

109 CMR 2.00: GENERAL CONDITIONS

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2.01: Introduction

The Department of Youth Services (Department) was created by St. 1969, c. 838, as codified in M.G.L. c. 18A, § 1, with the mandate to provide a comprehensive and coordinated program of services to delinquent children and youth referred or committed to the Department by the courts; community services for the prevention of juvenile delinquency; and services and facilities for the study, diagnosis, care, treatment, including medical and behavioral health and social services, education training and rehabilitation of all youth referred or committed.

As the juvenile justice agency for the Commonwealth of Massachusetts, the Department promotes positive change in the youth in the Department's care and custody. The Department's mission is to make communities safer by improving the life outcomes for youth in its care. The Department achieves its mission through investing in highly qualified staff and a service continuum that engages youth, families and communities in strategies which are fair and promote positive youth development.

2.02: Definitions

Throughout 109 CMR, the following terms shall have the following meanings unless otherwise specified:

Commissioner. The Commissioner of the Department of Youth Services.

Commitment. The order of a youth to the physical custody of the Department by a court in resolution of a delinquency complaint, youthful offender indictment or probation violation.

Community Based Placement. A non-residential program designed to provide services to youth in the community, which may include, but is not limited to foster care, independent living, and placement at home with community supervision.

Department or DYS. The Department of Youth Services.

Deputy Commissioner. A Deputy Commissioner of the Department of Youth Services.

Detention. The temporary physical custody ordered by a court in *lieu* of posted bail of a youth awaiting resolution of a pending delinquency complaint, youthful offender indictment or probation violation.

Discharge. The termination of a youth's commitment to the Department of Youth Services.

Hardware-secure Placement. Placement in a Department or Provider operated residential program characterized by locked entrances and exits and other physically restrictive construction and procedures designed to prevent a youth from physically leaving the program without the Department's approval.

Provider. An individual or entity the Department contracts with to access services which include, but are not limited to, medical, behavioral health and social services, education, training and rehabilitation for youth detained by or committed to the Department as required by M.G.L. c. 18A, § 2.

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### 2.02: continued

Regional Review Team (RRT). Regional body composed of senior Department of Youth Services' regional managers which is responsible for determining the length and type of treatment and placement for a youth.

Residential Placement. Placement in any DYS or Provider operated program where a youth resides until approval is granted by the Department to move to a Community-Based placement.

Secure Placement. Any Department or Provider operated residential program which may use hardware or staff security; also known as a "facility".

Staff-secure Placement. Placement in a Department or Provider operated residential program that is characterized by unlocked entrances and exits where staff personnel provide the primary security to prevent a youth from physically leaving the program without the approval of the Department.

### 2.03: Applicability

109 CMR is binding on all personnel of the Department, and the Providers that are under contract to the Department. Failure to comply may result in actions against the employees of the Department or the Provider.

### 2.04: Administrative Relief

Anyone aggrieved by actions of a Departmental or Provider employee(s) who has violated the requirements of 109 CMR may request an administrative review by the Commissioner or designee, unless the aggrieved party is already pursuing or has pursued his or her grievance in another forum. The aggrieved person must present allegations in writing to the Commissioner's office either in person or by mail. Upon receipt of such allegations, the Commissioner or designee will review the allegations and any relevant documents, and may conduct interviews before issuing a decision. The Commissioner or designee's decision shall be issued within 20 business days from receipt of the request for review. The decision of the Commissioner, or his or her designee, shall be final.

### 2.05: Sanctions

As provided in M.G.L. c. 214, § 3B, employees of the Department, and other persons who violate the requirements of 109 CMR, and M.G.L. c. 66A, may be subject to the sanctions provided therein including but not limited to reprimand, suspension, or dismissal, or other sanctions as provided by law.

### 2.06: Severability

The provisions of 109 CMR are severable. If any provision of 109 CMR is declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected.

## REGULATORY AUTHORITY

109 CMR 2.00: M.G.L. c. 18A; and c. 120, § 4.