

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 1—Organization and Description

PROPOSED AMENDMENT

13 CSR 110-1.010 General Organization. The division is amending the Purpose and section (1).

PURPOSE: This amendment updates the rule by making changes in terminology relating to the general organization of the Division of Youth Services.

PURPOSE: The purpose of this regulation is to comply with section 536.023, RSMo [1986] Supp. 1999 which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.

(1) The Division of Youth Services is a division of the Department of Social Services.

(A) The division is responsible for the development and administration of an effective state-wide comprehensive program of youth services. This includes, but is not limited to:

1. Providing for the reception, classification, care, activities, education and rehabilitation of all *[children] youth* committed to the division;

2. Administering the interstate compact on juveniles;

3. Collecting statistics and information relating to the nature, extent and causes of, and conditions contributing to, the delinquency of *[children] youth*;

4. Evaluating existence and effectiveness of delinquency prevention and rehabilitation programs;

5. Preparing a master plan for the development of a state-wide comprehensive system of delinquency prevention, control and rehabilitation services;

6. Providing from funds specifically appropriated by the legislature for this purpose, financial subsidies to local units of government for the development of community-based treatment services;

7. Developing written instructional, informational and standard-setting materials relating to state and local delinquency prevention, control and rehabilitation programs, as provided for in these rules;

8. Cooperating with and assisting other public and voluntary agencies and organizations in the development and coordination of such programs; and

9. Upon request, assisting local units of government in the development of community-based treatment services and *[provide] providing* technical assistance and consultation to law enforcement officials, juvenile courts and other community child care agencies.

AUTHORITY: sections 210.570, 210.610, 219.036.7, 219.041.2 and 219.051, RSMo [1986] 1994, 219.016.6, 219.021.2 and 219.021.8, RSMo Supp. 1999. Original rule filed Aug. 13, 1976, effective Dec. 15, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.010 Regional Classification Services. The division is amending the Purpose, (1)–(3) and deleting section (4).

PURPOSE: This amendment updates the rule by making terminology changes in sections (1), (2), and (3), and deletes section (4).

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

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

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

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

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

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

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

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

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED RESCISSION

13 CSR 110-2.020 Classification and Assignment from Reception Centers. This rule established guidelines for the classification and assignment of youth from reception centers.

PURPOSE: This rule is proposed for rescission because it no longer reflects current procedures followed for the classification and assignment of youth from reception centers.

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

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.030 Special or Unique Service Needs. The division is amending the Purpose and section (1)–(9).

PURPOSE: The purpose of this proposed amendment is to update the guidelines and procedures for caring for the special needs of youth by amending sections (1) and (2), deleting sections (3) and (4), amending section (5) and renumbering it as section (3), amending section (6) and renumbering it as section (4), deleting sections (7) and (8), and amending section (9) and renumbering it as section (5).

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

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

(2) [When it is apparent that the Division of Youth Services cannot furnish special services needed for a particular youngster, the regional administrator should attempt to

gain those services by going back through the court and obtain a changed order of commitment under section 219.081, RSMo (1986). If this is not possible and arrangements cannot be made to see that the child receives the necessary services almost immediately, the youngster should be assigned to the appropriate institutional reception unit. The regional administrator shall immediately notify the reception unit director in writing of the special problem of the youngster involved.] When the division finds that a youth committed to its custody is in need of care or treatment other than that which the division is equipped to provide, the division may apply to the court which committed such youth requesting an order relieving the division of custody. If a change of custody is not ordered by the court, the division shall ensure the youth is provided special services within the division's capability.

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

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

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

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

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

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

[(9)] (5) The [regional administrators and the reception unit directors] service coordinator's supervisor shall [constantly] keep the [special services administrator] regional administrator apprised of status changes of [youngsters] youth and any problems they may encounter.

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.040 Classification Criteria for Placement into Division of Youth Services (DYS) Programs. The division is amending sections (1)–(4).

PURPOSE: The purpose of this proposed amendment is to amend sections (1), (2), (3) and (4) to update the criteria for classifying youth for placement in DYS facilities.

(1) *A[n adequate physical]* **medical**, psychological and *[sociological profile should]* **social history** shall be developed for each youth by the *[classifier]* **service coordinator**. Areas to be considered in *[this profile]* **developing** this **history** are listed as follows:

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

(B) **Psychological [Assessment] History**. *[Areas that should be profiled through formal and informal testing are listed as follows]* **If a youth's psychological history reveals the need for additional assessment, the following areas may be evaluated through formal or informal testing:**

1. Intellectual functioning;
2. Educational achievement;
- [3. General personality assessment;]*
- [4.]* 3. Screening for organic impairment;
- [5.]* 4. Drug abuse screening; and

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

(C) *[Sociological Assessment]* **Social History**.

