

## CHAPTER 2: IMPORTANT TERMS USED IN THIS BOOK

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It may be helpful, for individuals who are new to the DYS system, to review the following important terms and explanations prior to reading the remainder of this book.

### **Alternative Lockup Program (ALP)**

A free-standing facility where a youth may be held during pre-arraignment detention, that is, after arrest and until arraignment. There are both non-secure and hardware secure ALPs. The non-secure ALPs are overseen by the Massachusetts Department of Children and Families (DCF) which then contracts with service providers to operate the programs. The hardware secure facilities are administered by the Massachusetts Executive Office of Public Safety and Security (EOPSS) which, in turn, contracts with other service providers to run the programs.

While DYS does not run any ALPs, it does have three beds for boys in its Westfield facility and one bed for girls in the Terri Thomas program in Springfield which police can access for post-arrest, pre-arraignment youth. The conditions in these various programs vary; advocates have been particularly critical of the lack of legal standards for EOPSS-administered ALPs.

### **Area Review Team (ART)**

Previous name for Regional Review Team. See entry below.

### **Arraignment**

The court proceeding during which a youth is read the allegations against him and asked to enter a plea.

### **Assessment unit**

The type of DYS secure treatment unit where a youth goes when a bed becomes available upon being committed to DYS to await caseworker assignment, the staffing meeting, and placement. Youth receive an assessment on this unit, which includes review and compilation of family involvement, educational

history, prior criminal record, presence or absence of substance abuse, medical and psychiatric history, and review of risk factors related to offending. This assessment should be completed in 30 to 45 days of placement within the Assessment Unit. The assessment is then used to develop an individual treatment and service plan and to determine future DYS placements.

## **Bail**

An amount of money that a youth or someone acting for him agrees to deposit with the court to ensure that, if he returns home, he will reappear in court for trial. If a youth deposits funds and then appears at every court date, he will receive the money back.

## **Care and Protection (C & P) proceeding**

A proceeding resulting from a petition filed in juvenile court regarding a child under age 18 alleging that the child is without necessary and proper physical or educational care or discipline, or the child is growing up under conditions damaging to the child's character development, or the child is lacking proper attention of a parent or legal guardian, or the child's parent or legal guardian is unwilling, incompetent, or unavailable to provide such care, discipline or attention. After a hearing (in which the parent or legal guardian has the right to a lawyer), a successful petition may result in the parent or legal guardian's loss of physical and legal custody of the child and the transfer of those custodial rights to the Department of Children and Families.

## **Caseworker**

Caseworker assignment is based on the community where a youth lives. Caseworkers are supervised by a District Manager, located in the Community Re-entry Center. As a youth moves through the DYS system, his caseworker should notify the youth's parents or legal guardian of his moves.

Typically, a committed youth will have one or two DYS caseworkers during the course of involvement with DYS; all will have a community caseworker and some will also have a residential caseworker.

Within three days of commitment, all DYS youth are assigned a community caseworker. The community caseworker is responsible for the case management for youth in a range of settings including those: 1) residing in the community and/or a community-based placement; 2) on assessment, detention, reception, revocation units or placements; and 3) on parole violator/escapee status. This caseworker prepares a case history (unless a case historian performs this role), participates in the staffing and classification process, helps develop a treatment plan, assesses readiness for release, and provides oversight and/or supervision of youth residing in the community.

For youth who are entering a residential treatment facility or placement of six months or more, DYS transfers the youth's case from the community caseworker to another DYS caseworker, a residential caseworker, to handle the youth's case temporarily. This caseworker is responsible for general case management of the youth, including implementation of the youth's service delivery plan from intake at the facility or placement until transition to the community. When the youth moves from the residential program to the community, then the community caseworker regains responsibility for the youth.

### **Child in Need of Services (CHINS)**

A Juvenile Court procedure for youth who are running away, failing to abide by house rules, not attending school, or breaking school rules. Under this procedure, the youth can be placed under the supervision of the probation department. Some youth with CHINS are placed in the care and custody of the Department of Children and Families (formerly the Department of Social Services). In these instances, parents lose physical and legal custody of their child.

