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INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population

Juvenile Aliens: A Special Population**Updated Through November, 2003****Posted January, 2006****Table of Contents****Forward****Attachments****What's New**Immigration and Naturalization Service
Juvenile Protocol Manual

Juvenile Detention and Shelter Care Program

Prepared By:
Office of Field Operations
Detention and Removals
March 1999 Detention Operations Branch**Foreword**

Dear Colleagues:

I am pleased to provide you with a copy of the Immigration and Naturalization Service (INS) Juven Manual entitled Juvenile Aliens: A Special Population. This manual contains policy and guidar personnel on issues related to the apprehension, processing, detention, and release of juvenile modular in format, with each chapter uniquely paginated to allow for updates and additions.

Since January 1997, the INS Juvenile Detention and Shelter Care Program has grown significan program has achieved a number of milestones in its overall development and implementation. Se more significant achievements follow:

- Increased juvenile bed space (from approximately 150 beds funded by Headquarters and 1997 to approximately 550).
- The development and dissemination of inspection standards for secure juvenile detention care facilities.
- Training provided to over 15,000 INS employees on the Flores v Reno Settlement Agreement

INS Headquarters conducted three regional "train the trainers" events, which were attended by approximately 200 INS personnel from various programs. Participants learned training techniques and were instructed in INS policy regarding the arrest, processing, detention, and release of juvenile aliens. On completion of training, participants returned to their districts and sectors to instruct appropriate INS personnel on Settlement provisions.

- Development and use of an automated case tracking system (Juvenile Alien Management System (JAMS)) which captures information related to juvenile aliens in INS custody.
- Two training sessions provided for Regional and District Juvenile Coordinators.
- Three focus groups held to assist in the development of this manual.

None of these achievements would have been possible without your assistance and support. We therefore like to extend a sincere thank you to those who assisted in the overall development of this manual. A special thank you goes to those who contributed to the successful completion of this manual. Your assistance, insight, and guidance made this challenging endeavor highly successful.

John J. Pogash
National Juvenile Coordinator

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1. Introduction-Juvenile Detention and Shelter Care Program

Program Oversight and Direction. The Immigration and Naturalization Service's (INS') Juvenile Detention and Shelter Care Program is directed and overseen by the INS' National Juvenile Coordinator in the Office of Operations, Detention and Removals, Detention Operations Branch (HQOPS/DOB).

Funding for Juvenile Beds. Juvenile bedspace is often difficult to secure. Consequently, juveniles, regardless of location, are national beds and are available to all INS offices nationwide. Juveniles are categorized as either secure (secure or medium-secure juvenile detention facilities) or nonsecure (shelter care facilities, group homes, foster homes, etc.).

Primarily, the INS uses the following three types of contracting vehicles to secure juvenile bedspace:

1. Cooperative Agreements with private profit and nonprofit agencies, which pays for a guaranteed bedspace, whether it is used or not.

2. Intergovernmental Service Agreements (IGSAs) with local government entities.
3. Purchase Orders, used on occasion to handle emergencies or special circumstances.

Funding for juvenile beds secured through Cooperative Agreements is provided by HQOPS/ICE contracts are funded at the Regional and District levels, with occasional assistance from HQOPS. It is important to note that all juvenile beds are in state-licensed facilities, which the INS is required to inspect each year.

The 2nd and 3rd contract types above enable the INS to pay only for those beds it actually uses, with the number of contracted beds increasing or decreasing as needed. The effective use of these vehicles helps the INS accomplish its mission and ensure that funding for juvenile bedspace is used to optimum effect. In addition, these contracting vehicles help the INS secure beds in various locations and provide various levels of security.

Flores v. Reno-Highlights of an Important Court Case. Jenny Lisette Flores, et al. v. Janet Reno v. Immigration and Naturalization Service (INS) in 1985. It challenges certain aspects of INS policy dealing with the arrest, processing, detention, and release of juvenile aliens in custody. Two decisions preceded the Flores v. Reno Settlement Agreement (the Flores Agreement) now in effect.¹ The Flores Agreement sets out nationwide policy for the detention, release, and treatment of juveniles in INS custody, and supersedes all previous policies that are inconsistent with its terms. The settlement agreement became effective on February 24, 1997 (see Attachment 1 for copy of the Agreement).

The Flores Agreement formalizes many common-sense principles governing the treatment of juvenile aliens in custody and includes the following general policies:

- A juvenile is a person under 18 years old.
- Persons emancipated by a state court OR convicted and incarcerated for a criminal offense are NOT considered juveniles.
- If a reasonable person would conclude that an individual claiming to be a juvenile is real, that person shall be treated as an adult for all purposes, including confinement and release.
- All juveniles should be treated with dignity, respect, and special concern for their vulnerability.
- Juvenile aliens must be placed in the least restrictive setting appropriate to their age and needs, provided that the setting is consistent with being able to ensure the juvenile's appearance in court and to protect his or her well-being and that of others.
- INS Officers are not required to release a juvenile from INS custody to a person or agency if an officer feels that the agency or person may harm, neglect, or fail to present the juvenile before the Immigration Court when requested.

2. Procedures for the Arrest and Detention of Juvenile Aliens

Process juveniles for removal or voluntary departure in accordance with 8 CFR.236.3, regardless of whether ICE or another law enforcement agency took them into custody.

The procedures that follow clarify the differences between your role and the Juvenile Coordination case proceeds from arrest to detention to removal. (Expedited removal and withdrawal of application for admission are addressed in § 2.2, below.)

Note that, before apprehending any adult in the presence of a juvenile, you must take the time to determine the child's age and immigration status, the relationship between adult and child and, if other than parents, the parents' location and, if applicable, the name and address of a relative in the area.

With this information in hand, contact a Supervisory Detention and Deportation Officer. The Supervisory Detention and Deportation Officer will, in turn, contact the Field Office Director or Deputy for approval and proceed with the arrest.

If you expect media interest, prepare a Significant Incident Report.

2.1 Arrest

2.1.1 After completing appropriate system checks, e.g., Central Index System (CIS), Deportation Control System (DACs), Treasury Enforcement Communications System (TECS), National Immigration Lookout System (NAILS), the Arresting Officer should process juveniles expedited removal. The Arresting Officer should complete the following documentation for inclusion in the alien file (A-file). These documents are provided to all juvenile aliens, whether detained, paroled, or released. The Arresting Officer must explain the documents in the juvenile's native tongue in terms the juvenile can understand. Use the checklist to ensure inclusion of all required documents.

" Report of Deportable Alien (I-213 and continuation).

The Arresting Officer should obtain as much detailed biographical information as possible (see the list of questions to ask when interviewing a juvenile). When completing the I-213, get the name, address and telephone number of any or nearest relatives in the United States. Form should be signed by the Arresting Officer and reviewing official. Place in file; no copy to juvenile.

" Notice to Appear (I-862) (original and copy).

For 13 and under, conservator must sign certificate of service. The original and one copy is placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certification of service on the juvenile alien is signed by the Arresting Officer and by the juvenile. If the juvenile is apprehended at a port-of-entry (POE) and a Notice to Appear (NTA) is being used, s/he should be charged under both Section 212(a)(7)(A)(i)(I) of the Act (as an alien not in possession of proper entry documents) and Section 212(a)(4) (as an alien likely to become a public charge). Other charges may be appropriate. As a general rule, juveniles should not be charged with Section 212(a)(6)(C) of the Act unless the circumstances show the juvenile alien clearly understood that s/he was committing fraud or was involved in criminal activity relating to fraud. This statement is from an 8/21/97 memo from the Director of Programs on "unaccompanied minors subject to expedited removal" to Management Team Directors, District Directors, Officers-in-Charge, Chief Patrol Agents, Asylum Office Directors, Port Director of Policy Directives and Instructions, ODTF Glynco, and ODTF Artesia.

" Warrant of Arrest (I-200) (original and copy).

The original and one copy are placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certification of service on the juvenile alien is signed by the Arresting Officer and by the juvenile.

" Notice of Custody Determination (I-286) (original and copy).

The original and one copy are placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certificate of service on the juvenile alien is signed by the Arresting Officer and by the juvenile.

Arresting Officer and by the juvenile.

" Notice of Rights and Request for Disposition (I-770).

Ensure that all appropriate boxes are completed on both sides, with the alien's and Arresting Officer's signature. The original is placed in the file and a copy is given to the juvenile.

" Biographic Data for Travel Documents (I-217).

The original is placed in the file.

" Two sets of fingerprints or IDENT.

Only for juveniles 14 and older. Each set of fingerprints should include two FD-249 forms and a card. Both are placed in the file.

" Four frontal photographs.

All juveniles are to be photographed. Photos should be placed in the file.

" Orantes Rights (For El Salvadorans only) (I-284).

Explain the rights to juveniles of all ages. The Arresting Officer and juvenile both sign; place in the file. If the juvenile is 13 years of age or younger, the Orantes Rights should be explained to the conservator by the Arresting Officer.

" List of local legal services.

One copy is placed in the file and one is given to the juvenile.

" Copy of Exhibit 6 (Notice of Right to Judicial Review from the Flores Settlement).

Provide juvenile with a copy of Exhibit 6 and add it to the file.

" Any additional forms as required by local district policy.

2.1.2 If a decision to release is made at the time of arrest to release a juvenile, s/he must be released to a qualified custodian (see **Section 2.4**, "Release," for order of custodial preference).

2.1.3 Once a decision is made to formally detain the juvenile, the arresting officer must notify the Juvenile Coordinator to arrange detention space and transportation to the appropriate facility, consistent with the guidelines in the Flores Settlement (see **Section 6** for detailed transportation requirements). When transferred to an appropriate juvenile facility, juveniles must be held in a suitable area (see **Section 2.3.2**).

On March 1, 2003, pursuant to the Homeland Security Act, the Office of Refugee Resettlement assumed authority for decisions related to the care and custody of Unaccompanied Child(ren) in Federal custody. This includes their placement, transfer, and release.

Even so, DRO continues to have authority to take certain enforcement actions: voluntary release of a Canadian or Mexican national, immediate releasing the UAC to a parent or other adult relative, and allowing an older juvenile to withdraw a port-of-entry application for admission.

There has been no change to the current procedure, which requires you to contact a juvenile coordinator to coordinate placement in any case involving the decision to detain a UAC. Branch Juvenile Coordinators (formerly known as Regional Juvenile Coordinators) remain a vital link between field offices and these cases.

- To place a UAC in detention pending release, return to country of origin, or the outcome of preauthorization, contact your Field Office Juvenile Coordinator (formerly known as District Juvenile Coordinator) for preauthorization. The Field Office Juvenile Coordinator will, among other things, determine the appropriateness of the facility you have in mind. Note that you must obtain preauthorization from the Field Office Juvenile Coordinator regardless of the UAC's anticipated time in detention.
- After approving placement, the Field Office Juvenile Coordinator will immediately complete and submit to the Branch Juvenile Coordinator a Case Action Worksheet (CAW). The Branch Juvenile Coordinator will mail the CAW to the HDRO mailbox (Office, JuvenileOPS) and the ORR mailbox (orrducs@ice.dhs.gov). The ORR will respond to all requests made by DHS via CAW. You may proceed according to instructions received from HQDRO.

Ask the juvenile for the following information and add it to the narrative of the I-213 Form:"

- Location of immediate family;
- Location and phone numbers of any friends or relatives in the United States or contiguous territories;
- Type of locale in country where juvenile was raised (suburban, rural, urban, etc.);
- Whom the juvenile lived with before leaving home;
- Length of time in transit, from home to the United States;
- Route of travel (e.g., countries, length of time spent in each, status in each, date of arrival, etc.);
- Destination in United States;
- Person whom juvenile was to contact in the United States and phone number;
- Present funds and anticipated method of support;
- If smuggled, the arrangements made;
- The health of the juvenile: are there any health problems admitted?
- Juvenile's language skill: (1) Spanish, English, etc. (2) Speak, read, write, understand?

2.2 Expedited Removal and Withdrawal of Application for Admission b These procedures are based on an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal." b Management Team, Regional Directors, District Directors, Officers-in-Charge, Chief Patrol Agent, Office Directors, Port Directors, Director of Policy Directives and Instructions, ODTF Glyncro, Artesia.b

If a decision is made to pursue formal removal charges against the unaccompanied juvenile, the juvenile normally will be placed in removal proceedings under Section 240 of the Act rather than expedited removal. If formal proceedings are initiated against an accompanying adult relative or legal guardian, the juvenile will be placed in the same type of proceeding (i.e., expedited removal or 240 proceedings) as the adult. The withdrawal of application for admission by the juvenile should be considered whenever appropriate, though the guardian may remain subject to formal removal proceedings.c From an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal."c

2.2.1 When dealing with unaccompanied juveniles who appear to be inadmissible under Section (C) or (7) of the Act, INS Officers should first try to resolve the case under existing guidelines. If guidelines permit granting a waiver, deferring the inspection, or employing other discretionary measures, appropriate, including withdrawal of an application for admission (see below).