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

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

(2) After developing an adequate individual *[profile]* **history**, the *[classifier]* **service coordinator** should determine services most appropriate as itemized in the following DYS continuum (available services listed in parentheses):

(A) *[Category I.]* **Community Based**. Services to maintain the youth in his/her own home or *[the home of a family-con-*

nected person] **community** (placement directly into aftercare/**community care**, *[supervision, special services, contractual purchase of services]* **foster care**, or **special services**);

(B) *[Category II.]* **Community-Based Residential**. When *[category I is not helpful to the youth,]* **community-based services do not meet the needs of the youth, community-based residential services are provided in group homes, community treatment centers, and park camps; and** services provided to maintain the youth in a foster family or non-DYS group home setting (foster home services, aftercare supervision, special services, contractual purchase of services); **and**

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

[(D)] (C) *[Category IV. Where community maintenance is not helpful to the youth, services are provided to the youth in an appropriate institutional center; and]* **Moderate/Secure Residential Treatment**. When **community-based or community based residential services do not meet the needs of the youth or the community, services are provided to the youth in an appropriate residential treatment facility.**

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

(3) To be eligible for community *[placement in categories I, II or III]* **based services as provided in subsections (2)(A) and (B) of this rule**, the youth must meet the following *[criteria]* **guidelines:**

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

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

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

(B) Direct intervention through institutional treatment would *[preclude the likelihood of damaging community treatment failures.]* **would increase the likelihood of successful community placement; and**

(C) **General community safety issues have been considered.**

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.050 Transfers from One DYS Residential Facility to Another DYS Facility. The division is amending the Purpose and sections (1)–(5).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) through (5) to update the procedures regarding transfer of youth from one DYS facility to another.

PURPOSE: The purpose of this rule is to protect the rights and ensure the appropriate treatment of [juveniles] youth moved from one Division of Youth Services (DYS) facility to another. The procedure is to be used if a [youngster] youth has been inappropriately classified into a facility or if the facility is not meeting [his/her] the youth's needs. Residential care services are those services which provide twenty-four (24)-hour living accommodations and are operated by division employees. These facilities include group homes, park camps and institutions.

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

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

1. An opening exists in a similar placement that is closer to the youth's home community;
2. A placement in a different area would provide access to a program(s) and that would be of special benefit to the youth; and
3. There is evidence the youth has potential to benefit from the program offered in his/her current placement but either internal or external forces make it difficult for him/her to obtain maximum value from the placement.

(B) The youth, his/her parent or guardian *[a member of the treatment staff]* or site or service coordinator may request *[a lateral]* an administrative transfer in writing to the regional administrator and his/her designee. The *[facility manager or the superintendent having programmatic responsibility for the youth may initiate a lateral transfer and is authorized to complete the transfer. S/he]* regional administrator or his/her designee shall *[consider]* review the request and, if appropriate, shall authorize the transfer. In determining whether a transfer is appropriate the following information as relevant in reaching a conclusion shall be considered:

1. Reasons offered both in support of and in opposition to the transfer;
2. Evaluation of the progress of the youth in the current placement; and
3. Availability of space in other programs and approval of the receiving facility manager. If this *[move]* transfer is across regional lines, then the appropriate regional administrator, *[institutional superintendent or assistant director should]* or his/her designee shall be involved.

(C) The *[facility manager or superintendent making the decision]* regional administrator or his/her designee shall notify, in writing, the youth, *[the]* his/her parents or guardian *[of the decision to transfer or not to transfer (if requested by the youth, parent or guardian) and the reasons for reaching this decision]* and site or service coordinator of the decision as to whether the transfer is approved or disapproved and the rea-

son therefore. The decision shall be made within *[seven (7)]* two (2) working days of the request and a copy of the *[notice]* transfer shall be included in the youth's case record.

(2) A vertical transfer is a transfer from a community-based program to *[an institution]* any DYS residential program.

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

(B) *[All of t]*The following procedures must be followed in order to effect a vertical transfer:

1. The *[youth, the parents or guardian of the youth or the person who has physical custody of the youth may request a transfer pursuant to this rule;]* youth, parent or guardian, site or service coordinator may request a transfer;

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

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

4. The *[committee]* hearing officer shall set a date for a hearing on the question of transfer. *[In no event shall more than seven (7) days elapse between the time the request is received and the time the hearing is held;]* This hearing shall be held within seven (7) calendar days from the date the request is received;

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

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

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

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

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

(B) The director or his/her designee may authorize an interagency transfer. *[.]* if, *[A]*after a careful examination of the youth's needs, s/he determines that the transfer should be effected.

[Within five (5) days after the decision to transfer is made] After a decision for transfer is made, the youth, his/her parents or guardian, and the service coordinator will be notified of the decision and the reasons for the transfer. One (1) copy of the notice will be retained in the youth's case record.

[(4) An emergency transfer is the transfer of a youth from any division program, community-based or institutional, to either another division facility or a court-approved detention center for a short period of time, not to exceed ten (10) days.