### **Classification**

The process by which DYS determines both the range of time which a youth, once committed to DYS, will spend in secure and residential treatment facilities and the placement location itself. DYS uses a classification grid, defined below, in determining the

time period. DYS administrators, known as a Regional Review Team, make the classification decision at a meeting. In doing so, the Regional Review Team considers the recommendation from the staffing meeting.

### **Classification grid**

A tool DYS uses to determine the length of time a youth will remain in secure treatment facilities and in residential treatment facilities, based on the nature of the offense. The grid outlines the minimum and maximum treatment times for every offense. DYS uses the youth's most serious offense when looking to the grid for placement duration. The youth typically will have to do at least the minimum amount of treatment time, and may have to do longer. "Treatment time" does not include time spent in detention or assessment. The DYS classification grid is only a guide for deciding placement duration in a secure treatment facility. There is no legal requirement that its recommendations be imposed.

### **Clinician**

When used in the DYS context, the term is a designation for a job position within DYS. DYS has sought funding to employ licensed mental health clinicians.

### **Commitment**

The status of a juvenile delinquent or youthful offender sentenced by the Juvenile Court to the physical custody or supervision of DYS until age 18 or 21. Parents or legal guardians always maintain legal custody. Committed youth live in secure, residential or community placements.

### **Committee for Public Counsel Services (CPCS)**

The state public defender agency which is responsible for overseeing private attorneys (known as "bar advocates") who accept court appointments to represent youth within the juvenile justice system. In limited circumstances, lawyers working at CPCS will take these cases. Questions regarding representation

may be directed to the Youth Advocacy Project at (617) 445-5640 or Helen Fremont at (617) 482-6212.

### **Community Re-entry Center (CRC)**

CRCs are community-based centers that serve DYS-involved youth who live in the community (residing with a parent, guardian, or foster parent or residing in an independent living program). The primary purpose of CRCs is to provide youth with the intensive supervision and services in order to function and remain in the community. CRC staff provides case management, accountability and intervention services. There are 38 CRCs across the state. CRCs are run by DYS and vendors in partnership. In certain more rural areas of the state, particularly in DYS's Western Region, DYS has Neighborhood Centers instead of CRCs. These centers function similarly to CRCs. CRC's were formerly called Day Reporting Centers.

### **Custody**

Control over a child. An entity may have physical custody, legal custody, or both. DYS may or may not have physical custody of a youth during commitment. In either case, the parent or legal guardian (for example, the Department of Children and Families) retains legal custody.

### **Delinquent child**

A child, older than age 6 and younger than age 17, who is found to have violated any city ordinance or town by-law or who commits any offense against a Massachusetts law. Seventeen year olds are considered adults in Massachusetts and are tried in adult court.

### **Detention**

There are two types of detention: pre-arraignment and post-arraignment.

Pre-arraignment detention is the legal status of a youth who has been arrested and is being held until

the court is open for an arraignment. Youth subject to pre-arraignment detention cannot be held more than six hours in a police station, so they are sent to pre-arraignment detention facilities known as ALPs or, in Boston, overnight arrest facilities. DYS is not responsible for pre-arraignment detention facilities, except for a few beds the agency operates in western Massachusetts.

Post-arraignment detention is the legal status of a youth who has been arraigned (charged) in juvenile court and who cannot make the set bail. The youth will remain in post-arraignment detention, in a DYS-operated detention facility, until he makes bail or until his trial and case disposition.

### **Department of Early Education and Care (DEEC)**

The state agency responsible for licensing and monitoring residential care facilities serving children and adolescents.

### **Department of Mental Health (DMH)**

The state agency responsible for providing clinical, rehabilitative and supportive services to adults with serious mental illness and children and adolescents with serious mental illness or serious emotional disturbance.

### **Department of Elementary and Secondary Education (DESE)**

The state agency responsible for overseeing the state public education system. A division of DESE, Special Education in Institutional Settings (SEIS), provides special education services to youth with disabilities residing in state facilities. DESE does not provide regular education services in DYS facilities; DYS does. DESE used to be called the Department of Education (DOE).

