he would attempt to escape, or otherwise present a risk to the safety of the community, the contractor shall make every effort to ensure that he has the opportunity to participate in religious services at the facility. (4-5-00)

06. Visits. Juveniles should be permitted to receive visits from representatives of their respective faiths. (4-5-00)

07. Minor Juveniles. When the juvenile is a minor, the contractor shall determine the wishes of the legally responsible person with regard to religious observances and shall make every effort to ensure that these wishes are carried out. (4-5-00)

260. REPORTING TREATMENT PROGRESS.

01. Reports. The contractor shall submit in writing a Monthly Progress Report on each juvenile. The first report shall be submitted within thirty (30) days of placement and shall include the combined service plan. A copy of the juvenile's education plan shall be a component of the combined service plan. This education plan (student learning plan) shall, at a minimum, include the juvenile's course of study (GED, secondary, post-secondary, etc.), long-term educational goals and short-term objectives. If the juvenile has been identified as eligible to receive services under 504 or IDEA, a copy of the IEP and supporting documentation shall be included in the treatment plan

and this report. Subsequent reports shall be submitted monthly. (4-5-00)

02. Progress Documentation. The monthly report shall document the juvenile's progress toward the goals and objectives set forth in the individualized service plan. Monthly reports should focus on areas of positive change in behavior and attitudes, as well as on the factors required for a successful program completion (progress in community protection, competency development, and accountability). The monthly report shall, at a minimum, also include: (4-5-00)

- a. The juvenile's medical condition, any medical treatment and/or medications prescribed; (4-5-00)
- b. The juvenile's progress toward completion of his or her educational plan. At a minimum, this shall include credits earned or hours completed and grades. If a student is working on completion of a GED or high school equivalency program, the report should include test(s) taken and the respective scores; (4-5-00)
- c. Any unusual occurrence reports involving the juvenile; (4-5-00)
- d. The dates of any home visits during the month's reporting period and, if applicable, documentation of any problems reported; and (4-5-00)
- e. The dates of family counseling sessions and documentation of parental participation. (4-5-00)

03. Report Distribution. Copies of the monthly report shall be distributed by the contractor to the District Juvenile Services Coordinator, the juvenile's probation officer, and to the Department Juvenile Management Center. The parent or guardian of the juvenile should receive a written progress report on the juvenile at least quarterly. The District Juvenile Services Coordinator will review and forward the quarterly report to the appropriate court. (4-5-00)

261. CONFIDENTIALITY.

01. Provisions. Sections 20-525 and 9-340(2)(b), Idaho Code, provides for confidentiality, under certain conditions, of records that contain information about juveniles. (4-5-00)

02. Confidentiality. All records shall be stamped "confidential" on the cover or outside folder. (4-5-00)

03. Record Supervision. Juvenile records shall be kept in locked areas and shall be directly supervised and controlled by an authorized staff member. (4-5-00)

04. Automated Records. Automated records shall include a procedure to ensure confidentiality. (4-5-00)

05. Policy And Procedure. The contractor shall have written policy and procedures to address the confidentiality of juvenile records. (4-5-00)

06. Availability Of Information. Written policy shall specify what information will be available to the juvenile and/or to the juvenile's parent/guardian, particularly in the following instances: if the juvenile's mental and/or social adjustment might be negatively affected, if a co-defendant is involved, if a confidential juvenile record is included, or if informants are named in the record. (4-5-00)

07. Records Supervision. Written procedures shall specify who will supervise the maintenance of the records, who shall have custody of records, and to whom records may be released. (4-5-00)

262. ACCESS.

01. Limitations. Access to confidential juvenile files shall be limited to the following authorized persons: (4-5-00)

- a. Staff authorized by the contractor and members of the administrative staff of the contractor's parent agency; (4-5-00)
- b. A parent/guardian for juveniles under age eighteen (18) or the juvenile, if he is age eighteen (18) or over; (4-5-00)
- c. Appropriate staff of the Department; (4-5-00)
- d. Counsel for the juvenile with signed consent form; (4-5-00)
- e. Judges, prosecutors, and law enforcement officers, when essential for official business; (4-5-00)
- f. Individuals and agencies approved by the Department to conduct research and evaluation or statistical studies; or (4-5-00)
- g. Schools. (4-5-00)

02. Withholding Of Information. If the Department or the contractor believes that information contained in the record would be damaging to the juvenile's treatment/rehabilitation, that information may be withheld from the juvenile and/or his parent(s) or others except under court order. (4-5-00)

263. JUVENILE PHOTOGRAPHS.

01. Limitations. No juvenile in the custody of the Department shall be used in person or by photograph for the express purpose of any fund raising efforts. (4-5-00)

02. Policy And Procedure. Written policy and procedure shall specify instances under which information concerning a juvenile shall be released. This policy shall include, but not be limited to, release of photographs to the media or for inclusion in facility news letters or publications. Permission to release or use the photographs of juveniles in the custody of the Department shall require written authorization from the Director or his designee. (4-5-00)

264. RELEASE FORMS.

01. Release Of Information. The juvenile and parent or guardian will sign a Release of Information Consent Form before information about the juvenile is released to any non-juvenile justice entity. (4-5-00)

02. Minimum Information. The Release of Information Consent Form shall, at a minimum, include the following: (4-5-00)

- a. Name of person, agency or organization requesting information; (4-5-00)
- b. Name of person, agency or organization releasing information; (4-5-00)
- c. The specific information to be disclosed; (4-5-00)
- d. The date consent form is signed; (4-5-00)
- e. Signature of the juvenile and the parent/guardian; and (4-5-00)
- f. The signature of the person witnessing the juvenile's signature. (4-5-00)

03. Copies. A copy of the consent form shall be maintained in the juvenile's record. (4-5-00)

04. Document Reproduction. The contractor agrees that no documents provided by the Department shall be reproduced or distributed without the written permission of the Department. (4-5-00)

265. RETENTION OF JUVENILE RECORDS.

All juvenile records shall be retained until the juvenile reaches age twenty-one (21) or for six (6) years, whichever is longer. Contractors shall have a written policy on the retention and disposal of records. (4-5-00)

266. CLOTHING.

01. Sufficient Clothing. Juveniles shall have sufficient clothing of the proper weight to participate in activities included in their Individual Treatment Plan. Juveniles may arrive at the facility with their own clothing. If the juvenile does not have sufficient clothing, or appropriate clothing, the contractor shall provide or purchase adequate and appropriate clothing for the juvenile. (4-5-00)

02. Release From Facility. All clothing and incidentals become the property of the juvenile upon release from the facility. The contractor will ensure the proper care and cleaning of clothing in the juvenile's possession. (4-5-00)

03. Replacement Clothing. Clothing provided and/or purchased as replacement will be at the expense of the contractor. Unique items of clothing not required for program participation may be purchased at the expense of the juvenile. (4-5-00)