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

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

[(5)] (4) Appeal of a Transfer Decision. When the decision is made to transfer the youth, the youth and the parents or guardian of the youth shall be notified of the right to petition the director for a hearing to review the decision in accordance with 219.051, RSMo [1986] 1994.

AUTHORITY: sections 219.021.4[.], RSMo Supp. 1999 and 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed May 30, 1979, effective Sept. 14, 1979. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.060 Furlough Policies and Procedures. The division is amending sections (1)–(5).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) through (5) to update the policies and procedures relating to the furlough of youth.

(1) Requests for furloughs [should be directed to the treatment team that works directly with the youth. The reason for and purpose of the furlough should be discussed. This should include consultation with the youth's aftercare youth counselor] require verbal and written approval by the service coordinator with written notification to required officials, parents or guardians, courts, and victim's rights respondents.

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

[(3)] (2) Upon approval of the request [by the immediate supervisor,] for furlough, the [treatment team should arrange transportation and notify the parents and aftercare youth counselor of the furlough and any other pertinent information] service coordinator or facility manager shall arrange for transportation.

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

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

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**Title 13—DEPARTMENT OF SOCIAL SERVICES
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Chapter 2—Classification Services and Residential
Care**

PROPOSED RESCISSION

13 CSR 110-2.070 Day Release Procedures. This rule established guidelines for day release programs.

PURPOSE: This rule is proposed for rescission because the procedures for day release are outdated and have been superseded.

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

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than \$500 in the aggregate.

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**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.080 Runaway [and Runaways Apprehended] and Absconding Youth. The division is amending sections (1) and (2).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) and (2) to update the procedures relating to youth who run away or abscond.

- (1) These procedures are to be followed in the case of runaways.
- (A) Immediately upon the discovery and verification that a youth has run away, **the premises shall be secured and an immediate search will be conducted.** [The local police shall be notified and given the information [they will need] necessary to help locate the youth.
- (B) [As a general rule, if the youth is not apprehended within a relatively short period of time (about four (4) hours), then the youth's parents and the aftercare youth counselor shall be notified.] **Upon apprehension or return to replacement the case will be reassessed and necessary treatment intervention made and documented.**
- (C) If the youth is not apprehended during the initial search period, then [an arrest warrant shall be sent to local police and to the police headquarters at the child's home community] **the need for a pickup and detention warrant will be ascertained.**
- (D) [Whether or not the youth is apprehended, a certain amount of reporting must be accomplished. As soon as practical a written report shall be forwarded to central office to the supervisor. A copy of this report shall also be sent to the aftercare youth counselor. In addition to this report, a letter shall be sent to the youth's parents notifying them of the run and circumstances under which the run occurred. This is to be done even if the parents were previously called.] **A critical incident report shall be prepared by the site supervisor or service coordinator. Upon apprehension, the pickup order/warrant will be canceled and notification given to appropriate local law enforcement, local juvenile officer, parent/guardian and service coordinator.**
- (E) If the youth is not apprehended or does not return within fourteen (14) days, the youth will be placed on the inactive roll by the Division of Data Processing until apprehension or appropriate discharge.
- (F) In the event the youth is not apprehended, has reached age seventeen (17), and has been on runaway status for six (6) consecutive months, the service coordinator shall recommend discharge.

(2) These procedures are to be followed when [runaways are apprehended. In most cases the steps to be followed are simply necessary to reverse the actions taken in section (1) of this rule] **a youth absconds from aftercare.**

(A) [If the parents, local police and aftercare worker have been notified of the runaway and the youth is apprehended by division personnel, these same individuals shall be informed that the youth is back in DYS custody.] **Upon notification that a youth has absconded, the service coordinator shall assess the immediate situation, consulting with parents or guardians and the service coordinator's supervisor to determine the necessary intervention. Upon completion of the assessment, if appropriate, a pickup order/warrant shall be issued.**

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

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

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

[(B)] (E) In those cases where written documents were forwarded to the various officials, these documents shall be rescinded with the written document, that is, if a letter was forwarded to the parents to notify them of the [runaway] **the youth's abscondence, a letter will also be sent to notify them that the youth has been apprehended; and if an arrest warrant has been forwarded to the various police units, a letter will be sent to officially cancel the warrant].**

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED RESCISSION

13 CSR 110-2.090 Hazardous Placement Policy. This rule delineated the procedures to follow in determining whether a proposed placement of a youth would place the youth into a hostile or unaccepting environment.

PURPOSE: This rule is proposed for rescission because the procedures are outdated and no longer applicable.

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

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.100 Grievance Procedures for Committed Youths. The division is amending sections (1)–(7).

PURPOSE: The purpose of this proposed amendment is to update sections (1) through (7) by deleting and revising certain provisions to ensure that, when youth in Division of Youth Services (DYS) residential facilities have a complaint, there is a procedure established for the timely submission and resolution of each complaint.