### **Department of Children and Families (DCF)**

The state agency (formerly the Department of Social Services) responsible for protecting minors who may

have been abused or neglected at home. Families can become involved in DCF in three ways:

- formal allegations of child abuse or neglect;
- court-ordered DCF involvement; or
- voluntary request for services.

In some cases, DCF may obtain legal custody of the minor. Such custody may result from a Child in Need of Services (CHINS) Petition, a Care and Protection (C& P) court proceeding, or through guardianship of a minor in probate court. In such cases, DCF acts in the place of the parent, as legal guardian, performing the decision-making function that the parent would ordinarily do. Often, DYS committed youth have court-ordered involvement with DCF as a result of a CHINS petition or a C&P order.

## **Department of Youth Services (DYS)**

The state juvenile justice agency. DYS is divided into five regions (Metro, Central, Northeast, Southeast, and Western) which provide a continuum of services for boys and girls, including committed and detained youth sent to DYS from the Juvenile Courts.

## **Disposition**

The sentence imposed in a court case, including those cases in the Juvenile Court.

## **District Manager**

A DYS employee who supervises DYS caseworkers and is responsible for the daily operations of a Community Re-entry Center. The district manager is responsible for the oversight of service delivery for all committed youth from an assigned geographic location from commitment through discharge. The district manager also approves revocations of grants of conditional liberty.

## **Diversion**

Diversion is the practice of not prosecuting a youth

in exchange for his agreement that he will pursue alternative steps. While the youth is not prosecuted, diversion programs may require that the youth admit to the crime before entering the program.

## **Dual Status Youth**

The term for a youth who was committed to DYS, was released to the community, and then was re-arrested for another offense. If such a youth is held on bail in an adult facility, DYS will lodge a “detainer” so that if the youth is able to post bail, he will nonetheless not be allowed to go home, but, instead, will be returned to DYS custody. If, on the other hand, the youth is held on bail in a DYS detention unit, the youth who is able to post bail will be considered for a revocation. If such a youth is then re-committed for the new offense, he will be re-assessed, have another staffing, and be reclassified. The most serious offense will inform the decisions regarding his course of treatment at DYS. The new offense may result in a modification of the treatment response or may alter the treatment mode to focus on a more serious risk.

## **Education Liaison**

An employee of a provider agency that contracts with DYS who is charged with advocating for educational services for DYS involved youth. Liaisons are based at the regional level of DYS; there are at least two liaisons per region. Among other responsibilities, liaisons request educational records for committed youth from local school districts and provides them to appropriate DYS staff. Liaisons also coordinate the activities between DYS and the youth’s local school district. Liaisons also are charged with assisting youth entitled to special education services to access those services. Liaisons also assist in the transition of youth from DYS back to community educational placements.

## **Extension of commitment**

A process by which DYS may seek an order from the court to extend the commitment of a delinquent

juvenile between ages 18 and 21, pursuant to Mass. Gen. L. ch. 120, §§ 16-19.

### **Extension of time assignment**

A process by which DYS may seek to extend the treatment time that DYS has initially assigned to a youth pursuant to the classification grid.

### **Graduated sanctions**

A system of immediate and intermediate sanctions used at Community Re-entry Centers to address non-compliant behavior. Sanctions imposed vary depending on severity of violation, number and severity of prior violations, presence of other risk factors, and public safety. Youth are subject to more restrictive sanctions if there are repeated violations.

### **Grant of Conditional Liberty (GCL)**

A written agreement signed by DYS and a youth committed to DYS establishing a set of rules of conduct that the youth must follow in exchange for being allowed to leave a DYS secure program and be placed instead in a residential or community placement, such as a residential or community program or at home. If the youth violates any of these rules, DYS can increase the level of supervision or revoke the youth's liberty.

### **Grid level**

The level (1-6) assigned to a committed youth which corresponds with the severity of the offense that resulted in their being committed to DYS. Each grid level has a corresponding minimum treatment time assignment at DYS. See also "classification grid."

