

<b>31.15 Guidelines for Transportation of Child/Youth by Regional Employees</b>	
<b>Application:</b> To Department of Children's Services Regional Employees and Contract Agency Employees Who Transport Children/Youth	
<b>Authority:</b> TCA 37-5-105 (3), 37-5-106, 55-9-602; 55-9-603; Electronic Code of Federal Regulations, Part 395	<b>Standards: COA:</b> PA-ASE 4.02; PA- ASE 5.01-5.02; PA-ASE 6.01-6.02; PA-BSM 1-5; PA-PRG 3.04; PA-RPM 2
<b>Commissioner:</b>	<b>Date:</b>
Original Effective Date: 01/01/98 Current Effective Date: 09/08/23	Supersedes: DCS 31.15 03/08/21 Last Review Date: 09/08/23
<b>Glossary:</b> <ul style="list-style-type: none"> <li>◆ Contraband: <ul style="list-style-type: none"> <li>○ Any item possessed by an individual or found within a facility that is illegal or that is expressly prohibited by those legally charged with the responsibility for the administration and operation of the facility or program.</li> </ul> </li> <li>◆ Mechanical restraint: <ul style="list-style-type: none"> <li>○ The use of a mechanical device that is designed to restrict the movement of an individual. Examples of mechanical restraints include handcuffs or wristlets, chains, anklets, or ankle cuffs, or any other DCS approved or authorized device.</li> </ul> </li> </ul>	

## Policy Statement:

Department of Children's Services (DCS) Personnel who transport children/youth shall be trained to transport safely and securely and shall comply with applicable Federal and State laws, rules and regulations related to child restraint, seat belt, and secure hardware. Any DCS employee transporting children/youth shall maintain a valid driver's license and adequate automobile insurance coverage as required by law.

## Purpose:

To establish requirements, procedures, and guidelines for employees who transport children/youth.

## Procedures:

### A. Responsibilities for Transportation of Children/Youth

1. All DCS regional and contract agency employees, as applicable, are able to transport children/youth as the need arises.

2. See DCS Policy [31.16, Transporting Delinquent Youth](#), for requirements to transport delinquent youth.
3. Every effort is made to provide and use state vehicles to transport children/youth. If a state vehicle is not available, employees may be required to transport in their personal vehicle if transport cannot be delayed until a state vehicle is available.
4. Employees who are required to transport children/youth are responsible for maintaining a valid driver's license. Employees who transport in their personal vehicles are also responsible for providing adequate automobile insurance coverage and vehicle registration. Use of personal vehicles in the performance of an employee's job duties are authorized and approved by the employee's supervisor.
5. Employees who are responsible for the transporting adhere to all child restraint and seat belt laws as outlined in **TCA 55-9-602** and **55-9-603**.
6. Out of state travel with children/youth in excess of 50 miles one way, must be approved prior to travel by the applicable Regional Director/Contract Agency.
7. Children who are not adjudicated as delinquent may not be shackled or handcuffed with mechanical restraints without a written court order specifying it for that specific child and/or as approved by the Regional Director under the guidelines of DCS Policies [31.19 Use of Mechanical Restraints for Youth](#) and [19.9, Psychiatric Emergency Use of Mechanical Restraint](#), Section B. When a child is restrained during transport, Refer to DCS Policy [31.16, Transporting Delinquent Youth](#), Section E.

## **B. Timeframes and the Use of Co-Riders**

The following guidelines apply for employee labor and co-riders during transportation:

1. Employees always have the option to request a co-driver when safety is in question. It is recommended an employee request a co-driver when unique child-specific safety concerns are present and always when an employee's work time extends beyond ten (10) hours in a single shift. Additionally, it is recommended an employee have a co-driver in the following circumstances:
  - ◆ If the youth is of a different gender than the transporter;
  - ◆ If the transporter feels unsafe due to youth's history and/or current behaviors exhibited;
  - ◆ When the child poses a safety risk to themselves or others;
  - ◆ When there is a history of false reporting on the part of the child/youth;
  - ◆ When the child/youth is at risk of running away;
  - ◆ When there is a history of mental health issues which may include disruptive behavior, self-harm, suicidal or homicidal ideation;
  - ◆ When the transport involves more than two children; or

- ◆ When it is in the best interest of the child's safety.
- 2. Timeframes associated with length of transportation guide decision making for staff to have co-drivers or stay overnight when transporting.
  - a) If the transport causes an employee to work beyond ten (10) hours in a single shift and the return trip is more than two (2) hours to home, **either** of the following occurs (discretion on which is given to the Team Coordinator/Investigative Coordinator or their designee):
    - ◆ A co-driver is designated to assist with the transport; or
    - ◆ An employee rents a direct bill hotel room, if available for in-state transport, or other hotel room for out-of-state transport or when a direct bill hotel is not available.