2.2.2 Whenever appropriate, the INS should permit unaccompanied juveniles to withdraw their application for admission rather than place juveniles in formal removal proceedings. In deciding whether to allow an unaccompanied juvenile to withdraw his or her application for admission, every precaution should be taken to ensure the juvenile's safety and well-being. Consideration should be given to such deciding factors as:

seriousness of the offense in seeking admission, previous finding of inadmissibility against the juvenile, or any intent by the juvenile to knowingly violate the law. The decision made, the following steps carried out:

For juveniles withdrawing their applications for admission:

1. The INS Officer must be satisfied either that the juvenile is capable of understanding the process, or that a responsible adult (relative, guardian, or Consular Officer when no guardian is available) is aware of the actions taken and of the juvenile's impending return.
2. Whenever possible, Officers must attempt to contact a relative or guardian either in the United States or in another country regarding the juvenile's inadmissibility.⁴
3. Officers must ascertain the true nationality of the juvenile before permitting withdrawal of application. An important factor to consider is whether the port of embarkation to which the juvenile will be returned is his or her country of citizenship. A juvenile may not be returned or be required to transit through a transit point, unless the juvenile is willing or unobligated to accept him or her. If the juvenile is being returned to a country through a transit point, Officers must ensure that an immediate and continuous transit is permitted.
4. Officers must make every effort to determine whether the juvenile has a fear of persecution to his or her country before permitting the withdrawal of application for admission. If the juvenile indicates a fear of persecution or intention to apply for asylum, or if there is any doubt—especially in the case of countries with known human rights abuses or turmoil—the juvenile should be placed in removal proceedings under Section 240 of the Act.
5. If there is no possibility or fear of persecution on return, and the juvenile is permitted to withdraw application for admission, the INS Officer must notify the consular or diplomatic officials of the country to which the juvenile is being returned. Safe passage can then be arranged.
6. Following all notifications to family members and government officials, the juvenile may withdraw application for admission.

2.2.3 Under the following limited circumstances, an unaccompanied juvenile may be placed in Removal Proceedings:

- the juvenile has, in the presence of an INS Officer, engaged in criminal activity that would constitute an aggravated felony if committed by an adult;
- the juvenile has been convicted or adjudicated delinquent of an aggravated felony within the United States or another country, and the Inspecting Officer has confirmation of that order; or
- the juvenile has previously been formally removed, excluded, or deported from the United States.

2.2.4 For unaccompanied juveniles placed in expedited removal proceedings, the removal order must be reviewed and approved by the District Director, Deputy District Director, or person officially acting in that capacity before the juvenile is removed from the United States. This is in addition to the normal approval required of all expedited removal cases.

2.2.5 During processing of juveniles subject to expedited removal, all care and treatment provisions of the Flores Agreement (see Section 2.1) apply.

2.2.6 When juveniles have already received a final order of removal, whether in expedite proceedings or formal 240 proceedings, they may be placed in proceedings pursuant to 8 C.F.R. "Reinstatement of Removal Orders," provided they have made a new entry.

2.3 Detention

The District Juvenile Coordinator is responsible for placing juveniles in appropriate facilities, a the Flores Agreement (see Section 4, Nonsecure and Secure Juvenile Facilities) and for initiating reunification efforts. S/he is also responsible for ensuring that facilities meet minimum required standards. Section 5, Inspection Standards for Juvenile Shelter Care and Secure Juvenile Detention Facilities. The following procedures describe the next steps to be taken by the District Juvenile Coordinator in juvenile.

2.3.1 Arrange to place juveniles in facilities that are safe and sanitary and consistent with INS' the particular vulnerability of juveniles.

All post-arrest facilities, including temporary holding areas, will provide access to:

- toilets and sinks;
- drinking water and food, as appropriate;
- medical assistance (if the juvenile needs emergency services);
- adequate temperature control and ventilation;
- adequate supervision to protect juveniles from others; and
- contact with family members who were arrested with the juvenile.

2.3.2 Separate unaccompanied juveniles from unrelated adults whenever possible. If not possible, an unaccompanied juvenile will not be detained with an unrelated adult for more than 24 hours.

2.3.3 If a juvenile cannot be immediately released (see Section 2.4), and no licensed program for immediate placement, s/he may be held by INS authorities in an INS contract facility with accommodations for juveniles, or in a state or county juvenile detention facility that separates delinquent offenders. Make every effort to ensure the safety and well-being of juveniles placed in these facilities (see Section 4 for further guidance on the use of secure juvenile detention facilities).

2.3.4 The District Juvenile Coordinator must file the juvenile's NTA with the appropriate of Executive Office of Immigration Review (EOIR). If possible, venue should be set at the final destination.

Note: It is important to remember that if a juvenile is 13 years old or under, the NTA must be served on a conservator, i.e., the person who has physical custody of the juvenile.⁵ (See boxes below for how to establish venue according to location of facility space).

Example 1:

The NTA is served in Los Angeles, but appropriate facility and/or bed space can only be found in Chicago. Therefore, the juvenile is transferred to Chicago and venue is set: the original NTA is filed with the court in Chicago.

Example 2:

The juvenile is placed in a facility in the same district where the NTA is served. Venue is established. In circumstances where a change of venue is required, contact the local District Counsel for assistance in filing the NTA in court. Information in 2.1.5 is from a memo dated 10/4/95 to all Regional Directors' RODIRs, Regional Operations Liaison Officers (ROOPS) (RODDP); all DIDIRS (X-Foreign); all CPAs; INS

Training FLETC, GLYNCO, GA; INS Director of Training FLETC, Artesia, NM. From Joe Assistant Commissioner of Detention and Deportation.d

2.3.5 The District Juvenile Coordinator enters and routinely updates each case into the Juv Management System (JAMS) and ensures that the case is updated in the Deportable Alien Control (DACS). The District Juvenile Coordinator will submit a copy of the JAMS juvenile data file to He weekly so that the National Juvenile Coordinator can maintain an up-to-date record of all juveniles in custody.

2.3.6 For all juveniles in INS custody, the District Juvenile Coordinator must make weekly visits to facilities where juveniles are housed. During these visits, the District Juvenile Coordinator should ensure juveniles' welfare through meetings with staff and juveniles, and should ensure that their needs are met. In meeting with juveniles, the District Juvenile Coordinator should update juveniles on their case, attorney visits, ensure access to attorneys, and continue efforts to pursue, identify, and document suitable sponsors (See Section 2.4, "Release"). The District Juvenile Coordinator may also need to arrange placement and arrange for transportation to another facility, if needed.

2.3.7 There are three scenarios regarding juvenile transfer: (1) from facility to facility within the same district; (2) from one district to another within a region; or (3) from region to region. These transfers involve special considerations and notifications of specific individuals (see Section 6, Transportation Requirements, for details). If bed space is at a premium, special care must be taken in coordinating juvenile transfers. If problems arise in securing bed space or in placing juveniles for any reason, to include special needs, the District Juvenile Coordinator should notify the National Juvenile Coordinator to help resolve the problem (see Section 4.4, "Emergency Placement and Transfer of Juveniles"). In general, the following rules apply for the three transfer scenarios:

- (1) A juvenile cannot be transferred from one facility to another within a district without the approval of the Local or District Juvenile Coordinator.
- (2) When juveniles are transferred from one district to another district within a region, the Local Juvenile Coordinator contacts the Regional Juvenile Coordinator, who arranges and approves the transfer.
- (3) When transferring juveniles from region to region, the District Juvenile Coordinator will contact the Regional Juvenile Coordinator to coordinate and approve the transfer. In this case, the sending region's Regional Juvenile Coordinator must be in contact with the receiving region's Regional Juvenile Coordinator before and during the transfer.

2.4 Release

The INS will release a juvenile from its custody without unnecessary delay unless detention is necessary to ensure timely appearance in court or to ensure the juvenile's safety or that of others. Family reunification efforts must continue while a juvenile is in INS legal custody and must be documented by the District Juvenile Coordinator.

2.4.1 The District Director has full discretion regarding the custody and release of juveniles, except in the case of special populations (see Section 3), and may redetermine terms and conditions of bond, recognizance and supervision, and conditions of parole. At the District Director's discretion, juveniles may be released from custody to a qualified sponsor in the following order of preference:

1. a parent;
2. a legal guardian;

3. an adult relative (brother, sister, aunt, uncle, or grandparent); Note: The District Director may not set bond when circumstances suggest that doing so would help to ensure the juvenile's safety in court.
4. an adult relative or entity designated by the parent or legal guardian as capable and willing to ensure the juvenile's well-being in:
 - a. a declaration signed under penalty of perjury before an Immigration or Consular Officer
 - b. such other documentation that establishes (to the satisfaction of the INS in its discretion) that the individual designating the juvenile's custodian is, in fact, his or her parent or guardian.
5. a state-licensed juvenile shelter, group home, or foster home willing to accept legal custody as opposed to simply physical custody (which means that the INS will not pay for the juvenile or
6. an adult individual or entity seeking custody (in the discretion of INS) when it appears there is no other likely alternative to long-term detention, and family reunification does not appear to be a reasonable possibility.⁷

2.4.2 Prior to releasing a juvenile from INS custody to one of the entities named above, the Custodian must have the juvenile's sponsor execute an Affidavit of Support (Form I-134) and supplemental questionnaire which specifies parameters for applicant's seeking custody of the juvenile.

2.4.3 The District Director shall promptly respond to all written custodian requests to transfer custody.

2.4.4 INS may terminate custody arrangements and assume legal custody of a juvenile if the custodian fails to comply with the agreement. INS will not terminate for minor violations of the custodian's obligations. INS of any changes in address within 5 days following a move.

2.4.5 As merited by specific cases and allowed by district policy, an INS Officer may deem it necessary to require a positive suitability assessment of a prospective custodian prior to releasing a juvenile to an individual or program. Such an assessment may include:

- investigation of the living conditions;
- standard of care to be provided;
- verification of identity and employment of individual offering support;
- interviews with members of the household;
- a home visit; and
- consideration of the juvenile's concerns.

3. Special Issues and Special Populations

3.1 Processing of Chinese and Indian Juveniles This section is from a 12/4/95 memo to Regional District Directors from the Office of Deputy Commissioner on "Instructions for the Detention, Placement, and Release of Chinese Juveniles."⁸

3.1.1 No unaccompanied Chinese or Indian juvenile will be released without the successful community home assessment, approval by the National Juvenile Coordinator, and concurrence from the district

3.1.2 During initial processing of the juvenile (see Section 2.1), the Arresting Officer should obtain detailed biographical information as possible, given the heightened involvement of smugglers with Chinese and Indian juveniles.

3.1.3 The District Juvenile Coordinator is responsible for ensuring that information is gathered through interviews conducted by appropriate facility staff or the District Juvenile Coordinator), that is documented in the A-file, and that information on potential sponsors is forwarded to the International Office, Humanitarian Affairs Branch (IAO/HAB) (see Attachment 3a, "Referral For Home Assessment"). The "Referral for Home Assessment" form may be completed by facility staff or the District Juvenile Coordinator. In either case, as stated above, this activity must be documented in the juvenile's A-file.

3.1.4 On receiving the home assessment form, IAO/HAB contacts the appropriate voluntary agency (VOLAG). The VOLAG will then contact the juvenile and the potential sponsor. The purpose of this activity is to help ascertain the relationship between the juvenile and the potential sponsor, as well as to assist the juvenile in identifying a relative if s/he has been unable or unwilling to do so.

3.1.5 IAO/HAB forwards the information identified in 3.1.3 above to the National Juvenile Coordinator. The National Juvenile Coordinator will perform a preliminary record check (DACS and CIS) on the potential sponsor.

3.1.6 If the check is successful, the National Juvenile Coordinator notifies IAO/HAB, who in turn notifies the appropriate voluntary agency to conduct a formal home assessment.

3.1.7 Once the VOLAG performs the home assessment, it is sent back to IAO/HAB, which then forwards it to the National Juvenile Coordinator for review and final approval. If approved, the National Juvenile Coordinator notifies IAO/HAB, which in turn notifies the appropriate VOLAG. The National Juvenile Coordinator notifies the appropriate Regional and District Juvenile Coordinator(s). The District Juvenile Coordinator conducts a full records check (DACS, CIS, NCIC, and other appropriate computerized checks as well as a physical file check on the potential sponsor. If all is in order, the reunification process may continue (see Section 2.4, "Release"). It is imperative that the sending and receiving District Juvenile Coordinators work together to ensure that the juvenile is reunited with the appropriate family member(s). The Regional Juvenile Coordinator (s) is responsible for ensuring the successful and timely completion of these final reunification steps.