### **Group worker**

The title for the DYS employees working with youth in DYS programs. There are three levels of group workers. Group worker 1 applies to line staff. Group worker 2 applies to Shift Supervisors. Group worker 3

applies to Shift Administrators. All three perform direct care of juveniles.

### **Individualized Education Program (IEP)**

A written plan that must be developed through a process overseen by the youth's local school district for each youth found eligible for special education. The plan must describe what special educational services and accommodations a youth will receive. The plan must be developed by an education team composed of individuals with knowledge of the youth and must include, among others, schools officials and parents or legal guardians.

### **Health Care Team**

A team which may include a Physician, Physician Assistant, Nurse Practitioner, Licensed Practical Nurse, Registered Nurse, Dentist and any medical specialist involved in the client's health care. The team also may include the DYS Director of Health Services, the DYS Region's HIV Educator, and the youth's clinician on the unit.

### **Juvenile Court**

The state court hearing all juvenile matters involving juveniles, as well as certain cases involving child welfare regarding abuse and neglect, custody issues, or children in need of services (CHINS). There are 11 divisions of the court, in Barnstable, Berkshire, Bristol, Essex, Franklin/Hampshire, Hampden, Middlesex, Norfolk, Plymouth, Suffolk and Worcester counties. The majority of courts have juvenile judges. However, in some locations, adult court judges handle juvenile matters.

### **Juvenile Court Clinic**

These clinics, located in the Juvenile Court, employ trained mental health professionals to conduct individual and family psychosocial, psychological and psychiatric evaluations of court-involved youth at the request of the court. The clinics are operated

by vendors who are accountable to the Department of Mental Health and the Massachusetts Trial Court. These evaluations are not confidential and any information provided may be disclosed to the court.

### **Level of community supervision**

The level of supervision that a DYS committed youth residing in the community is assigned at the Community Re-entry Center ranging from a high of four to a low of one. The higher the level assigned, the more intense DYS's supervision. This system operates using a combination of graduated sanctions, supervision, interventions and treatment.

### **Magistrate hearing**

A hearing conducted by an Assistant Clerk Magistrate or Clerk Magistrate to determine whether a juvenile, typically who has not been arrested, and who is accused of a crime should have charges brought against him. Youth are not entitled to a lawyer for these hearings, but can bring their own. These hearings offer the opportunity for the resolution of the matter short of formal charges.

### **Placement**

The secure, residential or community placement in which DYS puts a youth.

### **Probation**

A court-ordered status of court supervision in the community. This status may be ordered either pre-trial or upon adjudication of delinquency. The youth is allowed to remain in the community and must follow agreed-upon rules, such as reporting to the probation officer, attending school, and complying with a curfew.

### **Probation Officer (PO)**

The public employee who monitors persons placed on probation. Probation officers assigned to the Juvenile Court supervise delinquency, youthful offenders,

neglect and abuse and Children in Need of Services (CHINS) cases. Probation Officers work for the Office of the Commissioner of Probation, a department of the Massachusetts Trial Court.

### **Program Director**

The title for the head of DYS program. Each program also has an Assistant Program Director. In addition, each program will have a Clinical Director.

### **Reception**

Reception is an old term for the place within DYS where youth go immediately after they have been found delinquent. These units are now typically called Intake Units.

### **Regional Director**

DYS employee charged with supervising one of the five DYS geographic regions: Central, Metro, Northeast, Southeast or Western. If a youth's parent or legal guardian has concerns that aren't being addressed by DYS staff working with a youth, he or she should bring the concerns to the Regional Director. A list of DYS regional offices is included in the Resource Guide at the end of this book.

### **Regional Review Team (RRT)**

An administrative body in each DYS region composed of at least three DYS Senior Managers, one of whom is a Regional Clinical Coordinator. The RRT decides, among other things, appropriate classification for newly committed youth or recommitted youth. Specifically, RRTs consider the recommendations developed at the staffing meeting for the youth regarding duration of treatment and placement, and accept or modify these recommendations. RRT decisions are made based on the following factors: caseworker recommendation; treatment required to reduce risk factors and the chances of recidivism; grid level; risk to public safety; and any other remarkable mitigating or aggravating factors. RRTs

also approve all grid level deviation requests. RRTs also are responsible for reviewing and authorizing any extension of time assignments for DYS-committed youth.

