

## APPENDIX A

### A TABLE OF SELECTED LEGAL PROVISIONS DISCUSSED IN THIS BOOK\*

Legal Right		DYS regulation	DYS policy	DEEC regulation	Comments
Accessing DYS records		109 CMR 3.00 <i>et</i> <i>seq.</i>	DYS Policy # 1.7.2, Confidentiality of Client Records (Feb. 15, 1999)	Not applicable	
Program case management/ service planning				Yes	See DYS treatment plans and progress reports policies
Treatment plans			DYS Policy # 2.2.1(b), Treatment Plans (Jan. 1, 1999)		See DEEC program case management/ service planning regulations
Treatment team meetings			DYS Policy # 2.2.1(b), Treatment Plans (Jan. 1, 1999); DYS Policy # 2.2.4 Progress Reports (Jan. 1, 1999)		See DEEC program case management/ service planning regulations
Room confinement		109 CMR 5.00 <i>et</i> <i>seq.</i> <sup>1</sup>			See DEEC time out regulations

\* This table does not indicate which provisions apply in a certain program. When using this table, you must first determine which provisions apply. This determination will require examining the provision to see to which programs it applies. You may want to contact one of the organizations that provides legal representation listed in the Resource Guide.

Legal Right		DYS regulation	DYS policy	DEEC regulation	Comments
Time out				102 CMR 3.07(7)(k) <sup>2</sup>	See DHS room confinement regulations
Prohibition on corporal punishment			DYS Policy # 2.3.1(b), Behavior Modification (Jan. 1, 1999)	102 CMR 3.07(7)(g)	
Restraint in facilities		109 CMR 6.00 <i>et seq.</i>	DYS Policy # 3.2.8(d), Restraints and Use of Force (Apr. 10, 2000)	102 CMR 3.07(7)(j)	DYS and DEEC provisions largely overlap, although each agency has some unique requirements (see separate table regarding restraint)
Mechanical restraint during transport			DYS Policy # 2.1.2(b), Transportation (Jan. 1, 1999)		
Searches during transport			DYS Policy # 2.1.3, Security and Safety Procedures for Transportation (June 1, 1999)		
Visits			DYS Policy # 3.4.4(b), Visitation (Jan. 1, 1999)	102 CMR 3.07(9)	

<b>Legal Right</b>		<b>DYS regulation</b>	<b>DYS policy</b>	<b>DEEC regulation</b>	<b>Comments</b>
Telephone			DYS Policy # 3.4.3(b), Telephone Use (Jan. 1, 1999)	102 CMR 3.07(9)	
Mail			DYS Policy # 3.4.2(b), Mail (Jan. 1, 1999)	102 CMR 3.07(9)	
Special management			DYS Policy # 2.2.2(b), Special Management (Jan. 1, 1999) <sup>3</sup>		See DEEC behavior management regulation
Behavior management				102 CMR 3.07(7) <sup>4</sup>	See DYS special management and behavior modification policies
Behavior modification			DYS Policy # 2.3.1(b), Behavior Modification (Jan. 1, 1999) <sup>5</sup>		See DEEC behavior management regulation
Passes to the community			DYS Policy # 3.2.25, Passes (June 1, 1999)		
Program advocate			DYS Policy # 2.2.3(b), Advocate System (Jan. 1, 1999)		

<b>Legal Right</b>		<b>DYS regulation</b>	<b>DYS policy</b>	<b>DEEC regulation</b>	<b>Comments</b>
Staff interaction with youth			DYS Policy # 2.3.2, Client and Staff Interaction (Feb. 15, 1999)		
Language			DYS Policy # 3.4.6(b), Foreign Languages in Facilities (Jan. 1, 1999)		
Religious services/ practice			DYS Policy # 3.4.8(b), Religious Services (Jan. 1, 1999)	102 CMR 3.06(8)	
Searches in facilities and programs			DYS Policy # 3.1.2(a), Searches in Secure Facilities (June 1, 2006); DYS Policy # 3.1.3(a), Searches in Residential Facilities (June 1, 2006); DYS Policy # 3.1.4(a), Searches in Community Programs (June 1, 2006)	102 CMR 3.07(11)	
Personal property			DYS Policy # 3.5.5, Storage and Disposal of Personal Property and Funds (June 1, 1999)		

<b>Legal Right</b>		<b>DYS regulation</b>	<b>DYS policy</b>	<b>DEEC regulation</b>	<b>Comments</b>
Complaint process				102 CMR 3.04(3)(j)	DYS has no complaint provision but complaints may be filed with DYS legal department. See also DYS program advocate policy.
Incident reporting			DYS Policy # 1.3.5(c) Serious Incident Reporting and Investigation	102 CMR 3.04(3)(h)	Various DYS policies have provisions for reporting certain types of incidents.
Grooming and hygiene				102 CMR 3.07(5)(a)	
Clothing				102 CMR 3.07(4)	
Recreation				102 CMR 3.06(7)	
Intake screening			DYS Policy # 2.1.1(c), Intake Procedures (Jan. 1, 1999)		

Legal Right		DYS regulation	DYS policy	DEEC regulation	Comments
Mental health assessment	Mass. Gen. L. ch. 120, § 5(a)-(c)	109 CMR 11.22; 109 CMR 11.23	DYS Policy # 2.2.5(c), Suicide Assessment in Secure Facilities (June 1, 2006), DYS Policy # 2.2.6(a) Suicide Assessment in Residential Facilities (Nov. 1, 2005), and DYS Policy # 2.2.7(a) Suicide Assessment at Community Placements (Nov. 1, 2005)	102 CMR 3.05	
Mental health treatment	Mass Gen. L. ch. 18A, § 2 (services to prevent			102 CMR 3.06	
Medical care	Mass. Gen. L. ch. 18A, § 2	109 CMR 11.23(1)(a)	DYS Policy # 2.5.7, Continuity of Care (Mar. 14, 2000)	102 CMR 3.06(4)	
Use and/or administration of medication/ psychotropic medication	Mass. Gen. L. ch. 18A, § 2	109 CMR 11.01, 11.14, 11.15, 11.16	DYS Policy # 2.5.16(b), Use of Psychotropic Medication (Mar. 14, 2000); DYS Policy # 2.5.15(b), Medication Administration (Jan. 1, 1999),	102 CMR 3.06(4)(k)	

Legal Right		DYS regulation	DYS policy	DEEC regulation	Comments
Drug/alcohol testing			DYS Policy # 2.3.6, Client Substance Use (Sept. 18, 2000)		