**Note:** Identifying fatigue and minimizing associated risks should be routine conversation between all frontline DCS employees and supervisors. If a DCS employee has been transporting a child without a co-driver and works more than 12 hours in a single shift, the employee should be offered a minimum of 8 consecutive hours off-work whenever possible, especially if the upcoming work shift involves face-to-face oversight of a child (e.g. meeting a CPS response, transporting, monitoring).

- b) If employees are co-driving, they must rent a direct bill hotel room (for instate transport) or other hotel room (for out-of-state transport) when the employee's work time extends beyond 12 hours in a single shift at the time the child/youth is dropped off at placement and the return trip is more than two (2) hours to home for each driver.

**Note:** Employees renting a hotel room notify their direct supervisor prior to renting a hotel room to communicate the hours the employee will be working, where they will be staying and to share any other important information about the trip. This is not to obtain supervisor approval of the rental, but instead, to ensure good communication about employee whereabouts and work time for safety purposes.

- c) If an employee who has worked beyond their regularly scheduled hours, but will not exceed the timeframes established above, the Regional Director/ Contract Agency/designee may designate an another employee accompany the employee.
- d) When transporting a child over the age of twelve (12), an additional employee can be requested to assist with the transportation at the discretion of the supervisor.
- e) For DCS employees, excluding those transporting delinquent youth, a maximum of two (2) children/youth may be transported in one vehicle with a single driver if

no safety risks are noted. For transport of three (3) or more children/youth, the driver is accompanied by an additional employee. Transportation of three (3) or more children/youth without an additional employee is permitted at the discretion/approval of the Regional Administrator/ Director/designee.

**Note:** Employees, who need to make a request for additional assistance in coordinating transportation, refer to the [Protocol for Cross-Regional Social Services Transportation](#) for coordination in long distances or across multiple regions or the DCS Policy, [31.16, Transporting Delinquent Youth](#) for safe and secure transports of delinquent youth.

3. Escorting staff/co-rider duties consist of the following:
  - a) Maintaining a constant visual of the youth.
  - b) Assist in maintaining a constant visual observation as well as verbal checks with youth who are in mechanical restraints at least every fifteen (15) minutes to determine if the restraints are presenting any discomfort. All restraint checks are documented on form **CS-0350, Transportation Report**.
  - c) Co-rider must offer relief driving when needed or requested by primary transporter.

#### **C. Medical Needs Associated with Transportation**

1. When transport involves a new placement or change of placement, it is the sending FSW/designee's responsibility to communicate with the receiving facility regarding medication a child/youth is taking. Any medications a child/youth is taking must be transported with them together with a completed **Medication Transfer** form (**CS-0813**). If a thirty (30) day supply or a refill of the medication is not available, the sending facility coordinates with the new placement regarding continued medication maintenance and appointments. (See DCS Policy [20.15, Medication Administration, Storage and Disposal](#)).
2. If the child/youth being transported has medication scheduled to be taken during the transport, the FSW and transport officer/employee consults with the regional well-being nurse for instructions prior to the trip.
3. Any child/youth having a surgical procedure, including surgical extraction of teeth, waits forty-eight (48) hours before transferring to a new placement. The FSW consults with the regional well-being nurse for instructions prior to the trip.