## **Revocation**

A process by which an impartial hearing officer revokes the grant of conditional liberty of a youth in the community (for violation of a provision or provision of that grant).

## **Revocation hearing**

A hearing, presided over by an impartial hearing officer, to consider revoking a grant of conditional liberty for the youth's violation of terms of that agreement. At the hearing, a hearing officer appointed by DYS evaluates and acts upon DYS's request to revoke the grant. A youth is not entitled to have an attorney appointed, but may bring one to the hearing. A parent also may be present. The hearing officer may impose one of the following options at disposition: no violation; return to custody for a certain period of time; take under advisement; or escalate to Regional Review Team postponement or continuance. The youth has a right to an appeal.

## **Service delivery plan**

An individualized, written plan that contains a brief assessment of the youth's needs and DYS's plan for delivering services to address those needs. This plan is initially developed, by those present, at the youth's staffing. The service delivery plan is then used to develop the youth's treatment plan. Other agencies, such as the Department of Mental Health, also develop service plans for their clients. Therefore, a youth served by multiple agencies may have multiple service plans.

## **Special Education in Institutional Settings (SEIS)**

A division of the state Department of Elementary and Secondary Education responsible for providing special education services to youth with

disabilities residing in state facilities operated by the Departments of Mental Health, Public Health, and Youth Services, and in county correctional facilities. Previously called Educational Services in Institutional Settings (ESIS).

## Staffing

The staffing is what DYS calls its formal case conferences. There are various types of staffings that a youth may experience. The purpose of all DYS staffings is to provide a forum for open discussion regarding a youth's service delivery plan.

One type of staffing is an **initial staffing** which occurs on newly committed youth at the assessment unit in order to determine the youth's service delivery plan. This staffing is chaired by the youth's community caseworker and is attended by the youth's treatment team, which includes the caseworker, the DYS community District Manager, the assessment staff, the youth, the youth's lawyer, a parent or legal guardian (and personal representative if desired). The DYS Education Liaison, teaching coordinator and other involved community stakeholders are additional preferred participants. At the staffing, the youth's case history will be presented and the team will develop a recommendation for a range of time which a committed youth should spend in secure and residential treatment facilities and identify potential placement locations. The recommendation regarding duration of confinement is largely guided by DYS's classification grid, with consideration of risk to public safety and any other mitigating or aggravating factors. After the staffing, the Regional Review Team considers this recommendation in determining the youth's classification.

Another type of staffing is a **review staffing**, which occurs when a committed youth is recommitted to DYS. The review staffing is used to determine a new service delivery plan. A review staffing may occur at other times to re-evaluate a youth's service delivery plan.

Another type of staffing is an **emergency staffing**, which is held when there is an urgent matter regarding

the youth to address.

There are also ***administrative staffings*** and ***transfer staffings***.

### **Status offense**

A term that used to be used to refer to an act that was a violation of the law only when committed by a juvenile, such as running away and truancy. These acts have now been decriminalized and now constitute the basis for a CHINS petition. Youth cannot end up in the DYS system for having committed these acts.

### **Teaching Coordinator**

A DYS provider employee in each program who oversees on-site education services and teacher staff development.

### **Treatment plan**

An individualized plan containing an assessment of a youth's needs, measurable short and long term goals and objectives, and the methods to be used to reach these objectives at this program. The program develops and a licensed clinician approves the plan.

### **Treatment unit**

A DYS unit where youth committed to DYS receives treatment. A youth is placed on a treatment unit after a stay on an assessment unit. Youth on treatment units meet the "treatment time" obligations set by the Regional Review Team.

### **Youthful Offender**

A youth committed by a court to the custody of DYS until age 21 pursuant to Mass. Gen. L. ch. 119, § 58 after having been indicted by a prosecutor for a qualifying reason.