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

[(2)] (1) Any [student] youth who has a grievance shall submit [it] his/her grievance in written form to the [cottage committee or cottage team.] group leader or first line supervisor. Following receipt of the written grievance, the group leader and first line supervisor shall discuss the matter within five (5) working days and then subsequently interview the youth. A written decision shall be issued to the youth within three (3) working days after the interview. Copies of this decision shall be distributed to the youth, parent/guardian, service coordinator, site supervisor and regional administrator. If the decision is not satisfactory to the youth, the youth may present the grievance to the site supervisor or next supervisor in line within five (5) days of the original decision. The site supervisor may—a) review the grievance and, after meeting with staff, prepare a response within five (5) working days; or b) convene a grievance committee of three (3) staff members, one of which is the designated chairperson, to hear the grievance. [This committee shall reply, in writing, to the student, with a copy to the superintendent, of whatever action was taken concerning the grievance. If the reply is not satisfactory to the student, the student may then notify the superintendent in writing. The grievance will be conveyed to the grievance committee along with the action suggested or taken by the cottage committee.] The [student] youth will be advised of the date the grievance committee will consider his/her complaint and the [student] youth may request that any

person represent him/her at the hearing. The [student] youth will have the right to cross-examine, call witnesses or present any testimony in his/her behalf.

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

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

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

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

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.110 Responsibilities of Facility Managers. The division is amending section (1).

PURPOSE: The purpose of this proposed amendment is to update this rule to reflect current responsibilities of facility managers and the guidelines to follow for certain reports required by the division.

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

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

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

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential
Care**

PROPOSED AMENDMENT

13 CSR 110-2.120 Administrative Decisions Affecting the Constitutional Rights of Youths in DYS Facilities. The division is amending sections (2)-(4).

PURPOSE: The purpose of this proposed amendment is to update the procedures relating to the rights of youth in DYS facilities.

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

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

(4) Photographing and Fingerprinting. The division will comply with the letter, intent and spirit of the juvenile code, specifically section 211.151.3, *[subsection 2,] RSMo [(1986) in prohibiting the fingerprinting and photographing for identification purpose of the children committed to the Division of Youth Services. Law enforcement officers may fingerprint or photograph these children only by court order.] Supp. 1999, which provides that law enforcement officers shall fingerprint and photograph youth who are taken into custody for offenses that would be considered felonies if committed by an adult without the approval of the juvenile court judge. Youth taken into custody for status offenses or as victims of abuse or offenses that would be considered a misdemeanor if committed by an adult may be fingerprinted and photographed with consent of the juvenile court judge.*

AUTHORITY: sections 219.036 and 219.051, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.130 Release of Youths from DYS Facilities. The division is amending sections (1) and (5)–(7).

PURPOSE: The purpose of this proposed amendment is to update the procedures for releasing youth from DYS facilities.

(1) *[Transfers]* Release to aftercare supervision *[(except direct classification into aftercare, hazardous placement cases and status offenders)]* shall be made under the following procedure:

(A) When it has been determined *[at]* by the service coordinator and/or the facility that a youth is eligible for *[transfer]* release to aftercare, *[subject to approval of the institutional superintendent or in community service facilities the regional administrator, the regional office will be requested by the facility to initiate a preplacement report. A final facility progress report will accompany the request for preplacement report]* the service coordinator assigned to the case shall provide an aftercare plan and submit all required Division of Youth Services (DYS) paperwork to the service coordinator supervisor. The service coordinator shall notify the parent/guardian and the community and the committing court; and

[(B) Within ten (10) days the aftercare youth counselor will complete his/her replacement report. Upon receipt of the report which was approved by the regional administrator, the facility will complete arrangements for the youth's release. The committing court, the appropriate juvenile officer, and the parent will be notified of the transfer into aftercare. The director's consent for release is necessary in hazardous placement cases and direct placements into aftercare including status offenders; however, if the committing court concurs with direct placement, the director's approval is not necessary; and]

[(C)] (B) Conditions of Aftercare Supervision. Transfer to aftercare supervision is a conditional release. The rules of placement to which the child shall agree prior to this transfer shall be the principal conditions of this transfer and violation of these conditions may result in revocation of aftercare supervision. The rules established by the division are as follows:

1. I will obey all city, state and federal laws;
2. I will report to the aftercare youth counselor as directed and immediately report any changes in residence, school, employment or other status;
3. I will not leave the state of Missouri, or alter any conditions of my placement agreement without the advance permission of the aftercare youth counselor;
4. I will obey the rules and instructions of my parents, foster parents or guardian. I will advise my aftercare youth counselor immediately if any problems arise in this area;
5. I understand that I *[may be]* am under the supervision of the *[Division of Youth Services]* DYS until discharged; and
6. Other special rules or conditions may be invoked to meet specific adjustment problems of the *[child]* youth in the community.

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

(6) Expiration of Commitment. All youths under *[Division of Youth Services]* DYS jurisdiction *[will]* may be discharged upon reaching their *[18th]* eighteenth birthday.

