



Tennessee Department of Children's Services

## Protocol for Release Notification and Approval

Supplemental to DCS Policy: [13.10, Custody Requirements for Justice Involved Youth in Custody](#)

### A. Release Approval Process:

1. Following the Release Child and Family Team Meeting (CFTM), a comprehensive release summary is written by the Residential Case Manager (RCM)/Provider Representative (PR). The summary includes progress on goals and goals that remain in aftercare.
2. The Juvenile Service Worker (JSW) reviews the information included in the [Pre-Release Readiness Work Aid for Delinquent Youth](#) to make sure all areas on the work aid have been addressed.
3. The RCM or PR submits the release summary to the JSW within five (5) business days following the Release/Discharge CFTM. The JSW prepares form [CS-0130, Release to Home Placement Request](#), form [CS-0043, Rules of Probation/Aftercare](#), and the Aftercare Family Permanency Plan and submits them to the Team Leader (TL) for approval.
4. Once approved by the TL, the JSW sends the release request to the committing court at least 15 (fifteen) days prior to the trial home visit (THV) date by submitting [CS-0130, Release to Home Placement Request](#), the release summary, and the Aftercare Family Permanency Plan to the court.
5. If the Judge agrees to the recommendation for release, form [CS-0130, Release to Home Placement Request](#) is signed and returned or a court order is given to the JSW.
6. If the Judge objects to the release, and does not sign the form, the JSW immediately notifies the RCM/PR and documents the details of the denial in the Electronic Record System. See section E below for further direction. If a court order is issued, the JSW obtains a copy.
7. If the Judge refuses to sign form [CS-0130, Release to Home Placement Request](#), but fails to make an objection in writing, or set a hearing within 15 (fifteen) days of

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the date of the court's receipt of the notice, the court has agreed to the youth's release from custody.

8. Once the release is approved by the Judge, the Team Coordinator (TC) sends the completed release packet with [CS-1222, Juvenile Justice Release Packet Checklist](#) to Central Office for the Commissioner/designee review and approval. **A youth may not leave custodial placement without the signed approval of the Commissioner/designee.**
9. Once the Commissioner/designee has reviewed and approved the youth's release, Central Office returns the signed form [CS-0130, Release to Home Placement Request](#), to the JSW who sends the signed form to the residential program.
10. If the request for release is reviewed in a court hearing, and the youth is released immediately, the staff member accompanying the youth to court:
  - ◆ Calls the residential program to notify them of the court's order;
  - ◆ Gets a copy of the court's written order releasing the youth, **BEFORE** leaving the courthouse; and
  - ◆ If the JSW is not at the hearing, notifies the JSW that the release has been released.

**Note: No youth is released without a written court order.**

### **B. Requirements After Release is Approved:**

1. Once the release is approved, if applicable, the JSW notifies local law enforcement of the approved Trial Home Visit by sending a copy of the signed form [CS-0130, Release to Home Placement](#) cover page. **Do not send other documents, just CS-0130.**
2. The JSW reviews DCS policy [21.18 Notification to School Principals of Certain Delinquent Adjudications](#), to determine if any of the youth's adjudicated offenses require notification to school he/she will attend. If so the JSW sends a request for notification to the regional educational specialist.
3. If the youth is currently receiving TennCare, the JSW refers to the [Protocol for Continuation of TennCare Eligibility for Children Exiting Custody](#).

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### **C. Determinate Commitment:**

1. Youth who receive a determinate commitment are released on the commitment expiration date; the judge's approval **is not** required for release. The JSW sends [\*\*CS-0004, Determinate Commitment Release Notification\*\*](#) to the court.
2. If recommended by the CFTM, youth with a determinate commitment may be **considered** for an early release from custody. A release summary from the residential program, [\*\*CS-0130, Release to Home Placement Request\*\*](#) and an Aftercare Family Permanency Plan is submitted to the Regional Operations Executive Director and Statewide JJ Director for consideration. Additional information needed include an explanation of where the youth will live, services currently placed in the home and a plan to monitor the youth until the commitment expiration date. The approval process below is required.
  - a) The Regional Operations Executive Director sends the request to the Regional Operations Deputy Commissioner for review and a decision, if approved the release is sent to the Office of General Counsel (OGC).
  - b) After the OGC reviews the request and determines the youth is eligible for early release, a legal referral is submitted to the local DCS Regional General Counsel (RGC)/designee who will file a motion for early release of the youth pursuant to [\*\*Tenn. Code Ann. § 37-1-137 \(c\)\(1\)\*\*](#). The law provides that the court should schedule a hearing within 15 (fifteen) days of receipt of the request.
3. The District Attorney (DA) is copied on the request for the hearing. If the court and the DA approve the request, the Judge orders the release from custody. If there are objections to release, a hearing is scheduled within 15 (fifteen) days of receipt of the denial.
4. DCS, the youth, and the DA are given the opportunity to be heard at the hearing.
5. If the release request is approved by the court the youth is placed in the proposed placement under the supervision of DCS until the original or adjusted release date, if the youth earned Youth Commitment Reduction Credits. Notification is made to the court that the youth's sentence expired by sending form [\*\*CS-0004, Determinate Commitment Release Notification\*\*](#).

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### **D. Advancement of Release Date Due to Hardship:**

1. Under hardship circumstances, a youth may be-considered for an early release. Examples of hardship circumstances include, but are not limited to, death of an immediate family, a major medical problem for the youth, or an immediate family that necessitates the youth's return home.
2. The RCM/PR requests verification by contacting the JSW, who verifies the circumstances of the request, if verified the following occurs:
  - a) The JSW and the other members of the youth's team agree that the advancement of release date is in the best interest of the youth.
  - b) The JSW notifies the committing court to request the proposed advancement date and the reasons for advancing the date.
  - c) If the proposed date does not allow sufficient time for the required 15 (fifteen) day notice to the court, the JSW asks the RGC to file an emergency motion.
  - d) Oral approval from the court is documented in TFACTS and notification is made to involved persons. The JSW obtains a written order as soon as possible.
  - e) The Commissioner/designee approves all cases of advancement of the release date. Form [CS-0130, Release to Home Placement Request](#), is completed and presented to the Judge for signature.

### **E. Court Objection to Indeterminate Release:**

1. If the committing Judge objects to the youth's release, the youth is not released. The Judge sends written notice of objection to the DCS Commissioner/designee including grounds for the objection.
2. If the court issues a verbal objection to release, the JSW immediately contacts the RGC for direction on whether or not to file a motion clarifying the court's position.
3. Upon receipt of the written objection from the Judge, the Commissioner/designee reviews the youth's file and consults with the committing judge regarding the denial in the form of a hearing. A hearing may be requested by the committing judge, by motion of DCS or any attorney for the youth.

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4. If no agreement is reached between DCS and the committing judge, the Commissioner/designee requests a hearing on the proposed placement by a three (3) judge panel appointed by the Executive Committee of the Tennessee Council of Juvenile and Family Court Judges. The panel hears and resolves the dispute within 30 (thirty) days of receipt of the request for a hearing. The decision of the panel is final.
  
5. In the event of an appeal hearing, no youth is returned home until the appeal hearing process has been completed and a written order is issued approving the youth for release.