



**JUSTICE AND PUBLIC SAFETY
CABINET DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

505 KAR 1:100

REFERENCES:

3-JTS-1E-04, 07; 1F-05; 2D-01; 3C-10-24; 3D-01-09; 4A-07, 09, 14; 4B-10, 12-14; 4C-07; 5A-05; 5B-05; 5D-01, 17; 5E-05; 5F-06; 5G-04; 5H-02, 11, 13
3-JDF-1E-05, 08; 1F-08; 2D-01; 3C-10-21; 3D-01-08; 4A-06, 08, 13; 4B-10, 12-14; 4C-07; 5A-16; 5B-05; 5C-01, 05; 5D-03; 5E-04; 5F-03; 5G-02, 11, 12
3-JCRF-1E-05, 07; 1F-09; 2D-01; 3C-03-16; 3D-01-07; 4A-05, 06, 10; 4B-06, 08, 09; 4C-02, 5A-09; 5B-03; 5D-01, 02; 5E-01; 5F-01; 5G-01, 05, 06
1-JDTP-1E-04, 07; 1F-07; 3C-06; 3D-01, 05, 09, 11, 14, 17, 19, 23, 26, 27; 3E-04
1-JBC-1E-07, 08; 1F-06; 2D-01; 3C14-23; 3D-01-08; 4A-05, 06, 12; 4B-10-12; 4C-07; 5A-07; 5B-05; 5D-01, 13; 5E-01; 5F-04; 5G-04; 5H-02, 03, 11, 13

CHAPTER: Admissions	AUTHORITY: KRS 15A.069
SUBJECT: Youth Rights	
POLICY NUMBER: DJJ 205	
TOTAL PAGES: 5	
EFFECTIVE DATE: 4/05/2019	
APPROVAL: Carey D. Cockerell	, COMMISSIONER

I. POLICY

Upon admission to a Department of Juvenile Justice (DJJ) program, youth shall be advised of their rights, duties, and responsibilities including their right to file a grievance.

II. APPLICABILITY

This policy shall apply to all DJJ residential facilities, Day Treatment programs, and Private Child Care Providers. DJJ youth in other types of community or out-of-home placements shall have the right to file a Service Complaint with the Department of Juvenile Justice.

III. DEFINITIONS

Refer to Chapter 200.

IV. PROCEDURES

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Written enumeration of rights shall be provided to each youth during the admission process and signed by the youth. The original shall be filed in the youth's record and a copy shall be provided to the youth. The following rights shall be afforded to all youth:

- A. Youth shall have the right of access to the courts and confidential contact with attorneys.
- B. Youth shall not be subject to and shall be free from discrimination. It shall be prohibited to discriminate based on a youth's race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status in making administrative decisions and in providing access to programs.
- C. Youth shall have access to the communication media through written requests or through media visits. All requests shall be subject only to the limitations necessary to maintain order and security and to protect the youth's rights, or as provided by law. Requests for media contact shall be acted upon in accordance with DJJPP Chapter 1 (News Media Contacts).
- D. Youth and parents or guardians shall be involved in the treatment planning process to the maximum extent possible. Youth have the right to attend treatment planning meetings unless the behavior of the youth prohibits participation. The assigned counselor shall provide the youth with an explanation of his treatment plan, in lieu of the youth's attendance.
- E. Confidentiality of the youth's record shall be maintained as provided by statutes and department policy (Reference KRS 610.320, 610.340 and 635.120).
- F. Audiovisual or tape recordings used as a part of the youth's treatment shall only be used for teaching or therapy purposes with written permission from youth and parents or guardians.
- G. With the prior written consent of the youth and the parent or guardian, youth may participate in research studies approved by the Commissioner's Office.
- H. Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, and physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abusive language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030 and DJJPP Chapter 1 (Staff Code of Ethics).
- I. Youth charged with major rule violations shall be afforded due process, including the right to appeal.
- J. All youth shall be provided due process consisting of notice of intent to transfer to another out-of-home placement, and an opportunity for the youth to respond either verbally or in writing at the time of notice. In the case of

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emergency transfers, the youth shall be provided the aforementioned due process as soon as practical.