(7) Notification of Termination of DYS Supervision. Missouri statutes provide that the division is required to immediately notify, in writing, the *[child]* youth, his/her parent or guardian, the victim's rights respondent and the committing court of the termination of its supervision over the *[child]* youth. *[The institution, facility or aftercare, whichever unit has programmatic responsibility for the child at the time of termination of supervision, will be responsible for giving the notification in writing immediately following the child's discharge from the division's jurisdiction.]*

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.140 Confidentiality of Case Records. The division is amending sections (2) and (3).

PURPOSE: The purpose of this proposed amendment is to revise the procedures pertaining to confidentiality of case records.

(2) School records maintained by the Division of Youth Services (DYS) may be shared with the school. Information other than DYS school records may be obtained by the school through the juvenile office.

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

AUTHORITY: section 219.061, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and
Residential Care**

PROPOSED AMENDMENT

13 CSR 110-2.150 Division of Youth Services Staff Training Programs. The division is amending section (2).

PURPOSE: The purpose of this proposed amendment is to update the rule by making technical changes.

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

AUTHORITY: section 219.016, RSMo [1986] Supp. 1999. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities**

PROPOSED AMENDMENT

13 CSR 110-3.010 [Initial Home Evaluation] Individual Treatment Plans. The division is amending sections (1) and (2).

PURPOSE: This amendment deletes and rewrites this rule to make necessary changes in terminology.

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

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

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

(C) Family Profile.

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

2. Describe interpersonal relationships.

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

4. Aftercare volunteers—sponsor.

5. Religion;

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

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

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

2. Any test score.

3. Employment of child, place and length of job.

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

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

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

(1) An individual treatment plan (ITP) shall be developed by the Division of Youth Services service coordinator for the purpose of meeting individual youth and family needs. The ITP shall also serve to record case activity and fulfill requirements for official notifications.

(A) ITP procedures are as follows:

1. The services coordinator shall initiate a written ITP within thirty (30) days of the commitment date. The treatment plan should involve the youth and his/her parent or guardian. The ITP shall be submitted within forty-five (45) days of

commitment, and distributed to the youth, family, court and facility;

2. Involvement of the parent or guardian is encouraged;

3. The service coordinator shall meet with youth in residential care at least once per month and shall meet with the youth on aftercare twice per month;

4. Information contained in the ITP shall include, but not be limited to:

A. Family history (including mental health, criminal, or division of family services case information);

B. Education/vocation;

C. Youth's strengths/weaknesses; and

D. Youth's health/mental health; and

5. The service coordinator shall include the preliminary possibilities for the youth's placement and needs of the youth to be considered for aftercare placement.

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivision less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 110—Division of Youth Services Chapter 3—Aftercare Responsibilities

PROPOSED RULE

13 CSR 110-3.015 Safe Schools Act Procedures

PURPOSE: The purpose of this rule is to identify offenses which are included in the 1996 Safe Schools Act (HB 1301) and to require an educational plan be developed for youth in DYS custody who are involved in Safe School Act violations.

(1) A written education plan shall be developed by the service coordinator for those youth who are precluded from returning to public/private school under the Safe Schools Act because of misconduct involving violations of the Act including, but not limited to, the following offenses:

- (A) First degree murder;
- (B) Second degree murder;
- (C) Kidnaping when classified as a class A felony;
- (D) First degree assault;
- (E) Forcible rape;
- (F) Forcible sodomy;
- (G) First degree robbery;
- (H) Distribution of drugs;
- (I) Arson;
- (J) Involuntary/voluntary manslaughter;
- (K) Second degree assault;
- (L) Sexual assault;
- (M) Felonious restraint;
- (N) Property damage; or
- (O) Possession of a weapon.

(2) In accordance with section 211.321.1 and .2, RSMo Supp. 1999, the juvenile officer is further authorized to make public, information concerning the offense and court proceedings as long as it does not identify the youth or the youth's family. Records of dispositional hearings for youth adjudicated for felony offenses shall be open to the public. Social summaries, investigations or updates and status reports after the dispositional hearing shall remain confidential and may be opened for inspection only by order of the court.

AUTHORITY: section 219.036, RSMo 1994. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 110—Division of Youth Services Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.020 Aftercare Involvement During Residential Treatment. The division is amending the Purpose and sections (1)–(4).

PURPOSE: This amendment updates the rule relating to aftercare involvement during residential treatment.

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

(1) Involvement with Youth and Facility. Facility visits by the [aftercare youth counselor are encouraged; however, the scheduling of these visits will be approved by the regional administrator] service coordinator shall occur at a minimum of once per month. The facility visits will allow for joint planning transition involving the [aftercare youth counselor (AYC)] service coordinator, the youth and the facility personnel. [This will allow for joint counseling and coordination of treatment services between the facility staff and aftercare worker. It also provides for the developing of the relationship between the aftercare youth counselor and the youth.]

