



Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Youth Services

Official Policy

Policy Name: Non-Guardian Placement of Youth

Policy #: 04.01.01 **Effective:** 09/01/21

References: G.L. c. 119 s. 23

Forms: Background Check letters
Waiver Request form
Home Evaluation Checklist

Signature:

8/5 / 2021

Peter J. Forbes, Commissioner

Applicability: This policy shall apply to DYS. Providers are expected to have their own policy covering this topic area.

Policy

It is the policy of the Department of Youth Services (DYS) to seek safe and stable community placements for DYS youth that support the success of the youth. When a youth is ready to transition from a residential placement to a community placement, a youth's caseworker shall consider the youth's parent, guardian, family, and other supportive adults identified by the youth as the first options when determining community placement. When it is determined that the youth's parent/guardian is not the recommended community placement, the caseworker shall explore alternative supportive adults in the youth's life as potential placement options. The caseworker shall explore alternative options in the event the first option is not viable at the time of placement or changes are needed once the youth is in the community. In determining placement, DYS shall consider the youth's request and perspective on the most optimal placement, consistent with the youth's identified goals. This policy does not preclude a youth transitioning to other residential transitioning options prior to community placement.

Caseworkers shall follow this policy and procedures when planning for community placement during the 90-60-30-day transition period, to ensure there is a clear and consistent process that supports safe and stable connections. The caseworker shall document the recommended community placement plan, including specific information about how it supports a stable connection for youth as detailed in these procedures.

Consistent with DYS duty of care to youth in its custody, it is the policy of DYS to conduct a background check including a check for supported abuse and/or neglect findings by the Department of Children and Families (DCF), a multi-state criminal records check and a Sex Offender Registry Information (SORI) check for all Non-Guardian placements. For committed youth including youthful offenders, such background check will be completed of any individual 18 years old or older living in the household while the DYS youth is living there. For youth engaged in voluntary services (YES), background checks are not required to approve a youth's community placement.

Procedure

A. Definitions

1. The following definitions shall have the meanings assigned to them in this policy for purposes of interpreting this policy.

Administrative Review of the Regional Review Team: Meeting initiated and convened by the Caseworker and scheduled with the Regional Administration in order to review a case without the youth or parent/legal guardian present.

Community Placement: A location in the community approved by DYS or its contracted providers where a DYS youth who has signed a grant of conditional liberty (GCL), lives. Such location does not have 24-hour on-site supervision by a DYS state or contracted provider employee and includes, but is not limited to home, foster care, and independent living apartments.

Discretionary review process: the process that ensues when a background check of a non-Guardian placement candidates reveals an issue of concern. This process includes the following: a meeting held at the request of a noncustodial placement candidate with the Regional Director of Community Services for the noncustodial candidate to provide information regarding any issue of concern identified during their background check; consideration by the Director of Community Services of whether to submit a waiver request to the Commissioner or Designee regarding the identified issue of concern; and the determination by the Commissioner or Designee of any waiver request submitted whether to grant the waiver and allow the candidate to become a Non-Guardian placement.

Emergency Placement: Community Placement allowed without background check for no more than 60 days.

Non-Guardian Placement: A placement with an individual other than a youth's parent or legal guardian. Such individual may include but is not limited to a youth's biological or step siblings; persons related either by blood, marriage, or adoption (i.e., adult sibling, grandparent, aunt, uncle, first cousin); or a significant other adult (teacher, mentor, friend's parent) whom the child and/or parent(s) consider "family" based on cultural and affectional ties or individual family values. May also include roommate, peers, significant other.

Parent/Legal Guardian: Individuals including a youth's biological, adoptive, or legal guardians; includes the coparent or legal guardian of any child of the youth.

Stable Housing: A placement option characterized by a fixed residence, ties to a community and supportive resources for a youth.

2. Terms that are defined Policy #01.01.04, "Policy Definitions" shall have the meanings assigned to them in that policy, unless a contrary meaning is intended.
3. Terms not defined in Policy #01.01.04 or in this policy shall have the meanings assigned to them by reasonably accepted standard dictionary definitions of American English.

B. Initiation of Non-Guardian Placement

1. Upon intake, as well as throughout the assessment process and commitment of a DYS youth, the DYS Caseworker, assessment staff and youth shall identify non-guardian family and supportive adults to support the youth's progress toward their treatment goals both while in DYS residential and community placement.
2. Caseworkers shall also identify non-guardian family and supportive adults who may be possible community placements.
3. Potential non-guardian placements who are parties to active or prior domestic violence court orders and other protective orders involving the youth shall not be approved as a community placement unless placement is approved through an Administrative Review of the Regional Review Team after consultation with the DYS General Counsel's Office and/or Director of Victim Services.