- K. There shall be equal access to programs and services for male and female youth in out-of-home placement.
- L. At least two hours of recreation, one hour of which shall be active recreation, shall be provided per day in group homes, youth development centers and detention programs, under the direction of a designated recreation leader. Special arrangements to provide this hour of recreation shall be made if the youth is to be separated from the group. Day Treatment programs shall provide a recreation program approved by the Regional Director. Under circumstances involving a medical condition, a youth may be denied recreational activity on a day-to-day basis. The youth's recreational privileges shall be restored with the approval of authorized medical personnel.
- M. An academic and vocational program to meet individual youth's needs shall be provided in accordance with applicable education statutes.
- N. Each group home, residential and detention program shall designate space and time frames for the youth to participate in religious activities. Participation in religious services shall be voluntary. There shall be no reprisal against any youth in regard to choice for participation in religious services. However, religious practices that pose a danger to the youth, other youth, or staff, or that create a danger to the security of the facility shall be prohibited.
- O. Youth shall have the right to refuse to participate in uncompensated work assignments unless the work is related to housekeeping or maintenance of the facility or personal hygienic needs, or the work is part of an approved vocational or training program.
- P. Access to medical, dental and mental health care, including twenty-four (24) hour emergency medical services, shall be provided, excluding Day Treatment.
- Q. Living units shall be provided with adequate lighting, heat, ventilation and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations.
- R. Youth may wear personal clothing consistent with program guidelines or wear combinations of personal and facility clothing. Youth's clothing shall be kept clean, maintained in good repair and shall be sufficient to meet seasonal and protective needs of the youth.
- S. A personal property inventory of all possessions shall be made for newly admitted youth in residential facilities. The inventory shall indicate which property is being held until discharge and shall be signed by the youth. This inventory shall be made a part of the youth's record with the youth receiving a copy. Whenever possible, property of the youth which is inappropriate for

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possession in a residential placement shall be returned to the parents or legal guardians of the youth. Returned items shall be listed on the property inventory with a notation listing the date and to whom the items were returned. Currency shall be refunded or released to youth only during normal business hours. In an ATR situation, currency shall be available to the youth within seven (7) days of transfer.

- T. Clean bedding, linens, towel, and washcloth shall be provided to each youth in residential facilities (to include two (2) sheets, a pillow and pillowcase, mattress, and sufficient blankets to provide comfort under existing temperatures). Linen exchange shall be made at least once a week.
- U. Youth shall be afforded daily opportunity for personal hygiene.
- V. Personal hygiene articles shall be provided to each youth in residential facilities. At a minimum, the following items shall be available in each program and shall be replenished as needed: combs, shampoo, soap, deodorant, toothpaste, toothbrush, and sanitary products.
- W. Three meals a day and an evening snack shall be provided to each youth in residential facilities. Special diets shall be provided when necessary to meet health or religious requirements.
- X. Youth shall be afforded the opportunity for a sufficient night's sleep in residential facilities.
- Y. Reading materials shall be provided to the youth during approved reading times. Sufficient lighting for reading shall be provided.
- Z. Youth shall have the right to receive visits, subject only to the limitations necessary to maintain order and security, or where visitation is determined by the treatment team to be detrimental to the youth's progress. Each program shall specify or designate day, time, and area for visitation. Procedures for visitation in group homes and youth development centers shall relate to treatment of the youth as specified in the treatment plan.
- AA. Youth in group homes, residential and detention programs shall have the right to send mail, excepting commercial enterprise ventures, and shall be provided up to five (5) postage stamps weekly, excluding legal correspondence and subject to any limitation contained in DJJPP Chapters 3 (Family and Community Contacts: Mail, Telephone, and Visitation) and 7 (Family and Community Contact). Youth shall not bear the cost of postage.
- BB. Youth in Day Treatment shall have access to a telephone to initiate and receive emergency personal calls. Youth in detention shall have the right to make successful contact with family members, attorneys, or other approved individuals during the admission process. Each youth in group homes, residential and detention programs shall be provided access to the telephone to make and receive personal calls, within the limits of the orderly operation of the facility, in order to maintain community and family ties and maintain contact with attorneys.

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CC. Youth shall have the right to report any problems or complaints without fear of reprisal. There shall be a written grievance procedure, which shall be explained and posted in living and program areas, which allows for at least one (1) level of appeal.

DD. Youth who believe that their rights have been violated shall have the right to file a grievance as set forth in DJJPP Chapter 3 and 11 (Grievance Procedure) for youth in a day treatment, group home, or YDC or a service complaint as set forth in DJJPP Chapter 6 (Service Complaints) for youth in community or other placements.

V. MONITORING MECHANISM

The Facility Superintendent, Facilities Regional Administrator or Regional Director, and Ombudsman shall monitor these activities.