

109 CMR: DEPARTMENT OF YOUTH SERVICES

109 CMR 4.00: CLASSIFICATION OF YOUTH COMMITTED TO THE DEPARTMENT OF YOUTH SERVICES

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4.01: Purpose and Scope

109 CMR 4.00 describes the Classification process required for each youth committed to the Department of Youth Services (Department). The Classification process is designed to ensure that each youth receives the services he or she needs to transition safely and successfully back to the community, through the use of effective risk assessment, meaningful family and community engagement, and a continuum of services based on the science of adolescent development and proven and promising practices in juvenile justice, consistent with positive youth development and the promotion of public safety.

4.02: Applicability

109 CMR 4.00 applies to all youth committed to the Department of Youth Services as well as Department and Provider employees.

4.03: Definitions

Assessment. The comprehensive review of a youth's strengths, treatment needs, risk areas and history of offending behavior, mental status, medical and behavioral health history, developmental history, family relationships, functioning in and ties to the community, educational needs, history of compliance with probation or other supervised release, and history of compliance while detained pre-trial, where applicable, completed by regional clinical, medical, and educational staff, and a youth's caseworker.

Case History. A document completed in conjunction with a youth's initial Assessment and updated on a regular basis by a youth's caseworker or other authorized staff, regarding the youth's personal and family history.

Classification. The process by which a youth's treatment plan and placement are determined following commitment.

Classification Grid. Offense based guidelines used by a youth's Treatment Team and the Regional Review Team when determining the length of time a youth may spend in residential treatment.

Extension. The term used when the treatment assignment given to a youth by the RRT is increased to provide additional time for the youth to meet treatment goals or address emergent treatment issues, to enable the youth to transition to a less restrictive placement or the community.

Pass Eligibility. The determination by the RRT that a youth has met sufficient treatment milestones to merit his or her eligibility for structured, supervised and unsupervised access to the community.

4.03: continued

Staffing. A meeting of a youth's Treatment Team first held within 45 days of a youth's commitment to the Department to review the Assessment and other information relevant to the youth's strengths, needs, history of offending behavior and level of risk, to develop the treatment plan that will be recommended to the RRT. Staffing also used to refer to subsequent meetings of the Treatment Team following the youth's initial classification to discuss changes in placement or emergent treatment needs and determine whether the youth should be presented to the RRT for a review of his or her placement and/or treatment plan.

Treatment Team. Regional body assembled to assist in the Assessment, Classification, placement and treatment of a youth upon the youth's commitment to the Department. The Treatment Team may include, but is not limited to, the youth, the youth's parent or guardian, the youth's Caseworker, the District Manager, the Program Clinical Director, the Program Advocate, the Program Educational Coordinator, and where applicable, the youth's attorney, Department of Children and Families and/or Department of Mental Health caseworker, probation officer, school personnel and other community partners.

4.04: Classification Process

(1) All youth committed to the Department of Youth Services shall undergo an Assessment within 30 through 45 days of commitment.

(2) Within two weeks of commitment, the Departmental members of a youth's Treatment Team shall determine an anticipated date for completion of a youth's Assessment and set a date for the youth's initial Staffing to take place following the date of anticipated completion. The Treatment Team shall make reasonable efforts to schedule the Staffing at a time and location that is facilitates participation by the youth's parent or legal guardian, attorney and other relevant community partners.

(3) The youth's Staffing shall include, but not be limited to, a review of the Assessment and any other information relevant to the youth's treatment needs, personal history, history of offending behavior, and risk of re-offense. The Staffing shall afford all Treatment Team members an opportunity to be heard regarding the information presented.

(4) Within five business days of the youth's staffing, the assigned caseworker shall update the youth's case file to reflect the outcome of the Staffing and any other information relevant to the youth's Classification. This information, including a copy of the youth's Assessment and Case History shall be made available to authorized Treatment Team members, for review prior to the presentation of the Treatment Team's recommendations to the RRT.

(5) Within ten business days of the youth's Staffing, the RRT shall convene to review the recommendations of the youth's Treatment Team and classify the youth. The Caseworker or his or her designee shall present the recommendations of the Treatment Team and contextual information. The youth shall be afforded the opportunity to be heard by the RRT regarding this recommendation.

(6) Within five business days of the RRT meeting, the RRT shall issue a Classification decision. The Regional Review Team will consider all information presented at the RRT meeting and render a Classification decision consistent with the Classification Factors outlined in 109 CMR 4.06. This decision shall be in writing and shall reference the information considered by the RRT and provide the rationale for the RRT's decision. The RRT shall provide the decision to the youth, his or her guardian, and attorney of record. Accompanying this

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decision shall be information regarding the youth's right to appeal and the requirements regarding appeals outlined in 109 CMR 4.07.

(7) Nothing in 109 CMR 4.00 shall preclude a youth's Treatment Team from presenting a youth's case to the RRT for review of the youth's Classification at any time; however, the youth shall be notified of any request for extension of his or her treatment beyond the upper limit of the treatment time for the Grid level approved at his or her Classification. The youth shall be afforded an opportunity to be heard by the RRT and to appeal the RRT's decision. Any such appeal shall follow the requirements outlined in 109 CMR 4.07.

4.05: Classification Grid

The Classification Grid, as defined in 109 CMR 4.03, shall be available to the public and subject to annual review by the Department.

4.06: Classification Factors

- (1) The Classification decision shall be based on the risks and needs identified in the Assessment completed by the youth's Treatment Team, the youth's history of offending behavior, and the recommended amount of treatment in the Classification Grid for the youth's most serious commitment offense.
- (2) In making a Classification decision, the RRT shall give due consideration to any mitigating or aggravating circumstances concerning the youth's commitment offense(s). Such factors include, but are not limited to:
 - (a) The youth's role in the offense; and
 - (b) The harm caused to the victim and/or the community by the youth's actions.
- (3) When the Treatment Team requests that the RRT review a youth's Classification for the purposes of extending his or her treatment or adjusting his or her placement, the RRT shall also consider the following factors:
 - (a) The youth's adjustment to and progress in treatment;
 - (b) Any serious incidents the youth has been involved in, as defined by policy, relevant to previously identified treatment issues or which relate to the management of the youth's risk to self or others; and
 - (c) Any emergent treatment issues not identified at the youth's Staffing or initial Classification.
- (4) No youth younger than 14 years old shall be classified to receive treatment in a Hardware-secure Placement.

4.07: Appeal Procedure

- (1) A youth may appeal the Classification time assignment, determined by the RRT, by submitting a written request to the Commissioner or Commissioner's Designee within seven business days of receiving the RRT's decision. The appeal may be submitted by the youth and/or the youth's attorney.
- (2) The assigned Caseworker shall advise the youth of his or her right to appeal and the procedures for an appeal, within one business day of the RRT's issuance of its written decision.
- (3) A written response to the appeal shall be provided to the youth, legal guardian, and the youth's attorney, if applicable, within 14 business days of receipt of the request for appeal. The decision of the Commissioner or the Commissioner's Designee shall be final.

REGULATORY AUTHORITY

109 CMR 4.00: M.G.L. c. 120, §§ 4, 5 and 6A.