#### **D. Documents Required for Transport and Documentation**

1. The documents/forms listed below are required to accompany the child/youth being transported:
  - a) **Court order/commitment order** or, in the case of child recently removed due to D/N issues, documentation from the file (for example the petition) or from the Regional Administrator or DCS attorney handling the case stating that a removal has occurred and DCS has the legal authority to transport;
  - b) **CS-0351, Transportation Request** (if transportation is requested of/ conducted by a transportation officer);
  - c) **CS-0206, Authorization for Routine Health Services for Minors;**
  - d) **CS-0627, Informed Consent for Psychotropic Medication** (when the child/youth is prescribed psychotropic medication);
  - e) **CS-0813, Medication Transfer** (when medication is being transported with the child/youth);
  - f) A copy of the child's TennCare card (or other health insurance card);
  - g) **CS-0727, Initial Intake, Placement and Well-Being Information and History.**
2. Another form that may accompany the child/youth being transported if available include, but is not limited to:
  - ♦ **CS-0657, Education Passport-School Enrollment Letter.**
3. When transport involves a new placement or a change of placement for the child/youth, the sending FSW/designee ensures:
  - a) All applicable and necessary requests are approved prior to transport.
  - b) All documents needed for placement or admission are included in the transportation packet (i.e., placement contract, admission forms);
  - c) Any medication for the child is available and brought to placement;
  - d) Belongings of the child are brought to placement (if appropriate).
  - e) The employee transporting a child/ youth may "sign" the child/youth into his/ her placement.
4. If a transportation officer is requested for the transport, the placement must be secured prior to submitting the request.
5. All transportation, conducted by DCS transportation officers, is documented on form **CS-0350, Transportation Report**. Additionally, all transportation by DCS employees of a child/youth in restraints or in a secure transport is documented on form **CS-0350, Transportation Report**. Other DCS staff and Contract Providers document transports in TFACTS.

## **E. Transportation of Non-Custodial Children**

1. When transporting a non-custodial child/youth, form **CS-0827, Non-Custodial Consent for Transportation**, is completed and signed by the parent/guardian/custodian. The completed form is filed in the case record.
2. If the parent/guardian/custodian refuses to sign form **CS-0827, Non-Custodial Consent for Transportation**, the transporting employee contacts their supervisor for instructions.

#### **F. Secure Transports**

1. Children who are not adjudicated delinquent can be restrained, including during transport, under certain circumstances. Criteria and requirements can be found in DCS Policy [31.19 Use of Mechanical Restraints for Youth](#) and Policy [19.9, Psychiatric Emergency Use of Mechanical Restraints](#).
2. Secure vehicles may be used to transport, regardless of adjudication type, their behavior presents the need for security.
3. Children/youth requiring transportation in a secure state vehicle meet at least one (1) of the following criteria:
  - ◆ Adjudication of delinquency even if not committed as a delinquent child;
  - ◆ Documented historical or recent assaultive behavior;
  - ◆ Documented history of runaway;
  - ◆ Documented history of incidents of self-harm; or
  - ◆ The child/youth's current behavior is deemed to present a threat to the safe operation of a non-secure vehicle or a threat to the safety of the employee.
4. If it is determined that a child/youth needs to be transported in a secure vehicle, but a secure state vehicle is not a second employee also assists in transporting. The child/youth is seated in the rear passenger side seat with the second employee seated in the rear driver side.
5. A child/youth's personal belongings are not accessible to them during a secure transport.
6. Refer to DCS Policy [31.4, Search Procedures](#), for information regarding searches of children/youth in the custody of DCS.

#### **G. Vehicle Operator Responsibilities**

1. All vehicles used to transport a child/youth are functionally and mechanically safe (e.g., brakes function properly, turn signals are operational, etc.).
2. Vehicle operators adhere to all state and local traffic laws and operate the vehicle in a safe, responsible manner.
3. Operators of state vehicles adhere to DCS Policy [1.13, Assignment, Use Maintenance and Responsibilities of Operating State Owned/Leased Vehicles](#).

## H. Emergency Situations During Transporting

1. If, during transportation, a child/youth attempts to runaway or escape, the safe operation of the vehicle takes precedence over preventing a runaway or escape.
2. If a child/youth escapes, the vehicle operator immediately notifies local law enforcement authorities and his/her supervisor. The incident is reported as outlined in DCS policies [1.4 Incident Reporting](#) and [31.2 Responsibilities Regarding Runaways, Absconders and Escapees](#).
3. If a child/youth becomes seriously ill or injured in an accident or has a mental health emergency while being transported 911 should be contacted immediately. The vehicle operator then contacts his/her immediate supervisor as soon as possible.
4. If an equipment malfunction interrupts transportation of the child/youth, the vehicle operator notifies his/her immediate supervisor to obtain assistance.
5. Employees involved in an accident while transporting a child/youth in a state-owned vehicle immediately report the accident to their Supervisor and follow procedures as outlined in DCS Policy [1.13, Assignment, Use, Maintenance and Responsibilities of Operating State Owned/Leased Vehicles](#).
6. Employees involved in an accident while transporting a child/youth in their personal vehicle immediately report the accident to their Supervisor and document the incident in the child's record in TFACTS or complete form **CS-0496, Incident Report**, if applicable.
7. Employees injured while in the performance of their duties follow procedures for reporting and filing worker's compensation claims as outlined in the [Department of Human Resources Employee Handbook](#), page 33.
8. The following actions are to be taken during inclement weather:
  - a) Employees are not expected to transport during any weather warning advisory (weather watch-means there is a threat, weather warning-means there is imminent danger); if a weather emergency arises during a transport, a supervisor should be contacted immediately to advise.
  - b) If caught in a weather emergency:
    - ◆ Immediately contact your supervisor and let them know where you are;
    - ◆ Seek shelter/identify a safe area to go; and
    - ◆ Follow the regional emergency response preparedness plan.
9. **Emergency/After-hours Assistance**