3.1.8 Following reunification, the Docket Officer assigned-where the juvenile now resides-conducts, and documents monthly interviews with Chinese and Indian juveniles to assure their well-being and to verify their place of residence and their enrollment and actual attendance at school. During these interviews, the Interviewing Officer should also determine whether juveniles or their family members have been contacted, threatened, or intimidated by organized crime groups. If the juvenile fails to appear for an interview, the Interviewing Officer must contact the Regional Juvenile Coordinator. Once they turn over, the juveniles are no longer scheduled for routine monthly call-ins to local INS offices and are treated as adults. See INS 12/8/97 memo, "Review of Cases of Chinese Juveniles Upon Reaching the Age of 18."f

3.2 Detention and Placement of Chinese and Indian Juveniles

3.2.1 Before placing any Chinese or Indian juvenile claiming to be ages 15, 16, or 17 in a juvenile facility, the Arresting Officer, with help from the Local or District Juvenile Coordinator as needed, will arrange for a forensic dental examination. Individuals claiming to be 14 years old or younger who the Processing Officer believes look their age, may be assumed to be juveniles. Further medical examination may be done in cases of doubt. The juvenile may be placed once the medical exam confirms that s/he is indeed, a juvenile. If forensic testing cannot be completed within several hours after apprehension, a reasonable person would conclude the individual to be a juvenile, then s/he may be placed in a juvenile facility. In this case, a forensic examination must be completed within 72 hours of apprehension.

forensic tests show the individual to be an adult, s/he will be treated as such for all purposes: detention.

3.2.2 District Juvenile Coordinators will consult with their Regional Juvenile Coordinators a facilities accept Chinese or Indian juveniles and have available space. An INS Officer must escort if s/he is transferred by commercial airline (see Section 6). The District Juvenile Coordinator mi close contact with each facility's director and caseworkers. The District Juvenile Coordinator shall visit the facility no less than once weekly. The Regional Juvenile Coordinator and the Nation Coordinator must be notified of any problems or questions that arise at any of the facilities.

3.2.3 When a Chinese or Indian juvenile receives a final order of removal, the District Juvenile (reviews the case at the district level. Unless the juvenile has been granted relief, the juvenile considered for placement in a secure juvenile detention facility. This decision should be made on case basis and reviewed monthly until the juvenile is physically removed from the United States.

3.2.4 Any juvenile apprehended following escape from a foster home, shelter care facility, or an custody arrangement will be placed in a secure juvenile detention facility (see Section 8, Escapes Emergency Incidents).

3.3 Chinese and Indian Juveniles in Foster Homes.

This section was drawn from the following memo: a 12/8/97 memo, "Review of Cases of Chinese Upon Reaching the Age of 18." This memo updates and expands upon the memos of 9/28/94 Juveniles Reaching Majority While in Foster Care") and 12/4/95 ("Instructions for the Detention, and Release of Chinese Juveniles." A memo dated 11/1/95, "Chinese Juveniles in Foster Homes used as an information source, along with a 12/15/95 memo, "Project Locate Update" to Regiona Eastern, Central, Western.g

3.3.1 New Chinese and Indian juvenile arrivals will not be placed in foster homes unless they ar years of age. The District Juvenile Coordinator will make that determination on a case-by-case basi

3.3.2 For Chinese and Indian juveniles presently in foster homes, the District Juvenile Coordi keep in close contact with the caseworker and visit the foster care home weekly. Contact with the (on each case should occur no less than every other week. The District Juvenile Coordinator sho the current status of the juvenile's INS case and also elicit the caseworker's opinion of the juvenile's the foster home.

3.3.3 The District Juvenile Coordinator will arrange to interview each Chinese and Indian juvenil foster homes in that district (before they turn 18 years old) to assess their likelihood of fleeing the fc Each Chinese and Indian juvenile should be called into the district office through the caseworker volunteer agency (VOLAG). (The caseworker's opinion will be made part of the assessment.) This also help determine which juveniles are ready to be removed from the United States, where they legal process leading to removal, and help to remedy any delays that have occurred. During the int District Juvenile Coordinator should determine-

- the juvenile alien's DACS case category;
- the juvenile's current status in school, any possible sponsors, and any concerns the ju have;
- any biographical information that could be used to apply for a travel document (special care taken not to alarm the juvenile and possibly provoke an escape);

- the juvenile's current status of hearings before EOIR, appeals before the Board of Immigration Appeals (BIA), applications for Special Immigrant Status, and dependency petitions; and
- whether the juvenile's file contains a travel document or an application for one.

3.3.4 After these files are reviewed, District Juvenile Coordinators must inform District Director juveniles in their districts who may be escape risks. All information is to be reported back to the Office of Field Operations, with a copy sent to the Regional Juvenile Coordinator and the National Juvenile Coordinator Headquarters Office of Field Operations (HQOPS).

3.3.5 Each district must have a 24-hour point of contact, so that immediate notification of a Chinese or Indian juvenile's disappearance from a foster care program can be made to the local INS Office by the foster care family and/or VOLAG that becomes aware of a juvenile's disappearance. The contact person's 24-hour telephone numbers must be forwarded to and kept by HQ Field Operations.

3.3.6 In the event of a Chinese or Indian juvenile's disappearance, the local INS Office should treat the matter as a reportable "incident," and the concerned Supervisor should contact the Regional Juvenile Coordinator. The Region should immediately notify the HQ Command Center. The Command Center will contact HQ Field Operations. HQ Field Operations will then notify the Department of Justice.

3.3.7 All districts investigating a disappearance within their jurisdictions should maintain the personnel file and forward a work folder-to include a fingerprint chart and photo-to the Senior Special Agent in Charge, Office of Field Operations. Districts should also advise HQ Field Operations through the appropriate regional Juvenile Coordinator if leads suggest that a juvenile has left its jurisdiction.

3.3.8 Field Offices must prepare and forward the weekly G-166 reports to HQOPS through the District Juvenile Coordinator so that current information will be available when needed. The G-166 report should include information on investigative initiatives, interviews with relatives and friends, listing of any telephone numbers, and contacts made with local law enforcement. It is important that all field offices devote the needed resources to investigate and follow up on all leads in a timely manner.

3.3.9 As with Chinese and Indian juveniles in foster care, the cases of those still being held in Immigration and Customs Enforcement shelter care of secure juvenile detention facilities should be reviewed prior to the juveniles' turning 18. The same criteria outlined in this section for aliens in foster care shall be applied. A delivery bond pursuant to 8 C.F.R. § 212.5(a) may be appropriate. Should the case review determine the subject poses a high risk for release-as evidenced by prior escapes, failure to appear, or lack of equities-the individual should be considered for transfer to an adult detention facility immediately upon reaching the age of 18.

3.4 Chinese and Indian Juveniles Turning 18 While in Foster Care

3.4.1 Unless a case review of a Chinese or Indian national currently in foster home custody shows a high risk of flight, order and the immediate likelihood of obtaining a travel document without any legal impediment, the District Juvenile Coordinator will consider setting a bond for the alien's delivery, or other conditions for release. From 12/8/97 memo (see endnote j above). Case reviews should involve the follow up on 9/28/94 memo (see endnote j above).i

- The District Juvenile Coordinator or Local Deportation Officer should check with EOIR Counsel, Examinations, and Asylum Officers to determine whether any outstanding applications for asylum or relief are pending, or motions to reopen exist. Once assured there are none, they may transfer or place the subject in a "hard custody" facility.

- If a former juvenile has applied for some form of relief, to be available within 30 days or less, he or she can remain in foster care.
- If a former juvenile has an application or appeal pending, which is not likely to be adjudicated within 30 days or less, he or she can be transferred to adult detention. However, the branch, office, or office adjudicating the case must be notified of change of custody location.
- If a former juvenile meets the above criteria and the Chinese or Indian Consular General has indicated that a travel document will be issued in under 30 days, the subject may be held in a detention facility or nearby Service Processing Center (SPC).
- The case review by the District Juvenile Coordinator should include efforts to discover the location of other aliens apprehended at the same time. Barring safety or security issues, subjects should be reunited with the group with whom they were apprehended. Placing juveniles with their original group will facilitate their return when obtaining travel documents.

3.4.2 In determining whether to release a Chinese or Indian national who has reached the age of majority while in foster care, the District Juvenile Coordinator should consider the following factors: j From 12/8/97 endnote j above). j

- A former juvenile who has remained in foster care without having escaped is more likely to be removed.
- A former juvenile who has escaped or who appears to have cooperated with alien smuggling is more likely to be considered less likely to appear for removal and may require greater guarantees of appearance (higher bond).
- An individual reapprehended after engaging in unauthorized employment should be considered a higher risk, for whom the INS may consider a higher bond as well as other conditions of appearance for removal.

3.4.3 If release is appropriate, a bond may be posted by a relative, the current foster care nongovernmental organization (NGO), or by the alien. For aliens in proceedings under Section 212(d)(9)(B) parole pursuant to 8 C.F.R. § 212.5(a) may be appropriate.

3.4.4 When a review is completed and a decision made to release the alien, the respective District Juvenile Coordinator is notified prior to release. The Regional Juvenile Coordinator then notifies the District Juvenile Coordinator, who, in turn, notifies IAO/HAB of the planned release. This notification is made in a manner that will permit the termination of foster care services provided by NGOs.

3.4.5 In cases where the decision is made to transfer the alien to adult detention, the former juvenile should be detained, if at all possible, where other Chinese and Indian nationals are held and with those of the same dialect. Efforts should also be made to find out if the former juvenile was apprehended with other detained subjects and, if so, to place him or her in the same facility.

4. Nonsecure and Secure Juvenile Facilities

This section discusses the two types of juvenile facilities and the circumstances under which they are used: (1) nonsecure juvenile facilities (e.g., shelter care, group homes, and foster care); and (2) secure juvenile facilities (e.g., secure and medium-secure facilities).

4.1 Placement in Nonsecure Juvenile Facilities (Licensed Programs)

4.1.1 Whenever a juvenile is taken into INS custody, the Arresting Officer should notify the Regional Juvenile Coordinator before transporting the juvenile to an appropriate facility. The Regional Juvenile Coordinator can help the Arresting Officer with questions about facility type or locate appropriate bed space. Definition of Licensed Program: Any program, agency, or organization approved by an appropriate state agency to provide residential, group, shelter, and foster care for dependents (to include group homes, foster homes, or facilities for juveniles with special needs).

4.1.2 When placing a juvenile in a facility, the Placing Official must strictly adhere to the guidelines contained in the Flores v. Reno decision (Attachment 1), which have been incorporated below, as well as the information in 4.1.1 and 4.1.2 from 10/31/97 memo, "Juvenile Bedspace," from Office of Field Operations.

4.1.3 A juvenile who remains in INS custody must be placed in an appropriate nonsecure juvenile facility (licensed program) within 3 days (72 hours from when INS assumes custody) if he or she was apprehended in an INS district with a licensed program that has space. In all cases, juveniles must be placed with certain exceptions which require permission from the Regional or National Juvenile Coordinator (HQOPS) or designee. Permission requirement from 12-13-91 memo, "National Policy Regarding the Detention and Release of Unaccompanied Alien Minors." These exceptions are as follows:

The juvenile is an escape risk, criminal, or delinquent. Factors to consider include whether-

- the juvenile is currently under final order of removal;
- the juvenile's immigration history includes prior breach of bond, failure to appear before Immigration Court, evidence of debt to organized smugglers for transportation, voluntary departure after a previous removal from the United States pursuant to a Final Order of Removal; and it is imperative that individuals who have turned 18 not be held in facilities that are licensed for juveniles. Doing so may result in a facility losing its license and the ultimate loss of much needed detention space.
- the juvenile has previously absconded or attempted to abscond from INS custody.
- The INS believes the alien claiming to be a juvenile is actually an adult.
- A court decree or court-approved settlement requires otherwise.
- An emergency influx of juvenile aliens into the United States prevents compliance in that juvenile beds are unavailable. In this case, juveniles may be placed in secure or medium security juvenile detention facilities until appropriate bed space becomes available. At such time, juveniles must be placed in nonsecure juvenile facilities (licensed programs) as soon as possible (see SINS inspection standards for juvenile facilities).
- The juvenile is transported from a remote area or speaks a unique language that requires an interpreter. (The INS must place the juvenile in a licensed program within 5 business days.)

4.1.4 All Juvenile bed space is national bed space, accessible to all field offices independent of where the facility is located or that oversees the InterGovernmental Service Agreement (IGSA). Regional and District Juvenile Coordinators shall be afforded the opportunity to identify and inspect facilities. Many juvenile facilities are owned and operated by local or state juvenile justice authorities or county/state social service agencies. Juvenile bedspace requirements (4.1.4, 4.1.5, and 4.1.6) are contained in the 10/31/97 memo (see endnote o below).