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

[[3]] (2) Community Preparation. This involves creating a climate which will allow for the youth to be reintegrated into the community by providing for educational, vocational, employment and

health needs. Community preparation would also involve anticipating adverse reactions from the community and helping the community and the youth to deal with those problems.

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

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 110—Division of Youth Services Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.030 Aftercare Supervision. The division is amending sections (1), (2), (4), (5), (6) and (7).

PURPOSE: The purpose of this amendment is to update the rule outlining the responsibilities and procedures for the supervision of youth in aftercare.

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

(2) Case Recordings. The *[aftercare youth counselor] service coordinator* shall maintain the following records:

(A) A record of dates and type of contacts made on each *[individual client] youth; and*

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

(4) Foster Care. Except in cases of emergency, children under Division of Youth Services supervision and placed in foster homes funded by DYS shall be so placed only after an evaluation of the home has been completed. This evaluation shall include, but not be limited to, the adequacy of the home, family stability and composition and the motivation and ability of the foster parents to provide foster care.

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

1. Counseling and training with the foster family;

2. Placement visits between the child and the foster family;

3. Explanation of agency rates of payment and guidelines for expenditures of money in the foster child's behalf;

4. Evaluation of any other income the child might have, such as Social Security benefits, Veteran's Administration benefits, etc., as well as the youth's family's financial situation. The applicability of these funds to the child's needs will be determined by the regional administrator;

5. Discussion of arrangement for payment of special needs, such as, medical expenses, educational or therapeutic, etc; and

6. All foster homes will be approved prior to the child's placement by the regional administrator. All foster home placements will be approved by the regional administrator.

(B) Services to Family and *[Child] Youth*. The *[aftercare youth counselor] service coordinator* will provide services to the youth and foster family as well as the youth's family.

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

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

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

(8) Discharges from Aftercare Supervision. Section 219.026, RSMo *[(1986)] 1994* requires the division to immediately notify in writing the *[child] youth*, his/her parent or guardian, **victim's rights respondent** and the committing court of the termination of its supervision over the *[child] youth*. *[The institution, facility or aftercare, whichever unit has programmatic responsibility for the child at the time of termination of supervision, shall be responsible for giving such notification in writing immediately following the youth's discharge from the division's jurisdiction.]*

AUTHORITY: section 219.036, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities**

PROPOSED AMENDMENT

13 CSR 110-3.040 Revocation of Aftercare Supervision. The division is amending the Purpose and sections (1)–(3).

PURPOSE: This amendment updates the procedures for the apprehension, detention and revocation of youth on aftercare.

PURPOSE: The purpose of this rule is to provide a standard procedure for the apprehension, detention, and revocation of [child] youth on aftercare.

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

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

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

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

(D) At the hearing, the [child] youth, his/her parent or guardian or responsible adult and legal counsel, if any, may appear and speak in the [child's] youth's behalf. They may bring and present documents and other evidence relating to the allegation against the [child] youth. They may present witnesses in [his/her] victim's behalf, but testimony of the witnesses must be relevant to the alleged violation. The [child] youth may request that persons, who have given evidentiary testimony on which the allegation is based,

be made available for questioning in [his/her] the youth's presence at the hearing; however, if the hearing officer determines that the informant would be subject to risk or harm if his/her identity were disclosed, [s/he] the hearing officer may excuse the informant from confrontation or cross-examination by the [child] youth, his/her parents, guardian, responsible adult or counsel.

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

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

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

(3) Dispositional Hearing or Review. If the [child] youth is returned to a[n institution or] facility of [Division of Youth Services] DYS, [s/he] the youth and his/her parents or guardian will be given an opportunity to petition on a form provided by the division for a dispositional hearing prior to the final decision on revocation of aftercare supervision by the director or his/her designated representative. If the [child] youth, his/her parent or guardian does not petition for such a dispositional hearing, the director, or his/her designee, will review the findings of the hearing officer at a probable cause hearing and other pertinent case material and will then make a final disposition of the recommendation for revocation of aftercare supervision.

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

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

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

AUTHORITY: sections 219.036 and 219.051, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities**

PROPOSED AMENDMENT

13 CSR 110-3.050 Instructions for the Implementation of Revocation Procedure. The division is amending sections (1)–(4) and (6)–(12) and Appendices ii and iii.

PURPOSE: This amendment updates the guidelines for the implementation of procedures to be followed in the revocation of aftercare supervision and return of youth to an institution or facility.

(1) Apprehension and Detention. Whenever a youth in aftercare is apprehended and detained pending further inquiry into alleged violation(s) of the conditions of aftercare supervision, his/her apprehension and detention will be effected in accordance with the Division of Youth Services (DYS) rules governing these matters. Arrangements will be made for the preliminary hearing, to be held at the earliest reasonable time at or near his/her place of detention or the home community, to determine if there is probable cause to believe that the youth is in substantial violation of the conditions of aftercare supervision and is in need of return to the DYS facility as an aftercare violator. The *[child] youth* and his/her parent or guardian shall be promptly notified of the alleged violations and of the time and place of the hearings (DYS Form RAS—13, see appendix i, **which is hereby incorporated by reference in this rule**).

