

18.34 Criteria for Referral and Placement of Youth in a Hardware Secure Facility	
Application: To All Department of Children's Services Employees	
Authority: TCA 33-3-401; 37-5-105 (3), 37-5-106, 37-1-134 (h) and (j)	Standards: COA: PA-JJCM 2, PA-JJCM 4.07, PA-JJR 5.01, PA-JJR 15.01
Commissioner:	Date:
Original Effective Date: 09/01/01 Current Effective Date: 09/24/20	Supersedes: DSC 18.34 11/26/18 Last Review Date: 09/24/20
Glossary: <ul style="list-style-type: none"> ♦ Violent or attempted violent offense(s): <ul style="list-style-type: none"> ○ Violent offenses are defined as any of the following: Murder, Rape, Aggravated Rape, Especially Aggravated Rape, Sexual Battery, Aggravated Sexual Battery, Especially Aggravated Sexual Battery, Kidnapping, Aggravated Kidnapping, Especially Aggravated Kidnapping, Robbery, Aggravated Robbery, Especially Aggravated Robbery, Aggravated Arson, Especially Aggravated Arson, Aggravated Assault, Especially Aggravated Assault or Carjacking. ♦ Intellectual Disability: <ul style="list-style-type: none"> ○ According to the Department of Education, Intellectual Disability is characterized by significantly impaired intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. Typically, a youth with an Intellectual Disability will have a Full-Scale IQ of 70 or below with concurrent deficits in adaptive behavioral functioning. 	

Policy Statement:

The Department of Children's Services (DCS) may place delinquent youth with a high level of treatment need in a Hardware Secure Facility if that is the least restrictive environment in which they can safely receive treatment services.

Purpose:

To provide guidelines and procedures for the placement for youth in need of a hardware secure placement.

Procedures:

A. Hardware Secure Facility placement of delinquent offenders

1. Delinquent youth are placed in the least restrictive environment capable of meeting the youth's treatment needs. Placement into a secure facility **may** be appropriate if one or more of the following criteria are met:
 - a) The youth has an adjudication for violent or attempted violent offense for which he has not received treatment;
 - b) The youth has an adjudication for sexual offense(s) and has not received treatment;
 - c) The youth has an adjudication on his record of two or more felony offenses, one of which must be a violent offense or crime against a person;
 - d) The youth is 18 years old or within 90 days of his 18th birthday; or
 - e) The youth has a history of adjudicated delinquent offenses and is currently determinately committed (see exception below).

Exception: If the youth has a determinate commitment but has not been adjudicated for a felony, a referral is made to the Population Committee.

2. Delinquent youth under the age of thirteen (13) are not accepted into a hardware secure facility without written approval by the DCS Commissioner/designee.
3. Placement of a mildly intellectually disabled youth in a hardware secure facility is governed by a different set of criteria and requires an administrative review. Please refer to DCS Policy [19.6 Assessment and Placement of Youth with Intellectual Disabilities in a Hardware Secure Facility](#) for further requirements regarding the placement of these youth.

Note: Delinquent youth are assessed in the community unless a secure placement is determined to be the least restrictive environment for assessment.

B. Referral information and documentation

1. A complete referral packet using ***CS-1143, Juvenile Justice Youth Placement Referral Checklist*** is submitted for a youth to be considered for placement in a hardware secure facility by the regional representative. Hardware secure facility referral packets include the following information:
 - a) ***CS-0585 Hardware Secure Facility Justification Letter or Waiver Request***;
 - b) Commitment order with information regarding prior adjudication history and all pending charges;
 - c) CFTM summary with a recommendation for placement into a hardware secure facility;
 - d) Child and Adolescent Needs and Strengths (CANS) Assessment
 - e) Critical medical information that includes:

- ◆ Authorization for Routine Health Services for Minors (signed by the parent on form ***CS-0206, Authorization for Routine Health Services For Minors***;
 - ◆ Completed Well-Being Information and History (form ***CS-0727, Initial Intake, Placement and Well-Being Information and History***), to include a list of all medications and verified allergies;
 - ◆ Prescribing provider information;
 - ◆ Signed informed consent for psychotropic medications, if applicable (form ***CS-0627, Informed Consent for Psychotropic Medication***);
 - ◆ Immunization record;
 - ◆ Current medical treatments, if any; and
 - ◆ Medical and mental health records relative to current treatment.
2. Within ten (10) working days of a youth's placement at the hardware secure facility, the Juvenile Service Worker (JSW) provides the following information:
- a) Copy of birth certificate and social security card (originals should be submitted within ninety (90) calendar days);
 - b) School records to include written determination if the youth was receiving special education services and educational passport;
 - c) Psychological Assessment and psychiatric evaluations, completed within the last three (3) years, including prior mental health assessments (if such exists);
 - d) Behavioral and placement summary if the youth has previously been in DCS custody; and
 - e) Information regarding ongoing treatment and placement needs; and
 - f) If the youth was at a previous placement before coming to the hardware secure facility, any behavior and placement discharge reports are sent. The CFTM summary is available in TFACTS.