4.1.5 The Regional and/or District Juvenile Coordinator must inspect all INS facilities prior to juvenile and, subsequently, on an annual basis (see Section 5 for inspection standards for juveniles). The Juvenile Coordinator must make weekly visits to any facility where INS juveniles are housed, facility and to visit the juveniles housed there.

4.2 Placement in Medium-Secure and Secure Detention Facilities

4.2.1 A juvenile may be placed in an INS contracted facility or state/county juvenile detention separate accommodations for juveniles only if the District Director or Chief Patrol Agent so determines-

- The juvenile has been charged with or is chargeable for a delinquent act, is subject to criminal proceedings, or has been adjudicated delinquent. Exceptions include the following:
- The juvenile's offense is isolated-not part of a pattern of criminal activity-and does not involve violence against a person or the use or carrying of a weapon (e.g., breaking and entering, vandalism, etc.).
- The juvenile's offense is a petty offense, such as shoplifting, joy riding, disturbing the peace.
- The juvenile has committed or made threats to commit a violent or malicious act (toward others) while in INS custody in the presence of an INS Officer.
- While in a licensed program, the juvenile has engaged in conduct that program staff find unacceptable and disruptive to the normal functioning of that program; or removal is needed for the welfare of other juveniles in the program. Examples of unacceptable conduct include substance abuse, intimidation of others, etc.
- The juvenile is an escape risk.
- The juvenile is at risk, or subject to compromising safety issues, e.g., smugglers.

4.2.2 In all the above such cases, the INS should attempt to place the juvenile in a medium-secure facility, i.e., one having 24-hour awake supervision and a secure perimeter but no cells-instead of a secure facility, if available and if the circumstances are appropriate.

4.2.3 The Regional Juvenile Coordinator must review and approve the decision to place the juvenile in a medium-secure or secure detention facility.

4.2.4 Juveniles placed in a medium-secure or secure detention facility must be provided written reasons why (see Attachment 3b, "Notice of Placement in Secure Juvenile Detention Facility").

4.3 Juveniles Turning 18 While in INS Custody

4.3.1 The Local or District Juvenile Coordinator should ensure that the cases of all juveniles in INS custody are thoroughly reviewed prior to their turning 18 (see Section 3.4, "Chinese and Indian Juveniles While in Foster Care," for case review procedures). When a juvenile in INS custody turns 18, the District Director must decide whether to transfer the juvenile to an adult detention facility or release the juvenile on bond or recognizance (see Section 3.4 for the factors to consider when determining whether to release a juvenile who has turned 18).

4.3.2 If release is appropriate, bond may be posted by a relative, the current foster care provider or by the alien. For aliens in proceedings under Section 240 of the Act and chargeable under S parole pursuant to 8 C.F.R. § 212.5(a) may be appropriate.

4.3.3 When a review is completed and a decision made to release, the respective Region Coordinator is notified-prior to release. The Regional Juvenile Coordinator then notifies the National Coordinator of the planned release.

4.3.4 If a decision is made to transfer the alien to adult detention, the former juvenile should be at all possible, with other detainees of the same nationality who speak the same dialect. Efforts should be made to find out if the former juvenile was apprehended with other detained subjects and, if so, to place him or her in the same facility.

4.4 Emergency Placement or Transfer of Juveniles

4.4.1 All juveniles placed in a juvenile facility (to include foster homes) remain in the legal custody of INS and may only be released by INS. A juvenile may be transferred from one child care facility to another only with the securing permission from the INS district office only in an emergency. INS must be notified of such transfer within 8 hours. In such cases (where compelling circumstances necessitate transfer), juveniles transferred with all their possessions and legal papers. Juveniles represented by counsel in a proceeding may not be transferred without advance notice to such counsel except in an emergency. In an emergency case counsel shall be notified as soon as possible; further, no juvenile may be denied access to legal counsel at the location where transferred. From 12/13/91 memo, "National Policy Regarding Detention and Transfer of Unaccompanied Alien Minors," from the Office of the Commissioner.

4.4.2 In the event nonsecure juvenile bed space is unavailable as a result of an "emergency" INS may place juveniles in medium-secure or secure juvenile detention facilities, as stipulated in the Emergency Placement Agreement. In these cases, the District and Regional Juvenile Coordinator will make reasonable efforts to place these juveniles as quickly as possible in nonsecure juvenile facilities (licensed programs) if space becomes available. Emergency is an act or event, such as a natural disaster or medical emergency that prevents the prompt placement of juveniles in nonsecure juvenile facilities (licensed programs).

Influx is defined as any situation in which there are more than 130 juveniles in INS custody who are placed in nonsecure juvenile facilities (licensed programs). This number includes those who have been placed and those awaiting placement.

4.4.3 The National Juvenile Coordinator will establish and maintain an Emergency Placement List of at least 80 beds at programs licensed by an appropriate state agency. These are beds that are available for emergency placements to supplement the 130 that INS typically has available. Where possible, these placements will meet the standards applicable to those the INS normally uses. The Emergency Placement List will include the facility name, the number of potentially available beds, the name and number (nights, holidays, and weekends), any restrictions on juveniles (i.e., age), and the services available.

4.4.4 The National Juvenile Coordinator will maintain a list of juveniles affected by the emergency including (1) the juvenile's name, (2) date and country of birth, (3) date placed in INS custody, and (4) date of current placement.

4.4.5 Within one business day of the emergency or influx, the National Juvenile Coordinator will contact the programs on the Emergency Placement List to determine available placements. As soon as available placements are identified, the National Juvenile Coordinator will advise appropriate INS offices of their availability. To the extent practical, the INS will attempt to locate emergency placements where cu

linguistically appropriate community services are available.

4.4.6 In the event the number of juveniles needing emergency placement exceeds the space on the list, the National Juvenile Coordinator will try to find additional placements through licensed county social services departments, and foster family agencies.

4.4.7 Each year the INS will reevaluate the number of regular placements (placements programs) needed for detained juveniles to see if it should be adjusted. However, any decision to increase the number of placements available is subject to the availability of INS resources.

5. Inspection Standards for Juvenile Shelter Care and Secure Juvenile Detention Facilities

This section enumerates the various standards for the types of facilities named in the preceding section, specifically, juvenile shelter care and secure juvenile detention facilities. These standards are drawn from American Correctional Association (ACA) standards and the licensed program requirements contained in the Flores Agreement. This section is formatted to serve as a "pull-out" for posting or frequent reference. This section includes two summary checklists listing the standards in abbreviated form for both juvenile shelter care and secure juvenile detention facilities.

Special Instructions for Supplemental Form G-324a Service Contract Facility Inspection Checklist for INS Secure Juvenile Detention Facilities

This packet contains Form G-324a, the "Service Contract Facility Inspection Report," which includes instructions for completing the report, a checklist for inspecting adult facilities, an inspection certification page, and Supplemental Form G-324a (2/98).

When conducting inspections of juvenile facilities, please replace page 2 of Form G-324a—the checklist used for inspecting adult facilities—with Supplemental Form G-324a. These attached pages comprise the itemized checklist to be used for evaluating juvenile detention facilities.

Minimum Standards for Immigration and Naturalization Service Secure Juvenile Detention Facilities 1

Part I. Administration and Management

Section C: Personnel

Principle: A written body of policy and procedures establishes the facility's staffing, recruiting, promotion, procedures for employees.

Criminal Record Check

3-JDF-1C-13 (Ref. 2-8062)

1. **A criminal record check is conducted on all new employees in accordance with state statutes.**

Comment: The facility's administrators should know of any criminal conviction that could directly affect an employee's job performance in a facility setting.

Section E: Juvenile Records

Principle: A written body of policy and procedures establishes the facility's management of case records, in minimum the following areas: the establishment, use, and content of juvenile records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records.

3-JDF-1E-01 (Ref. 2-8110)

2. **Written policy, procedure, and practice govern case record management, including at a minimum the following areas: the establishment, use, and content of juvenile records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records. The policies and procedures are reviewed annually.**

Comment: An orderly and timely system for recording, maintaining, and using data about juveniles is essential to the efficiency and effectiveness of program and service delivery and the transfer of information to intake and release authorities.

3-JDF-1E-02 (Ref. 2-8111, 2-8113, 2-8115)

3. **The facility administration maintains a record on each juvenile that is available in a facility and includes at a minimum the following information:**

- name, age, sex, place of birth, and race or nationality;
- initial intake information form;
- authority to accept juvenile;
- referral source;
- case history/social history;
- medical consent form;
- name, relationship, address, and phone number of parent(s)/guardian(s) and person juvenile resides with at time of admission;
- driver's license, social security, and Medicaid numbers, when applicable;
- court and disposition;
- individual plan or program;
- signed release-of-information forms, when required;
- progress reports on program involvement;
- program rules and disciplinary policy signed by juvenile;
- grievance and disciplinary record, if applicable;

- referrals to other agencies; and
- final discharge or transfer report.

Comment: Medical and educational records are components of the master file and may be located in appropriate areas of the facility. The juvenile's file should contain all legal documents and correspondence relating to the juvenile and all progress and other reports made during the length of stay. All data should be verified, and confidentiality should be maintained.

Transfer of Records

3-JDF-1E-04 (Ref. New)

4. **Written policy, procedure, and practice provide that an updated case file for an inmate transferred from one facility to another is transferred simultaneously or, at the latest, 24 hours.**

Comment: Continuity of programming for juveniles transferred from other facilities requires that staff benefit of a complete cumulative case record as soon as possible. The same policy and procedure apply to the transfer of medical files.

3-JDF-1E-08 (Ref. 2-8119)

5. **Written policy, procedure, and practice provide that records are safeguarded from unauthorized access and improper disclosure.** Manual records are marked "Confidential." Written policy and procedure provide that when any part of the information system is computerized, security ensures confidentiality.

Comment: A juvenile's constitutional right to privacy can be violated if records are improperly disclosed. The institution should establish procedures to limit access to records to persons and public agencies who have a "need to know" and a "right to know" and that can demonstrate that access to such information is for juvenile justice purposes. Written guidelines should regulate juvenile access to records.

Part II. Physical Plant

Section A: Building and Safety Codes

Principle: Compliance with professional building and fire safety codes helps to ensure the safety of all persons in the facility.

Fire Codes

3-JDF-2A-03 (Ref. New)

Mandatory

6. **The facility conforms to applicable federal, state, and/or local fire safety codes. Codes are documented by the authority having jurisdiction.** A fire alarm and automatic detection system is required, as approved by the authority having jurisdiction, or there is a plan for addressing the deficiencies within a reasonable time period. The authority approves any variances, except those that constitute a serious life safety threat to the facility's occupants.

Comment: The applicable fire safety code(s) must be comprehensive, ensure basic protection, and include the use of fire detection and alarm systems in all habitable areas of the facility. The applicable code should be applied to all areas of the facility. Reports of periodic inspections and any actions taken in respect to those inspections must be available.

3-JDF-2A-04 (Ref. 2-8159)

Mandatory

7. **There is documentation by a qualified source that the interior finishing materials in juvenile detention areas are fire resistant.**

areas, exit areas, and places of public assembly are in accordance with recognized codes.

Comment: No facility furnishings, ceilings, partitions, or floors should be constructed of foamed foamed rubber unless the fire performance characteristics of the material are known and acceptable.

Section C: Juvenile Housing

Principle: Juvenile housing areas are the foundation of facility living and must promote the safety and well-being of juveniles and staff.

3-JDF-2C-02 (Ref. 2-8138)

- 8. Rooms or sleeping areas in which juveniles are confined conform with the requirements:**

NUMBER OF OCCUPANTS AMOUNT OF UNENCUMBERED SPACE

1	35 square feet
2-50	35 square feet per occupant*

"Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. A dimension of the unencumbered space is no less than 7 feet. All fixtures must be in operation.

Comment: The standard encourages design flexibility and creativity by relating room size to the unencumbered, or free, space provided by the design. Unencumbered space is determined by multiplying the length and width of the room and subtracting from this figure the total number of square feet not covered by bed(s), plumbing fixtures, desk(s), locker(s), and other fixed equipment. Measurements should be taken of equipment and furnishings in their normal use positions (i.e., to discourage Murphy beds).

Dayrooms

3-JDF-2C-04 (Ref. 2-8140, 2-8169)

- 9. Dayrooms with space for varied juvenile activities are situated immediately adjacent to juvenile sleeping areas, but are separated from them by a floor-to-ceiling wall. Dayrooms shall have a minimum of 35 square feet of space per juvenile (exclusive of lavatories, showers, and toilet stalls) and a maximum number of juveniles who use the dayroom at one time.**

Comment: While the standard establishes a minimum square footage for any dayroom, total square footage shall be calculated for the maximum number of users at one time, rather than the total number of juveniles in the facility.

