

109 CMR: DEPARTMENT OF YOUTH SERVICES

109 CMR 9.00: DISCHARGE OF YOUTH COMMITTED TO THE DEPARTMENT OF YOUTH SERVICES

Section

- 9.01: Purpose and Scope
- 9.02: Applicability
- 9.03: Definitions
- 9.04: Procedures for Discharge
- 9.05: Criteria for Discharge
- 9.06: Notice Upon Discharge

9.01: Purpose and Scope

109 CMR 9.00 establishes the criteria and requirements for discharging youth committed to the Department of Youth Services. The Department is committed to working toward long-term positive outcomes for the youth committed to its custody and considers discharge planning and the implementation of services necessary for youth to maintain gains made during commitment a critical component of its mission.

9.02: Applicability

109 CMR 9.00 shall apply to all departmental personnel who are responsible for case management of youth committed to the Department of Youth Services.

9.03: Definitions

Discretionary Discharge. The termination of a youth's commitment to the Department of Youth Services following a decision by the Department that the youth meets the criteria established in 9.05 for discharge prior to his or her mandatory age for discharge.

Mandatory Discharge. The termination of a youth's commitment to the Department of Youth Services because the youth has reached 18, 19, 20 or 21 years of age as dictated by M.G.L. c. 119, §§ 58 and 72.

Voluntary Services. The services provided to a youth after the youth has attained the age of discharge. The services are provided pursuant to a voluntary agreement between the Department and the youth which is terminable by either the Department or the youth.

9.04: Procedures for Discharge

- (1) Each Regional Director shall ensure the cases of all youth under the jurisdiction of a Region are reviewed no less than monthly to determine each youth's eligibility for discharge under criteria established in 109 CMR 9.05.
- (2) In any case where a discharge is mandatory, or the Regional Director believes discharge is appropriate, the Regional Director shall ensure that appropriate service planning has taken place prior to such discharge.
- (3) The discharge of any youth who resides outside the Commonwealth of Massachusetts will be subject to approval under the Interstate Compact Regulations, M.G.L. c. 119: *Appendix*.
- (4) The Department shall offer to youth, prior to discharge, the option of participating in Voluntary Services as defined in 109 CMR 9.03.
- (5) Any agreement between the Department and a youth for voluntary services shall be terminable by either the Department or the youth, upon notice by either of their intent to terminate services. Where the Department is seeking to terminate services, the Department must provide the youth with the opportunity to be heard regarding the termination of services before the services the youth has been receiving are terminated.

9.04: continued

(6) The Department's offer of voluntary services shall remain open for 90 days, even where the youth may have initially declined services or has terminated voluntary services within the 90 day period.

9.05: Criteria for Discharge

(1) A youth meeting any of the following criteria shall be discharged from commitment to the Department:

- (a) Death of the juvenile;
- (b) Revocation of such commitment by a court of competent jurisdiction;
- (c) Expiration of commitment by reason of the youth's reaching 18, 19, or 20 years of age as dictated by M.G.L. c 119, §§ 58 and 72, or 21 years of age in the case of commitment as a youthful offender pursuant to M.G.L. c. 119, § 58.
- (d) Enlistment of the youth in the Armed Forces.

(2) A Regional Director may recommend a youth for consideration for discharge if the youth meets any of the following criteria:

- (a) The youth is eligible for consideration for a good adjustment discharge because a minimum of one year has passed since the date of the youth's last commitment and the youth has not been arrested within a year of the youth's placement in the community or returned to custody for any violation of the youth's conditional liberty within the six months preceding the request;
- (b) The youth becomes legally married;
- (c) The youth is committed to another state agency or sentenced to adult probation;
- (d) There are exceptional circumstances in the case presenting compelling reasons for discharge. Such circumstances must be fully documented.

9.06: Notice Upon Discharge

The Department shall provide notice in a timely manner to anyone eligible by law to receive notice of a youth's discharge.

REGULATORY AUTHORITY

109 CMR 9.00: M.G.L. c. 120, §§ 4, 16 and 21; c. 119, §§ 58 and 72; c. 258B, § 3(t); and c. 6, § 178.