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

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

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

(C) In determining whether or not a youth is in violation of the conditions of the placement as a result of the new law violation, when the youth denies his/her involvement in the law violation, a thorough investigation by the *[supervising AYC] service coordi-*

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

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

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

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

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

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

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

(9) Notice of Right to Dispositional Hearing. When a *[child] youth* is returned to an institution or a facility following the probable cause hearing, s/he should promptly be given an RAS-15, "Notice of Right to Dispositional Hearing." This form contains a statement for the youth's signature indicating that s/he either requests or does not request the dispositional hearing. A copy of this form is sent to the parent or guardian. To each copy, one (1) given to the youth and one (1) forwarded to the parent or guardian, there should be attached a copy of the RAS-14, the "Summary Report of the Probable Cause Hearing." It is expected that the copy bearing the *[child's] youth's* signature, and indicating his/her request regarding the hearing, will be mailed to central office by the facility within ten (10) days after the youth's return (DYS Form RAS-15, see appendix iii, **which is hereby incorporated by reference in this rule**).

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

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

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

AUTHORITY: sections 219.036 and 219.051, RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Appendix i

RAS-13

Notice Of Probable Cause Hearing

To: _____ Date: _____

Aftercare Youth Counselor _____ alleges that you have violated the conditions of aftercare supervision as follows:

- 1. _____
- 2. _____
- 3. _____

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

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

Regional Supervisor

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

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

Appendix ii

RAS-14

Summary Report

PROBABLE CAUSE HEARING

(Fact Finding)

Date: _____ Re: _____

Institution and number

Place: _____

Time: _____

Allegations:

- 1.
- 2.
- 3.

Witnesses for Youth Present at Hearing:

- 1.
- 2.
- 3.

Documents Presented in Evidence:

- 1.
- 2.
- 3.

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

Prepare Four (4) copies
2 to Central Office
1 to Parent Institution or facility
1 to *[Aftercare Counselor]* service coordinator for file

Appendix iii

RAS—15

Notice of Right to Dispositional Hearing

To: _____
From: _____

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

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

The following rules govern this revocation hearing:

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

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

Attached is a copy of the Summary Report of the Probable Cause Hearing (RAS—14). This notice was given to you on the date and time shown below:

Date: _____ Signature _____
Time: _____ Title _____

- I request a dispositional hearing
or
 I do not request a dispositional hearing
- _____
Signature of youth/parent/guardian

Prepare 5 copies
1 to Juvenile
1 to parent or guardian
1 to Central Office
1 to Institution
1 to *[AYC]* service coordinator

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities**

PROPOSED AMENDMENT

13 CSR 110-3.060 Grievance Procedure for *[Children]* Youth in Aftercare. The division is amending section (1) and (2).

PURPOSE: This amendment updates the rule regarding the grievance procedure for youth in aftercare.

(1) Complaints. Should a youth on placement, his/her parent or his/her guardian or foster parent, have a grievance concerning treatment supervision, or the lack thereof, or other relevant concern while on placement, s/he, in writing, may file a grievance with the appropriate regional administrator. The administrator will make a decision and advise the youth and the *[aftercare worker]* service coordinator with regard to the decision made in the matter. Appropriate written records will be maintained concerning disposition of the matter.

(2) Instructions. It shall be the duty of the administrators of each program to oversee the implementation of the grievance procedure and interpret to youth and staff the following areas which will be considered for grievances:

(B) Staff allowing physical abuse to a *[child]* youth by another *[child]* youth in aftercare;

AUTHORITY: section 219.051[.(1)], RSMo [1986] 1994. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 5—Dual Jurisdiction**

PROPOSED RULE

13 CSR 110-5.010 Dual Jurisdiction Procedures

PURPOSE: The purpose of this rule is to define dual jurisdiction and its provisions and procedures.

(1) Section 211.073, RSMo Supp. 1999 provides that a court may, in a case when the offender is under seventeen (17) years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071 and whose prosecution results in a conviction or plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes. The court is authorized to impose a juvenile disposition under section 211.073 and, simultaneously, impose an adult criminal sentence, the execution of which shall be suspended. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court

may order an offender into the custody of the Division of Youth Services if—

(A) A facility is designed and built by the division specifically for these offenders and the division determines that space is available, based on the design capacity, in the facility; and

(B) The division agrees to such placement.

(2) The director or his/her designee shall interview and evaluate the offender to determine if the offender is appropriate for the dual jurisdiction program pursuant to section 211.073, RSMo.

(3) Upon approval or disapproval of the offender for dual jurisdiction commitment, the division director shall submit notification to the court for the reasons and conditions thereof.

(4) If there is probable cause to believe that the offender has violated a condition of the suspended sentence or has committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established the court may revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order that they may see fit.