267. PERSONAL FUNDS.

01. Funds Handled By A Contractor. (4-5-00)

a. A contractor shall be required to deposit all personal funds collected for the juvenile in a public banking institution in an account specifically designated "Juvenile Personal Funds" and to maintain a ledger showing the status of each juvenile's account. If the funds are collected in an interest bearing account the interest **MUST** be given to the juvenile for whom the fund is collected. (4-5-00)

b. All withdrawals by a juvenile or expenditures made on behalf of a juvenile by the contractor shall be documented by a sequentially numbered withdrawal request, signed and dated by the juvenile. This documentation shall be reconciled to the juvenile's ledger monthly. (4-5-00)

c. A contractor may limit the amount of any withdrawal, if possession of excess monies creates a security problem within the program, or as part of a behavioral management plan. (4-5-00)

d. If a juvenile's personal funds exceed two-hundred fifty dollars (\$250), the contractor shall open an interest bearing account in the name of the juvenile and the facility and allow the juvenile to invest any portion of that amount in the account. (4-5-00)

02. Reporting Requirements. A report shall be filed with the Juvenile Management Center by July 31 for the year ending June 30 showing a list of all juvenile account balances, date of admission and, if appropriate, the date of discharge. The personal fund account is subject to review or audit by the Department or its representatives at any time. Any discrepancies in juvenile accounts shall be resolved within fourteen (14) days of notification. (4-5-00)

03. Transfer Of Personal Funds. (4-5-00)

a. When a juvenile is discharged from the program, the balance of the juvenile's account minus any funds due the contractor shall be given to and/or mailed to the contractor within thirty (30) days regardless of the reasons for discharge. (4-5-00)

b. If the juvenile is to be reassigned to another program (including the Juvenile Management Center), a check should be made in the name of the juvenile and forwarded to the new program within seven (7) working days. The contractor must document efforts made, including contacts with the Department, in attempting to locate a juvenile for transfer of funds. When a juvenile cannot be located, those funds held on his behalf are considered to be abandoned after ninety (90) days and shall be remitted to the Department, made payable to the Juvenile Corrections Student Account. The Department will then follow the procedures outlined in the Abandoned Property Act, Section 14-501, et. seq., Idaho Code. The refund check must be accompanied by a list of the juveniles' names and case

numbers. (4-5-00)

04. Claims Against A Juvenile's Account. A contractor shall not require juveniles to pay for services and supplies which are to be provided by the contractor (i.e., toiletries, linen, laundry, drug screens, routine supplies, and lunch money). The contractor shall not access the juvenile's account for damages without following the disciplinary process, as provided in Sections 270 and 271 of these rules. (4-5-00)

05. Earned Income. The contractor is responsible for maintaining and accounting for money earned by the juvenile. The contractor shall establish a written plan for the juvenile to save at least twenty percent (20%) of his net earnings. The plan shall specify the purpose for which funds saved will be used at program completion -- i.e., deposits on utilities and housing, purchase of tools necessary for employment. Additionally, there shall be a plan for the priority use of the juvenile's earned income to pay court ordered restitution. (4-5-00)

268. DISCIPLINE OF JUVENILES.

01. Written Policies And Procedures. All residential providers and those non-residential providers offering day treatment services shall have comprehensive written policies and procedures regarding discipline and control, which shall be explained to all juveniles, families, staff, and placement agencies. These policies shall include positive responses for appropriate behavior. They shall include a provision for notice to the juvenile being disciplined, a mechanism for a fair and impartial hearing by a disciplinary board and a process for appeal. The contractor must submit its formal written disciplinary process to the Placement Manager for review and approval. (4-5-00)

02. Problem Resolution. Disciplinary actions are not the same as the consequences that are spelled out as a part of an individual behavioral treatment plan for the juvenile. A contractor shall make every effort to resolve problems with the least amount of formal disciplinary activity possible. Efforts should be made first to instruct and counsel the juvenile. (4-5-00)

269. CHARACTERISTICS OF THE FORMAL DISCIPLINARY PROCESS.

01. Prior To Initiating A Report Or Disciplinary Action. Prior to initiating a report or disciplinary action, careful attention should be given to the program rules to determine the seriousness of the misbehavior and the appropriate type of discipline. (4-5-00)

02. Control Of Juveniles. Staff will make every effort to maintain control of juveniles through methods of positive reinforcement. (4-5-00)

03. Discipline. Discipline will be administered in a way to create a learning experience for the juvenile, and never is a way that degrades or humiliates a juvenile. (4-5-00)

04. Other Juveniles. No juvenile shall supervise nor carry out disciplinary actions over another juvenile. (4-5-00)

05. Prohibitions. The contractor is prohibited from using the following actions as disciplinary responses: (4-5-00)

- a.** Corporal punishment of any kind; (4-5-00)
- b.** Physical exercise or repeated physical motions; (4-5-00)
- c.** Denial of meals; or (4-5-00)
- d.** Denial of the following usual services: (4-5-00)
 - i.** Education, vocational services and employment; (4-5-00)
 - ii.** Medical services; and/or (4-5-00)

- iii. Communication with family, probation officer, or legal counsel. (4-5-00)

270. RESTITUTION.

01. Responsibility. It is the policy of the Department to hold juveniles responsible for the financial consequences of their actions by authorizing restitution as part of the disciplinary process. Restitution owed by the juvenile because of court order shall be paid by the juvenile at a rate higher than that discussed herein, but at a rate appropriate for the circumstances of that juvenile. If, during the course of the juvenile's placement with contractor, restitution to the contractor, separate and apart from that restitution owed to the original victim, becomes an issue, the following guidelines apply. (4-5-00)

02. Basis For Restitution. Restitution may be ordered as part of the disciplinary process when a juvenile has willfully damaged or destroyed property, has caused or attempted to cause injury to himself, other juveniles or staff resulting in expenses being incurred, and/or has a pattern of falsely alleging injury or illness with the result that medical expenses are incurred. (4-5-00)

03. Actual Cost Restitution. "Actual Cost" restitution may be imposed when property is destroyed and when an incident results in outside medical care for staff or juveniles. (4-5-00)

04. Satisfaction Of Claim. In no instance shall a contractor withdraw all funds in a juvenile's account to satisfy a restitution claim. (4-5-00)

05. Collection Of Restitution. All juveniles shall be afforded an administrative hearing in accordance with the disciplinary procedure of the facility and standards set forth in these rules. (4-5-00)

06. Juvenile's Personal Funds. Funds for restitution may be withdrawn from the juvenile's personal funds not to exceed one-half (1/2) the total in the account. The juvenile's personal needs allowance can be used to pay restitution only with the juvenile's agreement. Should the juvenile not agree and has no other funds available, then a plan must be developed by the contractor to assist the juvenile in earning the amount of restitution. (4-5-00)