In the event there is a vehicle emergency you may contact the following:

  - ◆ Day time emergency contact/ Motor Vehicle Maintenance (MVM): Dial 615-532-8903
  - ◆ After hours emergency contact: Dial 1-800-447-2277

- ◆ TN Highway Patrol: Dial \*847

**Note:** For a list of statewide DCS offices and resources, refer to the [Transportation Resource List](#).

## **I. Prohibitions Regarding Transportation of Child/Youth**

Employee actions that are **PROHIBITED** when transporting a child/youth include, but are not limited to:

- ◆ Leaving a child/youth unattended in a vehicle;
- ◆ Mechanically restraining a child/youth to a vehicle;
- ◆ Transporting a child or infant without a child passenger restraint system, a belt positioning booster seat system, or seat belt, as age appropriate by law;
- ◆ Transporting a child/youth in the front seat of a secure vehicle; and
- ◆ Providing secure transportation for a child under the age of twelve (12) without the approval of the Regional Administrator/Director/Contract Agency Director/ designee.

## **J. Training on Safely Transporting Children/Youth**

1. All employees transporting children/youth are properly trained.
2. Training includes, but is not limited to, the following:
  - ◆ Installation and maintenance of child restraint seats;
  - ◆ Proper placement of children/youth in a child passenger restraint system, a belt positioning booster seat system, or seat belt;
  - ◆ Use of transportation assistants;
  - ◆ Proper placement of a child/youth with presenting behavioral problems when transporting in a non-secure vehicle;
  - ◆ Safety precautions and potential risks that may be encountered while transporting;
  - ◆ Control and disposal of contraband and preservation of physical evidence;
  - ◆ Emergency contact protocols; and
  - ◆ Search procedures.

Training is documented on the employees' training record with DCS Professional Development and Training.

## **K. Local Written Procedures**



1. Each region and Contract Agency develop written local procedures to include the following:
  - ◆ Process for requesting and coordinating transportation;
  - ◆ Additional responsibilities and requirements of the vehicle operator;
  - ◆ Security requirements of the child/youth being transported;
  - ◆ Procedures to ensure that the child/youth is restrained in safety seats and/or seat belts at all times while the vehicle is in motion;
  - ◆ Procedures to ensure that appropriate documents are transported with the child/youth;
  - ◆ Procedures for control and disposal of contraband and preservation of physical evidence;
  - ◆ Emergency procedures;
  - ◆ Training (e.g., specific to region; who conducts training, etc.); and
2. Requirements for written local procedures are documented on form **CS-0251, Local Administrative Procedures and Instructions**.

**Forms:**

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

[CS-0251 Local Administrative Procedures/Protocols for Facility/Region](#)

[CS-0351 Transportation Request](#)

[CS-0350 Transportation Report](#)

[CS-0496, Incident Report](#)

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

[CS-0657 Education Passport and School Enrollment Letter](#)

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

[CS-0813 Medication Transfer](#)

[CS-0827 Non-Custodial Consent for Transportation](#)

**Collateral Documents:**

[1.4 Incident Reporting](#)

[1.13, Assignment, Use, Maintenance and Responsibilities of Operating State Owned/Leased Vehicles.](#)

[1.18, Uniformed Employee Grooming Requirements and Provisions for Uniforms](#)

[31.19 Use of Mechanical Restraints for Youth](#)

[18.5, Control of Youth Personal Property in Youth Development Centers](#)

[19.9 Psychiatric Emergency Use of Mechanical Restraint](#)

[20.15, Medication Administration, Storage and Disposal](#)

[31.2 Responsibilities Regarding Runaways, Absconders and Escapees.](#)

[31.4, Search Procedures](#)

[31.16, Transporting Delinquent Youth](#)

[Protocol for Cross-Regional Social Services Transportation](#)

[Department of Human Resources Employee Handbook](#)

[Transportation Resource List](#)

***Electronic Code of Federal Regulations, Part 395, Hours of Service of Drivers***

***Local Regional Procedures***