C. YDC referral and approval process

1. Referrals for placement into a hardware secure facility program are sent to the Executive Administrative Assistant/designee in the Office of Juvenile Justice (OJJ). Complete referrals are processed within twenty-four (24) hours of receipt.
2. **Incomplete referrals are not processed until the missing documentation is received.**
3. The OJJ Executive Administrative Assistant /designee determines if the youth meets criteria for placement into a hardware secure facility for placement.
4. The OJJ Executive Administrative Assistant /designee forwards the referral packet to the facility Treatment Manager/designee and notifies the JSW and Team Leader (TL) of the decision.

5. Once the referral packet is received, the facility Treatment Manager/designee prepares for the youth's admission by contacting the regional representative and arranging for the youth to be transported to the hardware secure facility within forty-eight (48) hours.
6. Once a youth is scheduled for admission and transportation is arranged, the facility Treatment Manager/designee notifies the assigned JSW and the different departments at the facility, of the youth's placement.
7. The OJJ Executive Administrative Assistant/designee maintains and tracks the status of hardware secure facility placement referrals and a waiting list for the hardware secure facility. Youth accepted into the hardware secure program are not added to the waiting list until admittance. All team members are kept updated of the youth's status.
8. After a youth is placed, any additional documentation desired by the hardware secure facility may be requested from the region.

D. Central Office Population Management Committee

1. The Central Office Population Management (POP) committee is comprised of four (4) staff members:
 - a) **A chairperson from the OJJ;**
 - b) One additional representative from the OJJ;
 - c) A representative from the Office of Network Development; and
 - d) The Psychology Director/Designee.
2. When the above criteria in **Section A** are not clearly met, but circumstances indicate that a hardware secure facility placement may be in the youth's best interest, exceptions may be granted through a waiver process.
 - a) The region representative may request a waiver by completing DCS form **CS-0585, Hardware Secure Facility Justification Letter or Waiver Request**. The waiver and the referral packet are sent to the OJJ Executive Administrative Assistant/designee who forwards it to the POP Committee.
 - b) The POP Committee may request additional information, as necessary, to make an informed decision.
 - c) The chairperson communicates the POP committee's waiver request decision to the OJJ Executive Administrative Assistant/designee and regional representative within five (5) business days.
3. If requested by the Team Coordinator, The POP Committee decision can be reconsidered via Central Office with the Deputy Commissioner/designee providing the final decision.

E. In-Transit Youth

1. In-Transit Youth, who are awaiting a permanent placement, may be placed into the hardware secure facility on a conditional basis pending full acceptance if there are no community placements available.
2. Youth placed In-Transit must meet criteria for a hardware secure facility as outlined in **Section A** above.
3. Regional representatives are responsible for all transports while the youth is In-Transit. This includes court, appointments, meetings, etc.
4. Youth receive medical treatment as needed and medication as prescribed. If not already completed, the youth receives EPSDT and dental exams at the hardware secure facility clinic within the timeframes outlined in Section M of the [***Protocol for Early Periodic Screening, Diagnosis and Treatment Standards***](#).
5. Within fourteen (14) days of an In-Transit placement, a referral is submitted to the OJJ Executive Administrative Assistant/designee for review. Referrals are to include required documents as outlined in **Section B** above.
6. Once a youth is accepted into the hardware secure program, the Executive Administrative Assistant /designee sends the packet to the hardware secure facility Treatment Manager at the hardware secure facility who processes the youth for admission within twenty-four (24) hours.
7. If a waiting list exists, the youth is placed on the list, see **Section C** above.

F. Youth sentenced as adults

Referrals of youth transferred to adult court and convicted as adults, in accordance with TCA § 37-1-134 (h) or (j), are made directly to the DCS Office of the General Counsel. See DCS Policy [***18.9, Youth with Adult Sentences/Transfers to Adult Criminal Court***](#).

G. Documentation

Placement information for youth in DCS custody is entered in TFACTS by the regional placement unit.

Forms:

[***CS-0206, Authorization for Routine Health Services for Minors***](#)

[***CS-0727, Initial Intake, Placement and Well-Being Information and History***](#)

[***CS-0585, Hardware Secure Facility Justification Letter or Waiver Request***](#)

[*CS-0627, Informed Consent for Psychotropic Medication*](#)

[*CS-1055, YDC Notice of Youth Reception*](#)

[*CS-1143, Juvenile Justice Youth Placement Referral Checklist*](#)

Collateral Documents:

[*18.4, Intake and Orientation at a Youth Development Center*](#)

[*18.9, Youth with Adult Sentences/Transfers to Adult Criminal Court.*](#)

[*19.6 Assessment and Placement of Youth with Intellectual Disabilities in a
Hardware Secure Facility*](#)

[*Protocol for Early Periodic Screening, Diagnosis and Treatment \(EPSD&T\)
Standards*](#)

[*CANS Case Protocol*](#)