07. Payment Plan. If a juvenile owes more in restitution than he is able to pay immediately, program staff shall help him develop a payment plan. (4-5-00)

271. APPEAL OF DISCIPLINARY PENALTIES.

Each contractor shall have a formal written process through which a juvenile can appeal a disciplinary action and receive a review of his case. The contractor shall explain to the juvenile how to use the appeal process. The juvenile must be informed that in any event he may include his District Juvenile Services Coordinator in the disciplinary process. (4-5-00)

272. FOOD SERVICE.

Juveniles shall be served a varied and nutritionally adequate diet with menus meeting standards set by a qualified nutritionist or dietician to ensure that they meet nationally recommended allowances for basic nutrition. Juveniles must be fed three (3) meals daily in accordance with licensure regulations. (4-5-00)

273. TRANSPORTATION.

01. Transportation For Treatment Plan. It shall be the responsibility of the contractor to provide all transportation associated with the juvenile's Individual Treatment Plan. (4-5-00)

02. Transportation For Court Proceedings. It is the responsibility of the Department to assure the juvenile's appearance in all court proceedings and to arrange transportation as indicated. (4-5-00)

274. REIMBURSABLE PROGRAM RELATED EXPENSES.

The Department will reimburse the contractor for certain program-related expenses according to the following terms: (4-5-00)

- 01. Provided Services.** The item or service must be provided to promote the health, well-being, and/or

treatment goals of the juvenile. (4-5-00)

02. Availability. The item or service is not available through any other source, including the family of the juvenile. (4-5-00)

03. Cost. The cost of the item or service is not specifically funded by the per diem paid to contractor, nor uses the cost of other items or services submitted by the contractor for the purpose of any part of a per diem rate. (4-5-00)

04. Prior Approval. The contractor has obtained prior approval from the Department Director or his designee to make the expenditure. (4-5-00)

275. EXAMPLES OF REIMBURSABLE EXPENSES.

Each item or service submitted for reimbursement will be reviewed on a case-by-case basis, and the criteria will be applied individually. Examples include the following: (4-5-00)

01. Non-Routine/Medical Services And Medication. Non-routine medical procedures and non-routine medication must be authorized in advance by JMC's lead R.N. or designee. The Department will reimburse the contractor for medications and/or health care items/services based on the following criteria: (4-5-00)

a. The item or service is prescribed by a physician; (4-5-00)

b. The item or service is directly related to the health and well-being of the client; (4-5-00)

c. The item or service is denied reimbursement by Medicaid in writing; or (4-5-00)

d. The item or service is directly related to treatment of an existing condition and is not preventative, elective or discretionary treatment. (4-5-00)

02. School Expenses. Prior approval is required before the reimbursement of school expenses. The Department will reimburse the contractor for certain expenses directly related to educational or vocational services. Reimbursement shall not include the routine purchase of school supplies, paper, pencils, pens, notebooks, workbooks, lunch fees, etc. Program related expense reimbursement for educational and vocational expenses will be limited to those items not included in the per diem rate and may include expenses such as the following: (4-5-00)

a. Tuition for approved course work, vocational education or required summer school; (4-5-00)

b. Certain fees; (4-5-00)

c. Tools, text books, supplies, and special clothing required by vocational courses; or (4-5-00)

d. The vocational student will be required to apply for and been denied financial assistance from state and federal programs or vocational rehabilitation. Justification that these expenses are not refundable through any other sources may be required. (4-5-00)

03. Reimbursement For Mileage. The cost of transportation that is necessary due to extraordinary or extenuating circumstances that arise during the course of a juvenile's treatment program may be borne by the Department under the following circumstances: (4-5-00)

a. Transportation of the juvenile is not part of the routine services provided by the contractor for which they are reimbursed at the state's per diem rate; or (4-5-00)

b. The transportation required is to meet a specific unplanned or extraordinary need of the juvenile. (4-5-00)

04. Reimbursement Rates. Mileage rates will be based on the Idaho State Travel Policies and Procedures. (4-5-00)

276. MONITORING MOVEMENT OF JUVENILES.

Juveniles in contract placements are in the legal custody of the Department. The Department has a responsibility both to the court of jurisdiction and to the public to know the location of these juveniles at all times. The contractor shall follow a written plan to allow staff in residential and non-residential alternative programs to monitor movement into and out of the facility. Program staff shall be able to account for the whereabouts of its participants at all times.

(4-5-00)

277. ESCAPE.

01. Notification. In all instances the facility shall immediately notify the Juvenile Management Center switchboard, local law enforcement, the juvenile's probation officer, and shall attempt to contact the parent/guardian of the resident.

(4-5-00)

02. Maintenance Of Belongings. Clothing and other personal belongings shall be secured immediately and maintained in a secure place until returned to the Department.

(4-5-00)

03. Program Assignment. The contractor shall not discharge a juvenile at the time of an escape. The juvenile shall continue to be assigned to the program, although not physically present for two (2) days. The program must accept the juvenile back if apprehended and returned to the program within two (2) days. The program will be reimbursed for the days the juvenile was on escape status up to two (2) days. Should the program choose to discharge the juvenile after his return, then the procedures outlined in Section 230 or 231 of these rules shall apply. A juvenile on escape status may be discharged at the request of the Placement Manager within the two (2) days. The date of discharge shall be established by the Department.

(4-5-00)

04. Disciplinary Sanctions. All contractors providing residential care for adjudicated juveniles in the custody of the Department shall have established, in written policy and procedure, a range of disciplinary sanctions for imposition against the juvenile, and a plan for providing additional security when dealing with juveniles who have escaped from, and been returned (even temporarily), to the facility.

(4-5-00)

05. Reassignment of Juvenile. The Department considers all escapes as serious challenges to the "Balanced Approach" goal of community protection. In every case of escape, the Department will consider (taking into consideration input from the provider and the juvenile's probation officer), the necessity of reassigning the juvenile to a more restrictive level of custody.

(4-5-00)

06. Reassessment. In every escape in which the juvenile is away for ten (10) days or longer, or in which there is a felony charge other than that for the escape itself, or in which there was use of threat, force, violence or vehicular chase, the juvenile will be returned to the secure unit at Juvenile Management Center for reassessment and sanction.

(4-5-00)

278. ROUTINE SEARCHES.

01. Facility Program. Searches should be a part of every facility's program and should be conducted on a routine basis. The primary objective for a search is to ensure the safety of all juveniles, staff, and visitors. Searches shall be completed in the least intrusive manner possible for the type of search being conducted.

(4-5-00)

02. Policies And Procedures Governing Searches. The program shall maintain and make public written policies and procedures for conducting searches of residents, all areas of the facility, staff and visitors to the program to control contraband and/or locate missing property. It is suggested that a sign be posted notifying visitors of the specific policy of the facility regarding searches.