Toilets

3-JDF-2C-06 (Ref. 2-8133)

- 10. Toilets are provided at a minimum ratio of 1 for every 12 juveniles in male facilities and every 8 juveniles in female facilities. Urinals may be substituted for up to one-half of the toilet stalls in male facilities. All housing units with five or more juveniles have a minimum of two toilets.**

Comment: The standard ensures the availability of toilets and requires a measure of privacy and security for users. At the same time, the standard provides flexibility for designers and managers.

Wash Basins

3-JDF-2C-07 (Ref. 2-8133)

11. Juveniles have access to operable wash basins with hot and cold running water in the units at a minimum ratio of 1 basin for every 12 occupants.

Comment: Provision must be made for juvenile access to wash basins in sleeping areas, dayrooms and other parts of the facility.

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Showers**3-JDF-2C-08 (Ref. 2-8136)**

- 12. Juveniles have access to operable showers with temperature-controlled hot and cold water, at a minimum ratio of one shower for every eight juveniles, unless national health codes specify a different ratio.** Water for showers is thermostatically controlled to be ranging from 100 degrees Fahrenheit to 120 degrees Fahrenheit to ensure the safety of juveniles and to promote hygienic practices.

Comment: Offenders can use scalding showers as a weapon against, or punishment for, other juveniles. An accidental injury could occur when cold water is drawn in other areas, thereby unexpectedly elevating water in showers to scalding temperatures. Water temperatures below 100 degrees Fahrenheit are uncomfortable and may deter an individual from pursuing good hygienic practices. The temperature should not preclude the use of water at higher temperatures if needed in other areas of the facility such as in the kitchens.

Special Management Housing**3-JDF-2C-12 (Ref. 2-8141)**

- 13. Male and female juveniles do not occupy the same sleeping room.**

Comment: Juveniles should be segregated by sex in sleeping rooms, although they may be housed in the same living unit.

Section D: Environmental Conditions

Principle: Environmental conditions significantly influence the overall effectiveness of facility operations. Standard air quality, temperature, and noise levels are designed to preserve the health and well-being of juveniles and staff and to promote facility order and security.

Housing Areas**3-JDF-2D-01 (Ref. 2-8133)**

- 14. Written policy, procedure, and practice require that all housing areas provide at a minimum the following:**

- lighting of at least 20 foot candles at desk level and in the personal grooming area;
- natural light available from an opening or window that has a view to the outside, or from a skylight within 20 feet of the room;
- other lighting requirements for the facility determined by tasks to be performed;
- access to drinking fountain; and
- heating, ventilation, and acoustical systems to ensure healthful and comfortable living and working conditions for juveniles and staff.

Comment: None.

Heating and Cooling

3-JDF-2D-03 (Ref. New)

15. Temperatures in indoor living and work areas are appropriate to the summer and winter zones.

Comment: Temperature and humidity should be capable of being mechanically raised or low acceptable comfort level. The comfort zones are 66 to 80 degrees Fahrenheit in summer, 61 to 70 degrees Fahrenheit in winter, with an optimal constant temperature of 70 degrees Fahrenheit.

Section E: Program and Service Areas

Principle: Adequate space must be provided for the various program and service functions conducted in the facility. The requirements are best determined by careful assessment of how, when, and by how many juveniles such spaces are used.

Classrooms

3-JDF-2E-05 (Ref. 2-8146)

16. School classrooms are designed to conform to local or state educational requirements.

Comment: None.

Food Service

3-JDF-2E-07 (Ref. 2-8145)

17. The food preparation area includes a space for food preparation based on population of food preparation, and methods of meal service.

Comment: None.

3-JDF-2E-08 (Ref. 2-8228)

18. There are provisions for adequate storage and loading areas and garbage disposal facilities.

Comment: In order to ensure efficient food service and adherence to health and safety regulations, it is essential that the kitchen be located near the space it requires to accomplish its mission. The space needed for the kitchen is affected by such variables as type of food service, location of kitchen, number of persons to be served, complexity of the menu, equipment placement, storage of mobile equipment, and traffic sites.

Clothing and Supplies

3-JDF-2E-11 (Ref. 2-8155)

19. Space is provided in the facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations.

Comment: None.

Personal Property

3-JDF-2E-12 (Ref. 2-8154)

20. Space is provided for storing the personal property of juveniles safely and securely.

Comment: None.

Section G: Security

Principle: The physical plant supports the orderly and secure functioning of the facility.

Control Center

3-JDF-2G-01 (Ref. 2-8185)

21. In secure facilities, space is provided for a 24-hour control center for monitoring and coordinating the facility's security, safety, and communications systems. The control center provides access to wash basin and toilet.

Comment: The control center should contain sufficient space for monitoring and coordinating all internal and external security systems, communications systems, safety alarms and detection systems, mechanical and electrical systems.

Perimeter Security

3-JDF-2G-02 (Ref. 2-8131)

22. The facility's perimeter is controlled by appropriate means to provide that juveniles are kept within the perimeter and to prevent access by the general public without proper authorization.

Comment: The means chosen to ensure perimeter security should reflect the facility's needs based on the level and degree of security required. Perimeter surveillance can be maintained through mechanical and electronic devices (e.g., electronic, pressure, or sound detection systems), mobile patrols, or some combination of techniques. All areas adjacent to the perimeter should be visible under all conditions.

Part III. Institutional Operations

Section A: Security and Control

Principle: The facility uses a combination of supervision, inspection, accountability, and clearly defined policies and procedures on the use of security to promote safe and orderly operations.

Security Manual

3-JDF-3A-01 (Ref. 2-8184)

23. There is a manual containing all procedures for facility security and control, with instructions for implementing these procedures. The manual is available to all staff and is updated at least annually and updated as needed.

Comment: The manual should contain information on physical plant inspection, juvenile counts, staff control, contraband, key control, tool and equipment control, and emergency procedures.

3-JDF-3A-02 (Ref. New)**24. The facility has a communication system between the control center and juvenile living quarters.**

Comment: A mechanical or audio communication system should be used to supplement supervision activities (i.e., to advise staff of emergency needs), not as a substitute for staff supervision.

3-JDF-3A-03 (Ref. 2-8118)**25. The facility maintains a daily report on juvenile population movement.**

Comment: The daily report should indicate the number of juveniles in the facility and their names, numbers, and housing assignments. Official daily movement sheets should detail the number of admissions and releases each day and the count at the close of the day.

Juvenile Careworkers**3-JDF-3A-07 (Ref. 2-8186)****26. Written policy, procedure, and practice require that when both males and females are in the facility, at least one male and one female staff member are on duty at all times.**

Comment: None.
Permanent Log

3-JDF-3A-09 (Ref. 2-8190)**27. Written policy, procedure, and practice require that correctional staff maintain a permanent log and prepare shift reports that record routine information, emergency situations, and incidents.**

Comment: Adequate supervision of juveniles requires a formal written reporting system. Each careworker in each housing unit on each shift should maintain detailed records of pertinent information regarding juveniles and groups of juveniles.

Patrols and Inspections**3-JDF-3A-12 (Ref. 2-8192)****28. Written policy, procedure, and practice require at least weekly inspection and maintenance of security devices, with corrective action initiated when necessary.**

Comment: There should be a scheduled maintenance procedure to ensure that all locks, windows, other security devices are fully operational. Emergency keys should be checked at least quarterly to ensure that they function properly. Results of all inspections should be submitted in writing to the administrator or to the staff member in charge of security.

Juvenile Counts**3-JDF-3A-13 (Ref. 2-8189)****29. The facility has a system for physically counting juveniles. The system includes accountability for juveniles assigned to work and educational release, furloughs, and other temporary absences.**

Comment: There should be at least one juvenile count per shift. Counts should be scheduled so that they do not conflict with activity programs and normal operating procedures. The staff member responsible for maintaining the master count record should have up-to-the-minute information regarding all juveniles.

moves, work assignment changes, hospital admissions, etc. Adequate checks should be instituted to prevent human error. All juveniles in legal custody should be accounted for in the master count; all absences from the facility should be explained in writing.

Use of Restraints

3-JDF-3A-16 (Ref. 2-8211)

30. Written policy, procedure, and practice provide that instruments of restraint, such as leg irons, and straight jackets, are never applied as punishment and are applied only with the approval of the facility administrator or designee.

Comment: Instruments of restraint should only be used as a precaution against escape during medical reasons by direction of the medical officer; and to prevent juvenile self-injury, injury to property damage; and should not be applied for more time than is absolutely necessary.

3-JDF-3A-17 (Ref. 2-8210)

31. Written policy, procedure, and practice provide that the facility maintains a written routine and emergency distribution of restraint equipment.

Comment: A written record detailing who receives restraint equipment and the nature of the equipment received is necessary to establish responsibility and accountability for use.

3-JDF-3A-18 (Ref. 2-8198)

32. All special incidents—including but not limited to the taking of hostages and use of equipment or physical force—are reported in writing, dated, and signed by the staff reporting the incident. The report is placed in the juvenile's case record and reviewed by the facility administrator and/or the parent agency.

Comment: A written record of such incidents should be available for administrative review. These records can be used in assessing training needs, counseling with staff about the proper handling of serious incidents, and providing information for the parent agency or insurance company. The report should include the actions taken by the person in charge at the time of the incident.

Control of Contraband

3-JDF-3A-19 (Ref. 2-8196)

33. Written policy, procedure, and practice provide for searches of facilities and juveniles for contraband and to provide for its disposition. These policies and procedures are made known to staff and juveniles and are reviewed at least annually and updated if necessary.

Comment: The facility's search plans and procedures may include the following:

- unannounced and irregularly timed searches of rooms, juveniles, and juvenile work areas;
- inspection of all vehicular traffic and supplies coming into the facility;
- use of metal detectors at gates and entrances into housing units;
- complete search and inspection of each room prior to occupancy by a new juvenile;
- avoidance of unnecessary force, embarrassment, or indignity to the juvenile;
- staff training in effective search techniques that protect both juveniles and staff from bodily injury;
- use of nonintensive sensors and other techniques instead of body searches whenever feasible;
- conduct of searches only as necessary to control contraband or to recover missing or stolen property;
- respect of juveniles' rights to authorized personal property; and
- use of only those mechanical devices absolutely necessary for security purposes.

3-JDF-3A-20 (Ref. 2-8213)

- 34. Written policy, procedure, and practice provide that manual or instrument inspection of cavities is conducted only when there is reason to do so and when authorized by administrator or designee. The inspection is conducted in private by health care personnel.**

Comment: None.

3-JDF-3A-21 (Ref. New)

- 35. Written policy, procedure, and practice provide that visual inspection of juvenile body is conducted based on a reasonable belief that the juvenile is carrying contraband prohibited material. The inspection is conducted by a trained staff member of the same facility as the juvenile.**

Comment: None.

3-JDF-3A-22 (Ref. 2-8200)

- 36. Written policy, procedure, and practice govern the control and use of keys.**

Comment: The key control system should provide a current accounting of the location and possession of each key. All keys should be issued from the central control area, and a log should be used to record the location of each key issued, the location of each lock, the number of keys to each lock, and the names of all persons possessing keys.

Keys should be stored so that their presence or absence can be easily determined and should be checked in the control center daily. All keys should be numbered, and the facility should maintain at least one key for each lock. Fire and emergency keys should be color-coded and marked for identification. Juveniles should not possess keys other than those to living quarters or work assignments, when assigned, and to personal lockers.

Tools and Equipment**3-JDF-3A-23 (Ref. 2-8201)**

- 37. Written policy, procedure, and practice govern the control and use of tools and cutting medical equipment.**

Comment: Tools and utensils that can cause death or serious injury (e.g., hacksaws, welding torches, butcher knives, barber shears) should be locked in control panels and issued in accordance with a control system. Provision should be made for checking tools and utensils in and out and for the control of their use at all times.

Security Equipment**3-JDF-3A-26 (Ref. 2-8187)**

- 38. Written policy, procedure, and practice govern the availability, control, and use of chemical agents and related security devices and specify the level of authority required for their use. Chemical agents are used only with the authorization of the facility administrator or designee.**

Comment: Based on an analysis of the physical plant and the size and profile of the juvenile population, designated staff should determine what chemical agents and other security devices the facility needs. Policies and procedures should specify the level of authority required for access to and use of these devices.

3-JDF-3A-27 (Ref. 2-8212)

- 39. Written policy, procedure, and practice require that personnel who use force to control submit written reports to the facility administrator or designee no later than the conclusion of their tour of duty.**

Comment: All instances involving the use of force should be documented to establish the identity of personnel and juveniles involved and to describe the nature of the incident.

3-JDF-3A-28 (Ref. 2-8204)

- 40. Written policy, procedure, and practice provide that persons injured in an incident receive immediate medical examination and treatment.**

Comment: Immediate medical examination and treatment should be required in all instances involving the use of force or a chemical agent.

3-JDF-3A-29 (Ref. 2-8199)

- 41. Firearms are not permitted in the facility except in emergency situations.**

Comment: No person, including law enforcement personnel, should be in possession of a firearm on the premises of a facility. A system of receipts for the temporary safe storage or checking of such firearms is required.