(5) When the offender has received a suspended sentence pursuant to section 211.073, RSMo and the division determines that the youth is beyond the scope of its treatment programs, the division may petition the court for a transfer of custody of the offender. The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(6) When an offender reaches the age of seventeen (17) the court shall hold a hearing. After such hearing the court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections;

(B) Direct that the offender be placed on probation; or

(C) Direct that the offender remain in the custody of the Division of Youth Services if the division agrees to such placement.

(7) The division shall petition the court before it releases an offender who has remained in its custody until the age of twenty-one (21). The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(8) If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

AUTHORITY: sections 211.073 and 219.036, RSMo 1994 and 219.016, RSMo Supp. 1999. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 6—Juvenile Crime Bill**

PROPOSED RULE

13 CSR 110-6.010 Juvenile Crime Bill Provisions and Procedures

PURPOSE: The purpose of this rule is to identify relevant areas which are affected by the 1995 Juvenile Crime Bill (HB 174).

(1) The following are the key provisions of the Juvenile Crime Bill which makes significant changes in the treatment of juvenile offenders.

(A) Lowers the minimum age of adult certification for a felony from age fourteen (14) to age twelve (12).

(B) Allows adult certification of juveniles of any age if they are repeat offenders or if they commit one of the following seven (7) serious offenses:

1. First degree murder;
2. Second degree murder;
3. Kidnaping;
4. First degree assault;
5. Forcible rape;
6. Forcible sodomy;
7. Burglary first.

(C) Allows a court to invoke the dual jurisdiction of both the criminal and juvenile codes when an offender under seventeen (17) years of age has been transferred to a court of general jurisdiction and been convicted or pled guilty.

(D) Allows juvenile adjudications to be used as evidence in adult court for future offenses.

(E) Allows judges to commit youth to the custody of the division for a minimum length of stay.

(F) Removes the minimum age a youth can be committed to the division and allows the division to keep a youth beyond his/her eighteenth birthday with court approval.

(G) Requires fingerprinting and photographing of juveniles taken into custody for a felony offense.

(H) Gives additional rights to crime victims.

(I) Allows increased information sharing among parties involved with the juvenile offender, such as schools and prosecutors.

AUTHORITY: sections 211.068, 211.071, 211.073, 211.141, 211.171, 211.181, 211.321 and 219.021, RSMo Supp. 1999 and 219.036, RSMo 1994. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family Health
Chapter 3—The Sudden Infant Death Syndrome (SIDS) Program**

PROPOSED AMENDMENT

19 CSR 40-3.010 Administration of the SIDS Program. The department is amending subsection (1)(C).

PURPOSE: This amendment is to implement changes to 194.117, RSMo, Sudden Infant Death, that require the child death pathologist to ensure that a tangible summary of the autopsy results is provided to parents or guardians of a child who has died from sudden infant death syndrome within one week after the autopsy is performed; that require the Department of Health to develop a form letter which includes a statement informing parents or guardians of the right to receive the full autopsy results in cases of suggested sudden infant death syndrome cases; and that require the certified death pathologist, upon request by the parents or guardians, to release the full autopsy results to the parents, guardian, or family physician within thirty days of such a request.

(1) In the event of the sudden and unexplained death of any infant one (1) week to one (1) year of age—

(C) *[The Missouri Department of Health shall ensure, through verification with the coroner/medical examiner, the certified child death pathologist, or other representatives duly authorized by county government, that the results of the autopsy were shared with the parent(s) or guardian(s) of the child, and that the parent(s) or guardian(s) were provided with informational material and counseling sources;] The certified child death pathologist shall ensure that a tangible summary of the autopsy results is provided to the parents or guardian of the child and shall provide informational material on the subject of sudden infant death syndrome to the family within one week after the autopsy is performed. Performed is defined as the completion of the autopsy including, but not limited to, laboratory results and any other testing, as indicated. The certified child death pathologist shall, upon request by the parents or guardian, release the full autopsy results to the parents, guardian, or family physician in cases of suspected sudden infant death syndrome within thirty (30) days of such request. The tangible summary and full autopsy report shall be provided at no cost to the parents or guardian. The Department of Health will develop a form letter which shall include a statement informing the parents or guardians of the right to receive the full autopsy results in cases of suspected sudden infant death syndrome and such letter shall be used by the child death pathologist to communicate this information to the parents or guardians. A copy of the child death pathologist's letter shall be sent to the Department of Health, Bureau of Family Health. The Department of Health shall provide the required informational material to be included with the form letter to the child death pathologists at no charge;*

AUTHORITY: section 194.117, RSMo [1994] Supp. 1999. This rule was previously filed as 13 CSR 50-155.010. Original rule filed April 12, 1979, effective Sept. 14, 1979. For intervening history, please consult Code of State Regulations. Amended: Filed Feb. 15, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Glenda Miller, Division Director, Division of Maternal, Child, and Family Health, 930 Wildwood, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.