(4-5-00)

03. Policies And Procedures Governing Consequences. The facility shall also have written policy and procedures establishing the consequences for residents found with contraband. The resident should acknowledge, with their signature, that they were informed of what constitutes contraband and also the consequences for its possession.

(4-5-00)

279. FACILITY SEARCHES.

In order to ensure the safety of residents, staff and visitors, periodic facility searches for contraband shall be conducted. The frequency and extent of whole facility and ground searches should be consistent with program policies and can be included during other routine inspections or activities. Searches shall be conducted by staff trained in the appropriate search techniques. Searches called by the facility staff do not have to include the entire facility but can be limited to specific areas or residents. The residents' belongings shall be disturbed no more than necessary during the search. The search shall be documented in terms of who conducted the search, what areas were searched, and what type of contraband was found, if any. If a search yields contraband, the District Juvenile Services Coordinator will be notified and it shall be reported according to the requirements of the Department. If necessary, the appropriate law enforcement agency should be notified. (4-5-00)

280. PERSONAL ITEMS, ETC.

Routine searches of suitcases and/or personal items being introduced into the facility will be conducted by facility staff prior to the juvenile taking possession of his property, or when the juvenile is returning to the facility from a home pass. Search of a juvenile's belongings may be done at any time and shall be as least intrusive as possible. All searches shall be documented in the facility log and, if contraband is found, reported in accordance with Section 285 of these rules. If necessary, the appropriate law enforcement agency shall be notified. (4-5-00)

281. RESIDENT PAT DOWN SEARCHES.

01. Necessity. Pat down searches of residents may be conducted whenever the facility feels it is necessary to discourage the introduction of contraband into the facility, or to promote the safety of staff and other residents. A pat down search may be used when a juvenile is returning from a visit or outside appointment or activity when there is reason to believe contraband is on his person. (4-5-00)

02. Pat Down Searches. Pat down searches are conducted as follows: (4-5-00)

- a.** The search shall be conducted by staff trained in proper search techniques; (4-5-00)
- b.** The search shall be conducted by a staff member of the same sex as the juvenile being searched, and shall be in the presence of another staff member; (4-5-00)
- c.** The juvenile is told he is about to be searched; (4-5-00)
- d.** The juvenile should remove all outer clothing (gloves, coat, hat and shoes) and empty all pockets; (4-5-00)
- e.** The staff person shall then pat the outer clothing of the juvenile using only enough contact to conduct an appropriate search; (4-5-00)
- f.** If the staff member finds a bulge, odd shaped lump, etc., the juvenile shall be asked to identify the item and appropriate steps should be taken to remove the item for inspection; and (4-5-00)
- g.** If the resident refuses to comply, the facility Director will be notified immediately. (4-5-00)

03. Documentation. All pat down searches shall be documented in the facility log. A written report shall be completed when contraband is found and reported to the District Juvenile Services Coordinator. If necessary, the appropriate law enforcement agency shall be notified. (4-5-00)

282. RESIDENT STRIP SEARCHES.

01. Resident Strip Searches. Strip searches may be performed by facility staff, only after a pat down search, whenever there is reasonable suspicion to believe that weapons or contraband may be found through additional searches. Strip searches shall be authorized by the facility Director or his designee. The following are steps to conduct a strip search: (4-5-00)

- a.** A strip search shall be conducted by two (2) staff members of the same sex as the juvenile who is

being searched; (4-5-00)

- b.** A strip search shall be performed in an area that ensures the privacy and dignity of the juvenile; (4-5-00)
- c.** Have the juvenile remove all clothing and move away from the articles; (4-5-00)
- d.** DO NOT TOUCH the juvenile; (4-5-00)
- e.** Have the juvenile run his hands through his hair; (4-5-00)
- f.** Search clothing carefully and return it to the juvenile; and (4-5-00)
- g.** Body cavity searches are not to be conducted by facility staff. (4-5-00)

02. Documentation. All strip searches are to be documented in writing and, if contraband is found a written report shall be completed and given to the District Juvenile Services Coordinator. If necessary, the appropriate law enforcement agency will be notified. (4-5-00)

283. VISITOR SEARCHES.

01. Visitor Rules. Prior to a visitor being allowed in the facility they shall be given rules established by the facility that govern their visit and advised that they may be subject to a search. They shall sign a statement of receipt of these rules and it shall be placed in the facility's file. Visitors may be required to submit packages, handbags and briefcases for inspection by trained staff. If there is reason to believe that additional searches are necessary, admission to the facility shall be denied. (4-5-00)

02. Facility Log. All visitor searches shall be documented in the facility log. When contraband is found a written report shall be completed and given to the District Juvenile Services Coordinator. If necessary, the appropriate law enforcement agency will be notified. (4-5-00)

284. STAFF SEARCHES.

01. Staff Rules. All staff members shall receive rules that govern what is considered contraband in the facility. They will sign a statement saying they have read the rules and it will be placed in their personnel file. The facility Director may authorize a search of a staff person's belongings and/or a pat down search to follow guidelines previously established. Refusal to comply with the search, or possession of contraband, if contraband is found, shall be handled by the facility Director in accordance with the facility's rules and regulations that govern employees. (4-5-00)

02. Documentation. All staff searches shall be documented in writing and will be reported to the District Juvenile Services Coordinator. If necessary, the appropriate law enforcement agency shall be notified. (4-5-00)

285. CONTRABAND DISPOSAL.

All contraband found in the possession of residents, visitors or staff shall be confiscated by staff and secured under lock and key in an area inaccessible to residents. Local law enforcement shall be notified in the event illegal drugs, paraphernalia, or weapons are found. It shall be the responsibility of the facility Director, in consultation with the Department, to dispose of all contraband not confiscated by police. Visitors who bring in items that are unauthorized but not illegal will have these items taken and locked in an area inaccessible to the residents during the visit. The visitor will get these items back upon their exit from the facility. Disposal and reporting of all contraband shall be in accordance with Department Rule. (4-5-00)

286. DRUG SCREENS.

Drug screens may be done randomly or on an as needed basis at the contractor's expense with the approval of the facility Director. A record shall be kept of all drug screens and their results. A positive drug screen shall immediately be reported to the District Juvenile Services Coordinator supervising the case. (4-5-00)

287. USE OF FORCE.

- 01. Minimal Use.** Only the minimal use of force required to control destructive behavior shall be used. (4-5-00)
- 02. Physical Force.** Physical force shall never be used as punishment. (4-5-00)
- 03. Documentation.** All use of force shall be documented in writing, dated, and signed by staff reporting the incident. The documentation shall be submitted to the facility Director with a copy to remain on file for review by the Department. (4-5-00)
- 04. Inappropriate Force.** Section 16-1619, Idaho Code, mandates that all instances of suspected use of inappropriate force by staff shall be reported to the Department of Health and Welfare, and/or law enforcement within twenty-four (24) hours of the incident. Use of inappropriate force shall be reported immediately as an unusual occurrence to the Department. (4-5-00)