Use of Force**3-JDF-3A-30 (Ref. 2-8212)**

- 42. Written policy, procedure, and practice restrict the use of physical force to instances of justifiable self defense, protection of others, protection of property, and prevention of escape and then only as a last resort and in accordance with appropriate statutory authority. In no instance shall physical force be used as punishment. A written report is prepared following all uses of force and submitted to administrative staff for review.**

Comment: "As a last resort" may be defined through statutory authority.

Section B: Safety and Emergency Procedures

Principle: The facility adheres to all applicable safety and fire codes and has in place the equipment and procedures in the event of a major emergency.

Fire Safety**3-JDF-3B-01 (Ref. 2-8170,8173)****Mandatory**

- 43. Written policy, procedure, and practice specify the facility's fire prevention regulations and practices. These include but are not limited to the following:**
- provision for an adequate fire protection service;
 - a system of fire inspection and equipment testing at least quarterly or at intervals approved by the authority having jurisdiction, following the procedures stated for variances, except in cases of emergency;

- an annual inspection by local or state officials or other qualified person(s); and
- availability of fire protection equipment at appropriate locations throughout the facility.

Comment: Facility administrators should plan and execute all reasonable procedures for the prompt control of fire. The use of national codes, such as the *Life Safety Code*, can help to ensure of staff, juveniles, and visitors. The use of a volunteer or an internal fire department is acceptable for compliance, assuming that the fire station is readily accessible in case of fire and is the primary available. If the fire station is not continually staffed, fire alarm notification must be made to a fire enforcement unit or equally reliable source.

3-JDF-3B-02 (Ref. 2-8172)

Mandatory

- 44. Written policy, procedure, and practice provide for a comprehensive and thorough inspection of the facility by a qualified fire and safety officer for compliance with safe prevention standards.** There is a weekly fire and safety inspection of the facility by a departmental staff member. This policy and procedure is reviewed annually and updated as needed.

Comment: The "qualified departmental staff member" who conducts the weekly inspections may be a staff member who has received training in and is familiar with the safety and sanitation requirements in this jurisdiction. At a minimum, it is expected that the safety/sanitation specialist will provide on-the-spot guidance regarding applicable regulations and inspections, including the use of checklists and the proper documentation.

3-JDF-3B-03 (Ref. 2-8175)

Mandatory

- 45. Specifications for the selection and purchase of facility furnishings indicate the performance requirements of the materials selected.**

Comment: Furnishings, mattresses, cushions, or other items of foamed plastics or rubber (e.g., polystyrene) can pose a severe hazard due to high smoke production, rapid burning once ignited, and heat release. Such materials should receive careful fire safety evaluation before purchase or use. Consideration given to the product's flammability and toxicity characteristics. All polyurethane furniture should be removed from living areas unless its use is approved in writing by the fire authority having jurisdiction.

3-JDF-3B-04 (Ref. 2-8176)

Mandatory

- 46. Facilities are equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout the facility.** Special containers are provided for flammable liquids and for rags and oily materials. All receptacles and containers are emptied and cleaned daily.

Comment: The proper and safe containment of flammable materials and the sanitation of such containers are essential activities in fire prevention.

Flammable, Toxic, and Caustic Materials

3-JDF-3B-05 (Ref. 2-8182)

Mandatory

- 47. Written policy, procedure, and practice govern the control and use of all flammable, toxic, and caustic materials.**

Comment: The following definitions apply to this standard:

- flammable materials—liquids with a flash point below 100 degrees Fahrenheit;
- toxic materials—substances that through chemical reaction or mixture can possibly produce harm to the body by entering through the skin, digestive tract, or respiratory tract (e.g., zinc paint, ammonia, chlorine, antifreeze, herbicides, pesticides); and
- caustic materials—substances that can destroy or eat away by chemical reaction (e.g., lye, soda, sulfuric acid).

If a substance possesses more than one of the above properties, the safety requirements for all properties should be considered.

All flammable, toxic, and caustic materials should be stored in secure areas that are inaccessible to the public and a prescribed system should be used to account for their distribution. Juveniles should never handle such items unless under the close supervision of qualified staff.

Substances that do not contain one or more of the above properties but that are labeled "Keep Out of Reach of Children" or "May be Harmful if Swallowed" are not prohibited; their use and control should be addressed in agency policy.

Emergency Power and Communications

3-JDF-3B-07 (Ref. 2-8208)

- 48. Written policy, procedure, and practice provide for a communication system within and between the facility and community in the event of urgent, special, or unusual emergency situations.**

Comment: The facility should have available walkie-talkies and/or a radio base station, receivers, transmitters, or other independent mechanical means of communication in order to maintain contact with the outside community if conventional means of communication are disrupted. Facilities located in areas subject to severe storms, tornadoes, or hurricanes should maintain a ready means of voice communication with the community.

3-JDF-3B-10 (Ref. New)

Mandatory

- 49. The facility has a written evacuation plan prepared in the event of fire or major emergency. The plan is certified by an independent, outside inspector trained in the application of appropriate fire codes. The plan is reviewed annually, updated as needed, and reissued to the local fire jurisdiction. The plan includes the following:**
- location of building/room floor plan;
 - use of exit signs and directional arrows for traffic flow;
 - location of publicly posted plan;
 - monthly drills in all occupied locations of the facility; and
 - staff drills when evacuation of dangerous juveniles may not be included.

Comment: The evacuation plan should specify routes of evacuation, subsequent disposition and care of juveniles, and provision for medical care or hospital transportation for injured juveniles and/or staff. The plan should include evacuation of all juveniles except when there is clear and convincing evidence that the facility's security is jeopardized. Upon such showing, actual evacuation during the drill is not required, but staff supervising such juveniles should be required to perform their roles/activities in monthly drills.

Emergency Plans

3-JDF-3B-11 (Ref. 2-8181, 8205, 8207)**Mandatory**

- 50. All facility personnel are trained in the implementation of written emergency plan stoppage and riot/disturbance plans are communicated only to the appropriate supervisory personnel directly involved in the implementation of those plans.**

Comment: A contingency plan for maintaining essential services is crucial. This plan may include agreements with other law enforcement agencies, such as local or state police. Additionally, the facility should attempt to ensure the safety and well-being of employees who do not participate in the job.

3-JDF-3B-12 (Ref. 2-8180)**Mandatory**

- 51. Written policy, procedure, and practice specify the means for the immediate release of juveniles from locked areas in case of emergency and provide for a backup system.**

Comment: The responsibilities of personnel in an emergency situation should be clearly defined. Personnel should be aware of the location and identification of keys and be knowledgeable about all evacuation procedures. Juveniles should receive instructions concerning emergency procedures.

The authority having jurisdiction must certify that locking arrangements allow for prompt release of juveniles. Sufficient staff are available to operate locking devices when necessary. A "backup system" means a manual backup if power-operated locks fail. A control station or other location removed from living areas should be equipped with reliable, manual means for releasing locks on swinging and sliding doors to permit prompt release. If the facility has only a manual locking system, a staff plan for manual locking must be in place.

Threats to Security**3-JDF-3B-13 (Ref. 2-8203)**

- 52. There are written procedures regarding escapes. These procedures are reviewed at least annually and updated as needed.**

Comment: Specific procedures that can be used quickly when an escape occurs should be made available to all personnel. Procedures should include the following: prompt reporting of the escape to the facility administrator; mobilization of employees; implementation of a predetermined search plan; and notification of law enforcement agencies, community groups, and relevant media.

Section C: Rules and Discipline

Principle: The facility's rules of conduct and sanctions and procedures for violations are defined in writing and communicated to all juveniles and staff. Disciplinary procedures are carried out promptly and with respect for due process.

Rules of Conduct**3-JDF-3C-02 (Ref. 2-8310)**

- 53. Written rules of juvenile conduct specify acts prohibited within the facility and penalties to be imposed for various degrees of violation. The written rules are reviewed annually and updated as needed.**

Comment: The rules should prohibit only observed behavior that can be shown clearly to have an adverse effect on a juvenile or on facility order and security. The rules should also specify the

penalties that can be imposed for violations. Penalties should be proportionate to the importance and the severity of the violation.

3-JDF-3C-03 (Ref. 2-8311)

54. A rulebook that contains all chargeable offenses, ranges of penalties, and d procedures is given to each juvenile and staff member and is translated into those spoken by significant numbers of juveniles. Signed acknowledgment of receipt of the maintained in each juvenile's file. When a literacy or language problem prevents a juv understanding the rulebook, a staff member or translator assists the juvenile in understanding t

Comment: Written procedure should specify how the rules and regulations are issued and preser juveniles. Rules and regulations governing juvenile conduct are of limited value unless th understand them. "Posting" the rulebook is unnecessary, provided there is evidence each juvenile copy of the rules.

3-JDF-3C-06 (Ref. 2-8315, 2-8333)

55. Written policy, procedure, and practice require that prior to room and/or privilege rest juvenile has the reasons for the restriction explained to him/her and has an opportunity the behavior leading to the restriction.

Comment: Prior to restriction for any rule infraction, the juvenile should be given an opportunity to reason(s) for the rule violation.

3-JDF-3C-07 (Ref. 2-8316)

56. During room restriction, staff contact is made with the juvenile at least every 15 depending on his/her emotional state. The juvenile assists in determining the end of the period.

Comment: During the period of restriction, a staff person should interact with the juvenile in an eff any problems and to determine a release time.

3-JDF-3C-08 (Ref. 2-8314)

57. Written policy, procedure, and practice specify that room restriction for minor m serves only a "cooling off" purpose and is short in time duration, with the time period minutes—specified at the time of assignment.

Comment: Juveniles are quick to act out and usually just as quick to recover from temper flare-minutes' restriction to their rooms is often all that is needed to correct the situation and permit the resume his/her normal routine.

Criminal Violations

3-JDF-3C-09 (Ref. 2-8334)

58. Written policy, procedure, and practice provide that, where a juvenile allegedly comm covered by criminal law, the case should be referred to appropriate court or law en officials for consideration for prosecution.

Comment: Corrections and court or law enforcement officials should agree on the categories of c are to be referred in order to eliminate minor offenses or those of no concern.

Disciplinary Reports

3-JDF-3C-11 (Ref. 2-8318)

59. **When a juvenile has been charged with a major rule violation requiring confinement for a period of up to 24 hours, the facility shall ensure the safety of the juvenile, other juveniles, or to ensure the security of the facility, the juvenile shall be confined for a period of up to 24 hours.** Confinement for periods of over 24 hours is reviewed by an administrator or designee who was not involved in the incident.

Comment: None.

Section D: Juvenile Rights

Principle: The facility protects the safety and constitutional rights of juveniles and seeks a balance between the individual rights and preservation of facility order.

Access to Courts

3-JDF-3D-01 (Ref. 2-8299)

60. **Written policy, procedure, and practice ensure the right of juveniles to have access to the courts.**

Comment: The right of access to the courts minimally provides that juveniles have the right to pursue a legal issue, including the following: challenging the legality of their adjudication or confinement; seeking remedies in connection with illegal conditions or treatment while under correctional control; pursuing remedies in connection with other problems; and asserting against correctional or other government authority any other rights provided by constitutional or statutory provision or common law. Juveniles seeking judicial relief are not subject to reprisals or penalties because of the decision to seek such relief.

Access to Counsel

3-JDF-3D-02 (Ref. 2-8300)

61. **Written policy, procedure, and practice ensure and facilitate juvenile access to counsel to assist juveniles in making confidential contact with attorneys and their representatives.** Such contact includes but is not limited to telephone communications, correspondence, and visits.

Comment: Facility authorities should assist juveniles in making confidential contact with attorney authorized representatives, which may include law students, special investigators, lay counsel persons who have a legitimate connection with the legal issue being pursued. Provision should be made for visits during normal facility hours, uncensored correspondence, telephone communications, and visits requested because of special circumstances.

Protection from Harm

3-JDF-3D-06 (Ref. 2-8301)

62. **Written policy, procedure, and practice protect juveniles from personal abuse, punishment, personal injury, disease, property damage, and harassment.**

Comment: In situations where physical force or disciplinary detention is required, only the least force necessary to secure order or control should be used.

Grievance Procedures

3-JDF-3D-08 (Ref. 2-8296)

63. There is a written juvenile grievance procedure that is made available to all juvenile includes at least one level of appeal.

Comment: A grievance procedure is an administrative means for the expression and resolution of problems. The facility's grievance mechanism should include provisions for the following:

- written responses to all grievances, including the reasons for the decision;
- response within a prescribed, reasonable time limit, with special provisions for res emergencies;
- supervisor review of grievances;
- participation by staff and juveniles in the procedure's design and operation;
- access by all juveniles, with guarantees against reprisals;
- applicability over a broad range of issues; and
- means of resolving questions of jurisdiction.