C. Preparing for Community Placement Recommendations

1. In the event a youth will not be living with his/her Parent/Legal Guardian, the Caseworker shall contact identified non-guardian supports and determine their interest in becoming a community placement.
2. If the Department of Children and Families (DCF) is the legal guardian for the youth, the Caseworker shall consult with the social worker regarding the non-guardian placement to obtain DCF approval prior to finalizing placement.
3. If a non-guardian support is willing to become a candidate for potential community placement, the Caseworker shall review the following placement process components with non-guardian placement Candidate(s):
 - a. Background check process including DCF, multistate criminal record, and SORI checks, and the discretionary review process.
 - b. Home evaluation using DYS standard checklist.
 - c. Potential process for foster placement and legal guardianship; and

- d. Supports to be provided for youth and placement such a therapy, family engagement specialist connections.
- 3. Background Checks are not required for placements with a youth's parent/guardian or the coparent of a youth's child(ren).
- 4. If the youth's parent/guardian is not the recommended placement, the youth and the youth's parent/guardian shall be provided opportunity to provide input into the youth's recommended non-guardian placement candidate. The youth is encouraged to submit in writing to the Caseworker why they advocate for living with this Non-Guardian Placement.

D. Background Check Process for Recommended Non-Guardian Placement Candidate(s)

- 1. In planning for a non-guardian community placement, caseworkers shall submit information to the District Manager regarding the non-guardian placement candidate and any other individual 18 years or older who lives at the home for a background check.
- 2. The District Manager shall submit a completed request for a background check that includes a DCF, multistate criminal record check, and SORI check to the Central Office background check coordinator.
- 3. If there is no issue of concern identified by the background check:
 - a. Non-guardian placement shall continue as placement recommendation.
 - b. During the 90-60-30-day transition planning process, Caseworker shall document the recommendation in the JJEMS case management notes efile as a staffing note and, in the classification folder.
 - c. If already in community, changes to the placement plan shall be recorded in case management notes efile to document rationale of change.
 - d. The Central Office background check coordinator shall send a letter indicating "no issue of concern" to the District Manager and the candidate.
- 4. In the event an issue of concern is identified during the non-guardian placement background check for any individual in the household, the Central Office background check coordinator will notify:
 - a. the non-guardian placement candidate with the identified issue that there is an issue of concern and provide that Candidate with a copy of their results (multistate criminal record check or SORI) or information regarding how to obtain a copy of the results (DCF 51B).
 - b. the District Manager and Director of Community Services that there was an issue of concern. Such letter shall identify the category of issue of concern – i.e., with DCF, multistate criminal record or SORI only, and will not include any supporting documentation.
- 5. The Central Office background check notification letter to the non-guardian placement candidate shall also include information about the steps to follow if non-guardian placement candidate wishes to continue with the process and

participate in a discretionary review meeting with the Regional Director of Community Services.

6. The District Manager will assist the non-guardian placement candidate in connecting with the Regional Director of Community Services to coordinate the Discretionary Review meeting. Youth will also be informed by the District Manager that an issue of concern has been identified but will not be informed of the specifics of the issue of concern. The youth should be encouraged to submit in writing to the District Manager why they advocate for living with this non-guardian placement.
7. At a Discretionary Review meeting, the candidate can discuss the specific circumstances of the background check finding and provide any supporting information to the Regional Director of Community Services.
8. The Director of Community Services will assess the information provided by the non-guardian placement candidate using the criteria identified in the DYS Background Check Procedures for the relevant issue of concern and determine whether or not to submit a waiver request. After review of the information provided, the Director of Community Services will notify the non-guardian placement candidate and DYS Regional Director whether a waiver request will be submitted and the reasons underlying the decision.
9. Waiver requests are submitted by the Director of Community Services with any supporting documents to the Commissioner's Office for consideration by the Commissioner or Designee.
 - a. Within 5 business days, the Commissioner or Designee shall review the issue(s) of concern from the Background Check along with supporting documentation and respond to the request by approving the waiver request, denying the waiver request or seeking additional information.
 - b. If more information is needed, a decision shall be issued within 5 days of receipt of the additional information.
 - c. Notification of the final decision shall go to the Director of Community Services who shall notify the non-guardian placement candidate and casework team.
10. Upon notification of the waiver approval, Caseworker shall document in JJEMS the recommended community placement plan in youth's case management notes.

E. Background Check Required During Community Placement

1. A background check is required for any new adult over 18 who is anticipated to live for more than 30 days in the same non-guardian community placement as the DYS youth. Youth may remain in the home while the background check for the new adult is pending.

2. In the event that a planned community placement falls through and there is a need for an emergency placement, the youth may reside with an identified non-guardian emergency placement pending a background check.
3. A background check may be requested at any time during the community placement and shall be completed once per year while the youth is with DYS.

PERFORMANCE MEASURES:

1. Increase Parent/ Non-Guardian placement (stable) rather than temporary housing.
2. Reduce foster care placement due to no parent or non-guardian placement.