288. PASSIVE PHYSICAL RESTRAINT.

- 01. Resident Control.** Passive physical restraint constitutes a use of force but may be used to control a resident whose behavior may cause injury to staff, another resident, or himself. In certain instances, passive physical restraint may be used to prevent a juvenile from escaping from custody and to prevent damage to property. (4-5-00)
- 02. Policies.** In these instances, personnel may be required to justify their use of force before a state regulatory agency or a court of law. The facility shall have written policies regulating the use of any form of restraint, and all staff who would be in a position to use physical restraints shall have received training in non-violent crisis intervention and/or techniques of passive restraint. (4-5-00)
- 03. Prior Approval.** A program shall not use any form of physical, mechanical, or chemical restraint other than passive physical restraint without prior written approval of the Department. (4-5-00)

289. ROOM RESTRICTIONS.

The facility shall have written policies and procedures regulating the use of the juvenile's room for "room restriction". The policy shall ensure that there are procedures for recording each incident involving the use of restriction. The reason for the room restriction is explained to the resident and he has an opportunity to explain the behavior. Other less restrictive measures have been applied prior to the restrictions. Residents in room restriction shall have access to the bathroom. Staff shall check on a resident in room restriction a minimum of once every fifteen (15) minutes. Room restriction may only be used in an unlocked area. Room restriction shall not exceed a total of eight (8) hours.(4-5-00)

290. BATTERY ON STAFF.

All instances of battery committed on staff shall be documented and, whenever appropriate, charges will be filed with appropriate authorities. Each such incident shall be reported to the Department. (4-5-00)

291. SUICIDE PRECAUTIONS.

All contractors must have a plan for responding to juveniles who present a risk of suicide. The procedure shall, at a minimum, include a process for determination or assessment of suicidal behavior and risk, a procedure for contacting appropriate health authorities and the Department, and a plan of direct supervision of a juvenile until a suicide crisis has ended. (4-5-00)

292. JUVENILES' RIGHTS AND RESPONSIBILITIES.

It is the responsibility of the facility (with assistance from the Department when needed) to explain to each juvenile in placement what their rights are and what has been forfeited as a result of being placed in custody. Each juvenile should be advised specifically of his rights and responsibilities outlined in Appendix A. A signed copy should be filed in the juvenile's case record. (4-5-00)

293. LETTERS.

01. Restrictions. Juveniles shall be allowed to send and receive letters from all persons, including persons in other programs or institutions, unless specifically prohibited by the Department. All restrictions of mail shall be documented in the juvenile's Individual Treatment Plan. There shall be no general restrictions on the number of letters written, the length of any letter, or the language in which a letter may be written. (4-5-00)

02. Inspection Of Outgoing Letters. (4-5-00)

a. Outgoing letters are to be posted unsealed and inspected for contraband. (4-5-00)

b. EXCEPTION: Outgoing "privileged" mail may be posted sealed and may not be opened, except with a search warrant, as long as it can be confirmed to be to an identifiable source. For purposes of this regulation "an identifiable source" means that the official or legal capacity of the addressee is listed on the envelope and that the name, official or legal capacity, and address of the addressee has been verified. Possible identifiable sources are the following: (4-5-00)

i. Court(s); and (4-5-00)

ii. Attorney(s); and (4-5-00)

iii. District Juvenile Services Coordinator, and/or Director of the Department of Juvenile Corrections; and (4-5-00)

iv. Other state and federal departments, agencies and their officials; and (4-5-00)

v. Members of the press. (4-5-00)

c. Upon the determination that the mail is not identifiable as privileged mail, said mail shall be opened and inspected for contraband. (4-5-00)

03. Inspection Of Incoming Letters. Letters from the following identifiable sources must be opened by the juvenile to whom it is addressed and may be inspected for contraband only in the resident's presence: (4-5-00)

a. Court(s); and (4-5-00)

b. Department officials and probation and parole officials; and (4-5-00)

c. Prosecuting attorney(s); and (4-5-00)

d. Other attorney(s); and (4-5-00)

e. Members of the press; and (4-5-00)

f. State and federal agencies and officials. (4-5-00)

04. Reading Of Letters. Routine reading of letters by staff is prohibited. Contractor may determine that reading of a juvenile's mail is necessary to maintain security, order or program integrity, but such reading of mail must be documented and a copy of this documentation shall be kept for review by the District Juvenile Services Coordinator. (4-5-00)

294. STATIONERY AND STAMPS.

Indigent juveniles will be provided with sufficient stationery, envelopes and postage for all legal and official correspondence and for at least two (2) personal letters each week. (4-5-00)

295. PACKAGES.

All packages shall be inspected for the purpose of discovering contraband. (4-5-00)

296. PUBLICATIONS.

Books, magazines, newspapers and printed matter which may be legally sent to juveniles through the postal system shall be approved, unless deemed to constitute a threat to the security or integrity of the programs. (4-5-00)

297. WITHHOLDING OF CORRESPONDENCE.

If it is determined that any letters or publications passed through the mail illegally or that its presence within the program would present a threat to the security or integrity of the facility, it may be withheld. This decision is made by the facility Director. The decision and reasons for withholding correspondence shall be discussed with the juvenile and documented in the juvenile's case file. The juvenile has the right to appeal this decision to the District Juvenile Services Coordinator. (4-5-00)

298. RESTRICTIONS ON CORRESPONDENCE.

All juveniles, regardless of status, shall be allowed to receive approved correspondence. However, a juvenile may have the privilege of originating correspondence limited to communications with the court(s), parent/guardian, the Department, and legal counsel while on restriction if deemed to be in the juvenile's best interest by the facility Director. The juvenile has the right to appeal this decision to the District Juvenile Services Coordinator. (4-5-00)

299. COLLECTION AND DISTRIBUTION OF MAIL.

The collection and distribution of mail is never to be delegated to a juvenile. Neither is the mail to be dropped on a table or other convenient location for each juvenile to come and look for his own. Mail shall be delivered promptly to the juvenile to whom it is addressed. (4-5-00)

300. VISITATION.

The contractor shall develop written rules governing visiting at the facility and shall provide a copy to each juvenile, his parent or guardian, and the District Juvenile Services Coordinator. In all cases, the contractor will screen potential visitors and approve or disapprove their visiting of the juvenile in accordance with the facility's criteria. The juvenile's probation officer should, if possible, be consulted in this process. (4-5-00)