Section E: Special Management

Principle: Juveniles who threaten the secure and orderly management of the facility may be removed from population and placed in special units or rooms.

Admission and Review

3-JDF-3E-01 (Ref. New)

64. Written policy, procedure, and practice provide special management for juveniles with behavior problems and for juveniles requiring protective care. An individual program is developed.

Comment: High-risk juveniles who cannot control their assaultive behavior, who present a themselves, or who are in constant danger of being victimized by other juveniles may require management. The facility should provide appropriate services and programs for them. It may be necessary to separate them from the general population to allow for individualized attention.

3-JDF-3E-02 (Ref. New)

65. The facility administrator or shift supervisor can order immediate placement in a special room when it is necessary to protect the juvenile from self or others. The action is reviewed within 72 hours by the appropriate authority.

Comment: None.

3-JDF-3E-03 (Ref. New)

66. The detention facility has a sanctioning schedule that sets a maximum of 5 days of confinement in a security room for any offense, unless otherwise provided by law.

Comment: The time a juvenile spends in disciplinary confinement is proportionate to the offense taking into consideration the juvenile's prior conduct, specific program needs, and other relevant factors. An outside limit should be set for the period of confinement. This limit should be consistent with the statutes of the jurisdiction. Where such guidelines do not exist, a maximum of 5 days of disciplinary confinement should be considered sufficient for most cases.

3-JDF-3E-04 (Ref. 2-8321)

67. Juveniles placed in confinement are checked visually by staff at least every 15 minutes, visited at least once each day by personnel from administrative, clinical, social work, recreational, and medical units. A log is kept recording who authorized the confinement, persons visiting the juvenile, the person authorizing release from confinement, and the time of release.

Comment: A visit means actual entry into the room of confinement with the juvenile or removal of the juvenile from the room of confinement for the purpose of discussion or counseling. A visit does not include visual checks or discussion through the door or window of the confinement room.

3-JDF-3E-05 (Ref. 2-8320)

68. Written policy, procedure, and practice specify that juveniles placed in confinement are provided living conditions and privileges approximating those available to the general juvenile population. Exceptions are justified by clear and substantiated evidence.

Comment: Placement in room confinement achieves the primary purpose of isolating the juvenile from the general juvenile population. To the extent possible, juveniles in confinement should have a right to clothing, exercise, and other services and privileges comparable to those available to the general juvenile population. Where services or privileges are denied to juveniles in confinement, written justification should be provided.

Part IV. Facility Services

Section A: Food Service

Principle: Meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets governmental health and safety codes.

Dietary Allowances

3-JDF-4A-03 (Ref. 2-8217, 8218)**Mandatory**

69. It is documented that the facility's system of dietary allowances is reviewed annually by a registered dietitian to ensure compliance with nationally recommended food allowances.

Comment: A facility that follows this system of dietary allowances, as adjusted for age, sex, and activity level, ensures the provision of a nutritionally adequate diet. The Recommended Dietary Allowances standards of the National Academy of Sciences should be used as a guide to basic nutritional needs.

Menu Planning

3-JDF-4A-04 (Ref. 2-8219)

70. Written policy, procedure, and practice require that food service staff develop and serve planned menus and substantially follow the schedule; and that in the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability are given due consideration.

Comment: All menus, including special diets, should be planned, dated, and available for review one week in advance. Notations should be made of any substitutions in the meals actually served, and substitutions should be of equal nutritional value. A file of tested recipes adjusted to a yield appropriate for the facility should be maintained on the premises. Food should be served as soon as possible after preparation and at an appropriate temperature. Clinical diets should be approved by a registered dietitian.

documented accordingly.

Special Diets

3-JDF-4A-06 (Ref. 2-8223)

Mandatory

71. Written policy, procedure, and practice provide for special diets as prescribed by a medical or dental personnel.

Comment: Therapeutic diets should be available upon medical or dental authorization. Specific diets should be prepared and served to juveniles according to the orders of the treating physician or dentist, or by the responsible health authority. Medical or dental diet prescriptions should be specific and furnished in writing to the food service manager, and rewritten monthly. Special diets should be kept as possible and should conform as closely as possible to the foods served other juveniles.

3-JDF-4A-07 (Ref. 2-8225)

72. Written policy precludes the use of food as a disciplinary measure.

Comment: Food, including snacks, should not be withheld nor the standard menu varied as a sanction.

Health and Safety Regulations

3-JDF-4A-09 (Ref. 2-8229)

Mandatory

73. Written policy, procedure, and practice specify that food services comply with the sanitation and health codes as promulgated by federal, state, and local authorities.

Comment: All health and sanitation codes must be strictly followed in order to ensure the health of juveniles and staff. At a minimum, all food service personnel should be in good health and free of communicable disease and open, infected wounds; have clean hands and fingernails; wear hairnets; wear clean, washable garments; and employ hygienic food handling techniques.

Inspections

3-JDF-4A-11 (Ref. New)

74. Written policy, procedure, and practice provide that stored shelf goods are maintained at 80 degrees Fahrenheit, refrigerated foods at 35 to 40 degrees Fahrenheit, and frozen foods at 0 degrees Fahrenheit or below.

Comment: None.

Meal Service

3-JDF-4A-12 (Ref. 2-8232)

75. Written policy, procedure, and practice provide that staff members supervise juvenile meal service.

Comment: The practice of having staff members present contributes to a more orderly dining experience, enhances the relationship between the staff and the population. The practice also helps to reduce food waste, careless serving, and abuse of a juvenile by another juvenile. It also permits observation of

reporting of unusual eating habits of individual juveniles, such as rejection or overeating.

3-JDF-4A-13 (Ref. 2-8226)

76. Written policy, procedure, and practice require that at least three meals, of which two meals, are provided at regular meal times during each 24-hour period, with no more than one meal between the evening meal and breakfast. Provided basic nutritional goals are met, variations are allowed based on weekend and holiday food service demands.

Comment: When juveniles are not routinely absent from the institution for work or other purposes, three meals should be provided at regular times during each 24-hour period.

3-JDF-4A-14 (Ref. New)

Mandatory

77. Written policy, procedure, and practice provide for adequate health protection for all juveniles and staff in the facility and juveniles and other persons working in food service, including the following:

- Where required by the laws and/or regulations applicable to food service employees in the facility, where the facility is located, all personnel involved in the preparation of food receive a pre-employment medical examination and periodic re-examinations to ensure freedom from diarrhea, skin and other illness transmissible by food or utensils. All examinations are conducted in accordance with local requirements.
- When the facility's food services are provided by an outside agency or individual, the facility obtains written verification that the outside provider complies with the state and local regulations for food service.
- All food handlers are instructed to wash their hands upon reporting to duty and after using rest facilities.
- Juveniles and other persons working in food service are monitored each day for cleanliness by the director of food services or designee.

Comment: All food service personnel should be in good health and free from communicable diseases; have clean hands and fingernails; wear hairnets or caps; wear clean, washable clothing and employ hygienic food-handling techniques. Federal facilities should apply appropriate regulations as those of the U.S. Public Health Service.

Section B: Sanitation and Hygiene

Principle: The facility's sanitation and hygiene program complies with applicable regulations and standards of government to protect the health and safety of juveniles and staff.

Sanitation Inspections

3-JDF-4B-01 (Ref. 2-8234)

78. Written policy, procedure, and practice require weekly sanitation inspections of all facility areas.

Comment: In addition to the regular inspections by government officials, all facility areas should be inspected at least weekly by a designated staff member who should submit a written report to the administrator documenting deficiencies whenever they occur.

3-JDF-4B-02 (Ref. 2-8171, 8233)

Mandatory

- 79. The facility administration complies with applicable federal, state, and local sanitary health codes.**

Comment: The facility should be inspected at least annually by appropriate government officials to health of personnel and juveniles.

Water Supply

3-JDF-4B-03 (Ref.2-8236)

Mandatory

- 80. The institution's potable water source and supply, whether owned and operated by water department or the institution, is approved by an independent, outside source compliance with jurisdictional laws and regulations.**

Comment: Safe drinking water is basic to human health and should be provided in any facility. If the event jurisdictional laws and regulations are not applicable, the Federal Safe Drinking Regulations present a standard of quality that is attainable through good water control practices.

Waste Disposal

3-JDF-4B-04 (Ref. 2-8238)

Mandatory

- 81. The institution provides for a waste disposal system in accordance with an approved the appropriate regulatory agency.**

Comment: Liquid and solid wastes should be collected, stored, and disposed of in such a way as to be a nuisance and hazards and protect the health and safety of juveniles and staff.

Housekeeping

3-JDF-4B-05 (Ref. 2-8237)

Mandatory

- 82. Written policy, procedure, and practice provide for the control of vermin and pests.**

Comment: Any condition conducive to harboring or breeding insects, rodents, or other vermin eliminated immediately. Licensed pest control professionals should be used when necessary to fumigate the facility. Their use on a regular basis is essential.

Clothing and Bedding Supplies

3-JDF-4B-08 (Ref. 2-8243)

- 83. Written policy specifies accountability for clothing and bedding issued to juveniles.**

Comment: The issue of all clothing and bedding should be recorded and juveniles should be held accountable for their use.

3-JDF-4B-10 (Ref. 2-8244)

- 84. Juveniles are provided the opportunity to have three complete sets of clean clothing**
The facility may provide this clean clothing in several ways, including access to self-service facilities, central clothing, or a combination of the two.

Comment: None.

3-JDF-4B-11 (Ref. 2-8247)

85. Written policy, procedure, and practice require that the facility provides for the cleaning and, when necessary, disinfecting of juvenile personal clothing before storage allowing the juvenile to keep and wear personal clothing.

Comment: Juvenile personal clothing should be cleaned and disinfected to prevent odors and v accumulating and should be stored outside of the juvenile housing area. Cleaning may also be when the juvenile is permitted to keep and wear personal clothing which is not in a clean ai condition.

Bedding and Linen Issue**3-JDF-4B-12 (Ref. 2-8242)**

86. Written policy, procedure, and practice provide for the issue of suitable clean bedding including two sheets, pillow and pillowcase, one mattress, and sufficient blankets comfort under existing temperature controls. There is provision for linen exchange at least

Comment: Collection, storage, and exchange methods for bedding and linens should be done h that is, blankets, pillows, and mattresses should be cleaned before reissue, and linen and towe laundered before reissue. Towels should be exchanged at least three times per week.

Bathing and Personal Hygiene**3-JDF-4B-13 (Ref. 2-8246)**

87. Written policy, procedure, and practice provide an approved shower schedule wh daily showers and showers after strenuous exercise.

Comment: None.

3-JDF-4B-14 (Ref. 2-8240)

88. Written policy, procedure, and practice require that articles necessary for maintaini personal hygiene are provided to all juveniles.

Comment: As part of the admissions process, each juvenile should be given soap, a toothbrush, to powder, a comb, and toilet paper. Shaving equipment should be made available upon reques special hygiene needs of females should be met.

3-JDF-4B-15 (Ref. 2-8239)

89. There are hair care services available to juveniles.

Comment: Barber and beautician's facilities should be provided so that juveniles can obtain hair ca when needed.

Section C: Health Care

Principle: The facility provides comprehensive health care services by qualified personnel to protect the health ai of juveniles.

Responsible Health Authority

3-JDF-4C-01 (Ref. 2-8248)**Mandatory**

- 90. Written policy, procedure, and practice provide that the facility has a designated authority with responsibility for health care pursuant to a written agreement, contrary to the description. The health authority may be a physician, health administrator, or health agency authority is other than a physician, final medical judgments rest with a single designated physician.**

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Immigration Information

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Comment: The responsibility of the health authority includes arranging for all levels of health assuring the quality of all health services and that juveniles have access to them. While overall responsibility may be assumed at the central office level, it is essential that each facility have a responsible health professional. This may be the responsible physician at the facility. Health care services should provide for the personal well-being of the population and include medical and dental services; mental health services; personal hygiene, and dietary services; health education; and attention to environmental conditions

3-JDF-4C-04 (Ref. 2-8286)

91. Written policy, procedure, and practice provide that when a juvenile is in need of hospital care, he/she is accompanied by a staff member who stays with the juvenile at least during admission.

Comment: The staff member should provide caring support to the juvenile and should take a juvenile's parents' medical release form authorizing him/her to provide consent for medical treatment for pursuant to its custodial authority.

3-JDF-4C-06 (Ref. 2-8259)

92. If medical services are delivered in the facility or through contract services, adequate equipment, supplies, and materials as determined by the responsible physician are provided for the performance of primary health care delivery.

Comment: The type of space and equipment for an examining room will depend on the level of specialty medicine required in the facility and the capabilities of the health providers. In all facilities, space should be provided where the physicians can examine and treat juveniles in private.