301. PERSONAL SAFETY.

01. Responsibility. Every juvenile has the fundamental right to feel safe. Contractors have the responsibility to ensure that juveniles are safe while in their care. Every juvenile shall be informed of procedures whereby a professional staff person can be contacted on a twenty-four (24) hour basis if the juvenile does not feel safe. (4-5-00)

02. Periodic Contacts. The facility Director should make periodic contact with juveniles in the program to determine if they feel safe and are comfortable when interacting with peers and staff. (4-5-00)

302. SMOKING/SALE OF CIGARETTES.

01. Sale/Purchase. Idaho law prohibits the sale of cigarettes to persons under eighteen (18) years of age. It also prohibits minors from purchasing tobacco products. The Department cannot approve any practices that are prohibited by law. (4-5-00)

02. Written Policies. Every facility/program shall establish written policies and procedures banning the use of cigarettes and other tobacco products by juveniles at the facility. Recognizing that many juveniles may need help to stop smoking, the provider shall assist the juvenile in obtaining additional services to address this problem. (4-5-00)

303. GRIEVANCE PROCEDURES.

01. Written Procedures. Each program shall have a written grievance procedure for juveniles (which includes the right to appeal disciplinary actions against them if a separate disciplinary grievance procedure is not available to them). It shall be written in a clear and simple manner and shall allow juveniles to make complaints without fear of retaliation. (4-5-00)

02. Grievance Forms. The grievance procedure shall be explained to the juvenile by a staff member

who shall enter a note into the juvenile's file confirming the explanation. Grievance forms shall be in a location accessible to juveniles without having to request such a form from staff. Completed forms should be placed in a secure area until collected and not accessible to staff or other residents. A copy of the grievance shall be provided, as soon as possible to the District Juvenile Services Coordinator. (4-5-00)

304. RESEARCH.

01. Written Policies. Residential and non-residential alternative programs shall have written policies regarding the participation of youth in research projects. Policy shall prohibit participation in medical or pharmaceutical testing for experimental or research purposes. (4-5-00)

02. Voluntary Participation. Policy shall govern voluntary participation in non-medical and non-pharmaceutical research programs. (4-5-00)

305. PROVISION OF MEDICAL SERVICES.

01. Medical Consent. Each juvenile shall be provided with routine and emergency medical, dental, and/or mental health services while in the contractor's care. As part of the admission process, the contractor shall secure a medical consent authorization form signed by a juvenile's parent, guardian, or committing authority. The consent form shall be filed in the juvenile's case record at the facility. (4-5-00)

02. Emergency Medical Treatment. In cases of non-routine or emergency medical treatment requiring signed authorization for juveniles in the custody of the Department, reasonable efforts must be made to obtain the consent of the parent or guardian. Should the parent or guardian not be available or refuse to sign, the authorization shall be signed by the Placement Manager or his designee. This does not restrict the contractor taking the action needed to ensure the health of the juvenile. (4-5-00)

03. Medical Service Agreements. Each contractor shall have an agreement with a licensed general hospital, clinic or physician, and dentist to provide juveniles with routine and emergency services on a twenty-four (24) hour basis. Emergency medical care shall be provided in a public hospital or in a facility which accepts Medicaid reimbursement. (4-5-00)

04. Reimbursement Sources. The contractor shall be responsible for assuring that private insurance and/or Medicaid, or any other benefits are accessed, if available, for funding medical, dental and/or mental health services and pharmaceutical products for any juvenile. (4-5-00)

306. ACCESS TO EMERGENCY SERVICES.

The contractor shall have a written plan for providing access to twenty-four (24) hour emergency medical and dental care. It shall define the circumstances which constitute a medical emergency and shall include instructions to staff regarding their conduct once the existence of a medical emergency is suspected or has been established. The plan shall include arrangements for transportation, use of hospital emergency rooms or other appropriate health facilities, and emergency on-call physician and dental services when a health facility is not readily accessible in a nearby community. (4-5-00)

307. TRAINING.

01. Health-Related Emergencies. Juvenile care workers and other staff shall be trained to respond to health-related emergencies. At all times at least one (1) staff member on duty must be qualified to administer first aid and cardiopulmonary resuscitation (CPR). All staff who may be alone with juveniles on any shift shall obtain and maintain certification for both first aid and CPR before being allowed on a shift alone. (4-5-00)

02. Minimum Training. Training shall include, at a minimum, the following: (4-5-00)

a. Recognition of signs and symptoms of physical illness and knowledge of action required in emergency situations; (4-5-00)

b. Signs and symptoms of mental illness, suicide risk, retardation, chemical use and/or dependency;

- (4-5-00)
- c. Methods of obtaining assistance, including emergency medical back-up plans; and (4-5-00)
- d. Procedures for transferring juveniles to appropriate medical facilities or health care providers. (4-5-00)

308. ROUTINE MEDICAL/DENTAL TREATMENT.

- 01. Prior Approval.** No prior approval or review is required for routine medical and/or dental services. (4-5-00)
- 02. Routine Services.** Examples of routine medical/dental services for which no prior approval or review is required, are: (4-5-00)
 - a. Admission physical exams, including STD exams and treatment, as well as PAP smears. (4-5-00)
 - b. Admission dental exams, including x-rays (no Panorex), and cleanings. (4-5-00)
 - c. Admission eye exams and glasses, if needed. (4-5-00)
 - d. Annual physical exams, including STD exams and treatment, PAP smears. (4-5-00)
 - e. Annual dental exams with x-rays (no Panorex), and cleanings. (4-5-00)
 - f. Annual eye exams, if needed. (4-5-00)
 - g. URI - upper respiratory infections with doctor visit and routine course of antibiotics. (4-5-00)
 - h. UTI - urinary tract infections with doctor visit and routine course of antibiotics. (4-5-00)
 - i. Routine medication checks - with no change in medication regime. (4-5-00)
 - j. Acne - doctor visit with over the counter medication prescribed. (4-5-00)

309. MEDICAL HISTORY AND RELATED TREATMENT.

- 01. Admission To Program.** Medical information shall be obtained immediately upon a juvenile's admission to the program by a person trained by a recognized health authority. The health screening evaluation report shall be filed in the juvenile's facility file. The evaluation shall include the following information: (4-5-00)
 - a. Whether the juvenile is presently on medication; (4-5-00)
 - b. Whether the juvenile has a current medical or dental complaint; (4-5-00)
 - c. Medical and dental conditions for which the juvenile has received treatment in the past; (4-5-00)
 - d. The juvenile's general appearance and behavior; (4-5-00)
 - e. Physical deformities; and (4-5-00)
 - f. Evidence of abuse and/or trauma. (4-5-00)
- 02. Identified Medical Needs.** Identified medical, dental and/or mental health needs shall be addressed through referral to an appropriate health care service as approved in writing by the Juvenile Management Center. (4-5-00)

310. PHYSICAL AND DENTAL EXAMINATIONS.

A physical examination shall be done on a juvenile within thirty (30) days of admission to the facility. A dental examination shall be done on a juvenile within sixty (60) days of admission to the facility. Additionally, a routine medical and dental examination shall be provided to each juvenile annually between the date of admission and the date of discharge from the facility. (4-5-00)

311. FIRST AID KITS.

01. Accessibility. First aid kits shall be kept locked and shall be placed in an area of the facility readily accessible to facility workers. Each kit shall include, at a minimum, the following: (4-5-00)

- a. Latex gloves; (4-5-00)
- b. Rolled gauze; (4-5-00)
- c. Sponges; (4-5-00)
- d. A triangle bandage; (4-5-00)
- e. Band-aids; (4-5-00)
- f. Instruction pamphlets for first aid; (4-5-00)
- g. Salves and other over-the-counter medication approved by a recognized health authority; (4-5-00)
- h. Antiseptic lotion; (4-5-00)
- i. Note paper and pencil; (4-5-00)
- j. Blunt end scissors, safety pins, and tweezers; (4-5-00)
- k. Ammonia inhalant; and (4-5-00)
- l. CPR mask or barrier. (4-5-00)

02. Contents. The contents, location and use of first aid kits shall be reviewed annually with all staff. The content of the kits shall be inventoried monthly. (4-5-00)

312. NON-ROUTINE MEDICAL/DENTAL TREATMENT.

Where it has been determined by a duly qualified and licensed physician that non-routine medical or dental care is required, reasonable effort will be made by the contractor to obtain approval of the juvenile's parent or guardian. The matter shall be submitted to JMC's lead R.N. or designee for review and direction. Prior written approval must be obtained from the Placement Manager or designee before proceeding with non-routine medical or dental treatment. Any non-routine medical or dental treatment, other than emergency treatment, which was not approved in advance will be at the expense of the contractor. (4-5-00)

313. NOTIFICATION OF SERIOUS ILLNESS, SEVERE BODILY INJURY OR SEVERE PSYCHIATRIC EPISODE.

The contractor shall immediately report the incident of severe bodily injury, incidents of serious illness and severe psychiatric episodes to the juvenile's parents, JMC and the District Juvenile Services Coordinator. (4-5-00)

314. COMMUNICABLE DISEASES.

01. Policies. The health authority, i.e., the physician health administrator of an agency responsible for the provision of health care services to the contractor, shall establish policies and procedures for serving juveniles with infectious diseases such as tuberculosis, hepatitis-B, and AIDS. These policies and procedures should address the management of communicable diseases and provide an orientation for new staff and juveniles concerning the

diseases and ongoing education for staff and juveniles regarding these diseases. Counseling should be provided for those who have been diagnosed as being HIV positive. Policies and procedures should be updated as new information becomes available. (4-5-00)

02. Testing. In accordance with law, a juvenile may request that he be tested for the presence of HIV. Any juvenile requesting to be tested should be taken to a public health facility or, if available, a facility which accepts Medicaid reimbursement for administration of the test. (4-5-00)

03. Examinations. Examinations shall be performed on juveniles by proper medical authorities for all symptomatic cases of communicable diseases such as tuberculosis, ova and parasites, infectious hepatitis, and venereal disease. Juveniles will be tested and, if indicated, treated. (4-5-00)

04. Medical Information. Staff shall be provided information about a juvenile's medical condition only when that knowledge is necessary for the performance of their job duties. The health authority shall determine policies regarding any necessary labeling of files for staff protection, protection of other juveniles, or proper treatment for the juvenile. (4-5-00)

05. Confidentiality. Confidentiality shall be maintained. (4-5-00)

315. PREGNANCY.

01. Individual Treatment Plan. An Individual Treatment Plan goal and objectives will be developed when a pregnancy has been diagnosed. The plan shall be based on the orders of the juvenile's community obstetric physician and shall include special care, regular medical check-ups, and special dietary and recreational needs. (4-5-00)

02. Parenting Classes. Parenting classes shall be an integral part of the Individual Treatment Plan for all pregnant females in care. This service should also be offered as a priority to young men in care who are already fathers or whose spouse/girlfriend is expecting a child. (4-5-00)

03. Medicaid Reimbursement. Medical services relating to pregnancy shall be provided by a physician/hospital accepting Medicaid reimbursement, unless medical expenses are paid by the juvenile's family. (4-5-00)

04. Infant Care. When an infant is delivered and the mother requires continued residential care, the infant shall be placed with an appropriate family member or in the temporary care of the Department of Health and Welfare FACS Division. (4-5-00)

316. REFUSAL OF TREATMENT - JUVENILES OVER EIGHTEEN YEARS OF AGE.

If a juvenile over eighteen (18) years of age chooses to refuse necessary treatment or medication, as recommended by a physician, the juvenile shall sign a statement refusing to submit to treatment. A staff member shall witness the juvenile's signature. This form shall be filed in juvenile's case record. The contractor shall notify the District Juvenile Services Coordinator immediately whenever a juvenile refuses treatment. (4-5-00)

317. REFUSAL OF TREATMENT - JUVENILES UNDER EIGHTEEN YEARS OF AGE.

When a juvenile is under eighteen (18) years of age and refuses treatment and/or medication for a condition which poses a significant risk of death or permanent physical impairment, the contractor shall issue its approval for the immediate administration of the medical procedure or medication in accordance with standard practice. (4-5-00)

318. USE OF PHARMACEUTICAL PRODUCTS.

A program shall have written policies and procedures governing the use and administration of medication to juveniles. Policies should conform to all applicable laws and regulations including, but not limited to those of the Department of Health and Welfare. If initiating any medication scheme, or modifying a scheme once developed JMC's lead R.N. must be notified. (4-5-00)

01. Prescription Medications - Non-Psychotropic. The contractor shall notify JMC's lead R.N., the youth's parent(s) (to the extent possible) within three (3) working days when a non-psychotropic prescription

medication is given to a youth. The notice shall include the name of the medication being given, the dosage, frequency, and duration the medication will be given, and the reason the medication was prescribed. (4-5-00)

02. Psychotropic Medication - Intent To Administer Medication. The contractor shall notify JMC's lead R.N., the youth's parent(s) and the probation officer within three (3) working days of the intent to administer psychotropic medication, and allow the parent(s) five (5) days to respond. The notice of intent to administer psychotropic medication shall include: (4-5-00)

- a. The name of the medication that has been recommended for prescription; (4-5-00)
- b. Notification to the parent(s) that they have five (5) days from the date of mailing to consent or refuse to consent to the administration of the medication; (4-5-00)
- c. A place for the parent(s) to sign if they consent; (4-5-00)
- d. A place for the parent(s) to indicate if they are refusing consent; (4-5-00)
- e. Notification to the parent(s) that if a response is not received within five (5) days of the date of mailing of the notice, it will be interpreted as though written consent were received; and (4-5-00)
- f. The name and phone number of the doctor, or his designee, who can explain the reason the medication is recommended for prescription and any possible side effects. (4-5-00)

03. Reason For Administering Medication. The contractor shall have staff available to explain to parents and the Department's Juvenile Services Coordinator the reason for making a referral to a physician who has prescribed psychotropic medication. The contractor shall assure that any physician prescribing psychotropic medication is willing to discuss with parents and Department staff the reason the psychotropic medication was prescribed and the potential side effects of the medication. (4-5-00)

04. Parental Consent. The contractor shall not administer any psychotropic medication without the consent of the youth's parent and the Department's Placement Manager or designee. If the parent refuses to consent and the contractor believes that the medication is imperative to the youth's services, the contractor may request that a staffing be scheduled by the probation officer to determine if alternative consent authority is desirable. Written approval must be obtained from the Placement Manager or designee prior to proceeding with the administration of psychotropic medication. (4-5-00)

319. NOTIFICATION OF DEATH OF A JUVENILE WHO IS IN THE CUSTODY OF THE DEPARTMENT.

01. Notification. In the event of the death of a juvenile who is in the Department's custody, the contractor shall immediately notify the juvenile's parent or guardian, the Juvenile Management Center and the local coroner. (4-5-00)

02. Law Enforcement Contact. In the event of sudden death, or if death occurs as a result of a crime or accident, the appropriate law enforcement agency shall be contacted immediately by the program. (4-5-00)

03. Burial Expenses. Certain burial expenses for indigent families may be paid by the Department. (4-5-00)

320. MONITORING OF CONTRACT PROGRAMS.

01. Performance Review. All contracts which provide a continuing service to the Department shall have a comprehensive performance review at least once in a twelve (12) month period. This review shall include, but not be limited to, applicable performance standards, operating procedures, reporting requirements, general maintenance and upkeep of the physical plant, staffing patterns, qualifications, and training requirements. All standards by which performance and compliance are to be judged shall be contained or referenced by the contractual agreement. In addition to annual monitoring, more frequent visits may be made to each program to monitor

compliance with the contract and ensure that progress is being made on corrective action plans. (4-5-00)

02. Department File. A facility file shall be maintained in the Department's District Office for each contract program within the district. (4-5-00)

03. Compliance Monitor. All private providers who contract with the Department of Juvenile Corrections to serve juveniles will be monitored for contract compliance. Contract monitoring of Department providers will include: (4-5-00)

a. Routine review of operations and practices for compliance with contract terms and the Department's Standard Operating Procedures; (4-5-00)

b. Investigation and resolution of incidents and concerns regarding matters of safety, security and sound treatment practice; and (4-5-00)

c. Compilation of an annual evaluation of provider performance. (4-5-00)

04. Provider Performance. A Quality Assurance Team, appointed by the Department Director, will be primarily responsible for contract monitoring. Members of this team will visit providers at least annually and will be responsible for completing an annual report on provider performance based upon information gathered from completing the Department's Contract Monitoring Outline. Additionally, information will be gathered from other Department staff who work with the provider and from community representatives who have knowledge of the program's operation. (4-5-00)

05. Written Report. Every site visit by a member of the Quality Assurance Team will result in a written report with a copy forwarded to the provider. Corrective action agreed upon with the provider is to be noted in the report. Providers may contest any finding or recommended corrective action to the Quality Assurance Team leader or to the Department Director. (4-5-00)

06. Liaison Assistance. The seven (7) Department District Liaisons provide assistance in contract monitoring by visiting contract programs in their respective districts on a monthly basis, and provide contract programs with a Department liaison as they do for the community at large. District Liaisons can also be helpful to providers because of their knowledge of other programs and resources within the district. (4-5-00)

07. Liaison Review. Although not charged with the responsibility for routinely completing a contract monitoring report, the District Liaison may periodically review a specific area of contract compliance, particularly if there has been indication of a problem or concern in the area. A record of all such contacts will be maintained in a contract file in the Department's District Office and will be shared with the Quality Assurance Team. (4-5-00)

08. Notification Of Problem. If a problem is identified in the course of a contract monitoring visit, the provider will be notified as soon as possible. Ideally, this will take place in an exit interview before the respective Department staff leaves the facility/program. Plans for corrective action resulting from an exit interview must be documented in a contract file in the District Office and shared in writing with the Quality Assurance Team. In these cases, the Quality Assurance Team will confirm plans for corrective action in writing with the provider. (4-5-00)

321. FINANCIAL MONITORING.

The Contract Manager is responsible for monitoring the payments made on contracts to prevent overpayment of the contract. (4-5-00)

322. INDEPENDENT REVIEWS BY DEPARTMENT STAFF.

The Department may, as the situation warrants, conduct independent reviews of programs and program operations. The program shall cooperate as with any other type of review or monitoring. (4-5-00)

323. EVALUATION OF PERFORMANCE.

Contractors shall submit an annual written report which shall be due within sixty (60) days after the end of each contract year. The annual report shall reflect the efficiency and effectiveness of services for juveniles served during the program and one (1) year thereafter. Should the Department develop the capacity to collect this data

electronically, the Contractor may be required to participate in this process. The performance areas to be addressed in the report should include, but not be limited to the following: (4-5-00)

- 01. Re-Contact.** Program participants' rate of re-contact with the Juvenile or Criminal Justice System. (4-5-00)
 - 02. Compliance.** Compliance to Referral Policies and/or rejection rate of referrals. (4-5-00)
 - 03. Length Of Stay.** Length of stay. (4-5-00)
 - 04. Treatment Plan Objectives.** Average percentage of treatment plan objectives that are successfully completed at discharge. (4-5-00)
 - 05. Successful Transition.** Number of juveniles successfully making the transition back to regular community schools and/or employment. (4-5-00)
 - 06. Grade Placement.** The program's impact on school grade placement when re-enrollment occurs. (4-5-00)
 - 07. GED/High School Equivalency.** The number of juveniles attaining GEDs or High School Equivalency while enrolled in the program. (4-5-00)
 - 08. Referrals.** The number of juveniles who were referred to, and have participated in, higher education, vocational training, and other community based programs. (4-5-00)
 - 09. Cost Efficiency.** The steps taken to maximize cost efficiency and efficiencies realized. (4-5-00)
 - 10. Escape Rates.** The rate of escapes from the program and return of escaped juveniles to the program. (4-5-00)
 - 11. Restitution.** The rates or amounts of restitution and community service provided by residents. (4-5-00)
 - 12. Victim Restoration.** The efforts made to facilitate victim restoration and successful rates of victim restoration/mediation. (4-5-00)
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