Unimpeded Access to Care**3-JDF-4C-07 (Ref. 2-8267)**

93. Written policy, procedure, and practice provide for unimpeded access to health care system for processing complaints regarding health care. These policies are communicated orally and in writing to juveniles upon arrival at the facility, and are put in a language clearly understood by the juvenile.

Comment: No member of the correctional staff should approve or disapprove requests for attendance call. The facility should follow the policy of explaining access procedures orally to juveniles upon arrival. When the facility frequently has non-English speaking juveniles, procedures should be explained in their language.

3-JDF-4C-08 (Ref. 2-8270)

94. When sick call is not conducted by a physician, a physician is available once each day to respond to juveniles' complaints regarding service they did or did not receive from other care personnel.

Comment: This standard emphasizes the responsible physician's role in assuring accessibility and availability of those levels of care appropriate to the juveniles' need when those services are not personally provided.

the responsible physician.

3-JDF-4C-09 (Ref. 2-8268)

95. Juveniles' medical complaints are monitored and responded to daily by medical personnel.

Comment: Medical personnel sort and allocate patients to treatment. Control of access to medical care never be within the decision-making authority of juvenile careworkers or administrative staff, or medical personnel below the level of registered nurse.

Personnel

3-JDF-4C-10 (Ref. 2-8258)

96. Appropriate state and federal licensure, certification, or registration requirements apply to personnel who provide health care services to juveniles. The responsibilities of such personnel are governed by written job descriptions approved by the facility authority. Verified current credentials and job descriptions are on file in the facility.

Comment: Only qualified health care personnel should determine and supervise health care for juveniles. Written job descriptions should include the required professional qualifications and the individual's role in the health care delivery system. Verification of qualifications may consist of copies of current credentials or a letter from the state licensing or certifying body regarding current credential status. Health care services are performed in accordance with professionally recognized standards of nursing practice in the jurisdiction's Nurse Practice Act.

Administration of Treatment

3-JDF-4C-11 (Ref. 2-8253)

Mandatory

97. Written policy, procedure, and practice provide that treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent professional is performed pursuant to written standing or direct orders by personnel authorized by the facility. Such orders. Nurse practitioners and physician's assistants may practice within the limits of their state laws and regulations.

Comment: Professional practice acts differ in various states as to issuing direct orders for treatment. State laws in each state need to be studied for implementation of this standard. Standing medical orders for the definitive treatment of identified conditions and for on-site treatment of emergency conditions are written for the person having the condition to which the order pertains. Direct orders are written specifically for the treatment of one person's particular condition.

3-JDF-4C-13 (Ref. 2-8266)

98. A history of each juvenile's immunizations is obtained when the health appraisal is collected. Immunizations are updated, as required, within legal constraints.

Comment: Where immunizations are not up-to-date, the facility should immunize to ensure that the juvenile is fully protected. Relevant information should be obtained from parents, family physician, school health records, or other available source.

3-JDF-4C-14 (Ref. 2-8289)

99. In facilities housing females, obstetrical, gynecological, family planning, and health services are provided as needed.

Comment: None.

Current Mental Health Services

3-JDF-4C-16 (Ref. 2-8255)

100. Written policy, procedure, and practice specify the provision of mental health services for juveniles. These services include but are not limited to those provided by qualified mental health professionals who meet the educational and license/certification criteria specified by their professional disciplines (e.g., psychiatric nursing, psychiatry, psychology, and social work).

Comment: An adequate number of qualified staff members should be available to deal directly with juveniles who have severe mental health problems as well as to advise other correctional staff in their care of such individuals.

Health-trained Staff Member

3-JDF-4C-17 (Ref. New)

101. When facilities do not have full-time, qualified, health-trained personnel, a health-trained staff member coordinates the health delivery services in the facility under the joint supervision of the responsible health authority and facility administrator.

Comment: The health-trained staff member (who is other than a nurse, physician's assistant, or medical technician) may be full-time. Coordination duties may include reviewing receiving screening reports, scheduling needed follow-up, readying juveniles and their records for sick call, and assisting in carrying out decisions regarding such matters as diets, housing, and work assignments.

Pharmaceuticals

3-JDF-4C-18 (Ref. 2-8279)

Mandatory

102. Written policy, procedure, and practice provide for the proper management of pharmaceuticals and address the following subjects:

- a formulary specifically developed for the facility prescription practices that requires (1) specific prescription practices, including requirements that psychotropic medications are prescribed only when indicated as one facet of a program of therapy; (2) "stop order" time periods are required for controlled substances; and (3) the prescribing provider reevaluates a prescription prior to its renewal;
- procedures for medication receipt, storage, dispensing, and administration or distribution;
- maximum security storage and periodic inventory of all controlled substances, syringes, and needles;
- dispensing of medicine in conformance with appropriate federal and state laws;
- administration of medication by persons properly trained and under the supervision of the responsible health authority and facility administrator or designee;
- accountability for administering or distributing medications in a timely manner and according to physician's orders.

Comment: The written formulary lists should include all prescribed and nonprescribed medications used in the facility or generated by outside health care providers. Any dispensed medication (one or more doses) should be labeled with the patient's name, prescription directions for use, and other vital information. The pharmacy may be managed by a resident pharmacist or health-trained personnel under the supervision of the health authority.

3-JDF-4C-19 (Ref. 2-8281)

103. Psychotropic drugs, such as antipsychotics or antidepressants, and drugs requiring administration are prescribed only by a physician or authorized health provider by agreement with the physician, and then only following a physical examination of the juvenile by the provider. Such drugs are administered by the responsible physician, qualified health care provider, or health-trained personnel under the direction of the health authority.

Comment: None.

3-JDF-4C-20 (Ref. 2-8280)

104. The person administering medications has training from the responsible physician or other official responsible for the facility, is accountable for administering medications accurately, and records the administration of medications in a manner and on a form approved by the responsible physician.

Comment: Administration of drugs and remedies referred to in this standard does not include drugs administered intramuscularly. Such medications should only be administered by trained medical personnel at least the level of registered nurse.

Health Screenings and Examinations**3-JDF-4C-21 (Ref. 2-8264)****Mandatory**

105. Written policy, procedure, and practice require medical, dental, and mental health screenings to be performed by health-trained or qualified health care personnel on all juveniles, during system transfers, upon their arrival at the facility. All findings are recorded on a form approved by the health authority. The screening form includes at least the following:

Inquiry into:

- current illness and health problems, including venereal diseases and other infectious diseases;
- dental problems;
- mental health problems;
- use of alcohol and other drugs, which includes types of drugs used, mode of use, amount, and frequency of use, date or time of last use, and a history of problems that may have occurred, including ceasing use (e.g., convulsions);
- past and present treatment or hospitalization for mental disturbance or suicide attempt; and
- other health problems designated by the responsible physician.

Observation of:

- behavior, which includes state of consciousness, mental status, appearance, conduct, tremors, and sweating;
- body deformities, ease of movement, etc.; and
- condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and insect bites, needle marks or other indications of drug abuse.

Medical disposition of juvenile:

- general population; or

- general population with appropriate referral to health care service; or
- referral to appropriate health care service for emergency treatment.

Comment: Health screening is a system of structured inquiry and observation designed to pre-arrived juveniles who pose a health or safety threat to themselves or others from being admitted to the facility's general population, and to rapidly transport newly admitted juveniles to health care. Screening can be performed by health care personnel or by health-trained child care/supervision personnel at the time of admission. Facilities that have reception and diagnostic units and/or a holding room must receive screening on all juveniles upon their arrival at the facility as part of the admission procedure.

3-JDF-4C-23 (Ref. 2-8263)

Mandatory

106. Written policy, procedure, and practice require health screening by health-trained or health care personnel immediately upon arrival at the facility for all intrasystem transfers. Findings recorded on a screening form approved by the health authority. The screening must include a minimum of the following:

Inquiry into:

- whether the juvenile is being treated for a medical, dental, or mental health problem;
- whether the juvenile is presently on medication; and
- whether the juvenile has a current medical, dental, or mental health complaint.

Observation of:

- general appearance and behavior;
- physical deformities; and
- evidence of abuse and/or trauma.

Medical disposition of juvenile:

- general population; or
- general population with appropriate referral to health care service; or
- referral to appropriate health care service for emergency treatment.

Comment: Screening of intrasystem transfers is necessary for the detection of juveniles who pose a health and/or safety threat to themselves or others and who may require immediate medical attention.

3-JDF-4C-24 (Ref. 2-8265)

107. Written policy, procedure, and practice provide for the collection and recording of health appraisal data and require the following:

- the process is completed in a uniform manner as determined by the health authority;
- health history and vital signs are collected by health-trained or qualified health personnel;
- review of the results of the medical examination, tests, and identification of problems is performed by a physician; and
- collection of all other health appraisal data is performed only by qualified health personnel.

Comment: The initial screening must be followed with a more detailed health examination by the health appraisal personnel to adequately identify the health care needs of the juvenile. It is also important that the examination be performed in a uniform manner to ensure that it is thorough and consistent for all juveniles.

Dental Screening and Examination

3-JDF-4C-26 (Ref. 2-8272)

Mandatory

108. Written policy, procedure, and practice provide for 24-hour emergency medical, dental, and mental health care availability as outlined in a written plan that includes arrangements for the following:

- on-site emergency first aid and crisis intervention;
- emergency evacuation of the juvenile from the facility;
- use of an emergency medical vehicle;
- use of one or more designated hospital emergency rooms or other appropriate health facilities;
- emergency on-call physician, dentist, and mental health professional services when the health facility is not located in a nearby community; and
- security procedures providing for the immediate transfer of juveniles when appropriate.

Comment: Arrangements should be made with nearby hospitals or other facilities for all health services that cannot be appropriately provided within the facility or where contractual arrangements can result in a broader range of services. In the event the usual health services are not available, particularly in emergency situations, the facility should have a backup plan to serve the program. The plan might include a hospital emergency service or a physician "on-call" service.

First Aid

3-JDF-4C-27 (Ref. 2-8273)

Mandatory

109. Written policy, procedure, and practice provide that juvenile careworker staff and personnel are trained to respond to health-related situations within a 4-minute response time. A training program is established by the responsible health authority in cooperation with the administrator that includes the following:

- recognition of signs and symptoms and knowledge of action required in potential emergency situations;
- administration of first aid and cardiopulmonary resuscitation (CPR);
- methods of obtaining assistance;
- signs and symptoms of mental illness, retardation, and chemical dependency; and
- procedures for patient transfers to appropriate medical facilities or health care providers.

Comment: With even the most adequate staff of qualified health care personnel, emergencies can occur in distant parts of the facility; too much time can be lost in getting staff promptly on the scene in emergency matters. All staff should have standard first aid training. Minimally, one juvenile care worker per shift should be trained in CPR and in how to recognize symptoms of illnesses most common to juveniles.

3-JDF-4C-28 (Ref. 2-8260)

110. Written policy, procedure, and practice require that first aid kit(s) are available. The medical staff physician approves the contents, number, location, and procedure for periodic inspection of the kits.

Comment: The medical staff develop written procedures outlining the use of first aid kits by nonmedical staff.

3-JDF-4C-29 (Ref. 2-8269)

111. Sick call for nonemergency medical service, conducted by a physician and/or other medical personnel, is available to each juvenile at least three times a week.

Comment: Sick call is the procedure through which each juvenile reports and receives appropriate services for nonemergency illness or injury.

3-JDF-4C-30 (Ref. 2-8277)

112. Written policy, procedure, and practice provide for a special health program for requiring close medical supervision. A written individual treatment plan, which includes health care and other personnel regarding their roles in the care and supervision of the developed for each juvenile by appropriate physician, dentist, or qualified mental health practitioner.

Comment: Medical conditions requiring close medical supervision include seizure disorders, potential chemical dependency, and psychosis.

Chronic and Convalescent Care

3-JDF-4C-31 (Ref. 2-8274)

113. Chronic care, convalescent care, and medical preventive maintenance are provided to juveniles when medically indicated.

Comment: Chronic care is medical service rendered to a patient over a long period of time. Convalescent care is medical service rendered to a patient to assist the recovery from illness or injury. Medical maintenance is health education and medical services provided as advance measures against disease and instruction in self-care for chronic conditions.

Transfer for Needed Care

3-JDF-4C-33 (Ref. 2-8256)

114. A written agreement exists between the facility and a nearby hospital for all medical services that cannot be provided at the facility.

Comment: Medical arrangements may be entered into for the provision of emergency or special services away from the facility. This standard includes crisis intervention for psychiatric emergencies.

Suicide Prevention and Intervention

3-JDF-4C-35 (Ref. New)

115. There is a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff with responsibility for supervision are trained in the implementation of the program, which includes specific protocols for intake screening, identification, and supervision of suicide-prone juveniles.

Comment: None.

3-JDF-4C-36 (Ref. New)

116. Written policy, procedure, and practice specify approved actions to be taken by staff concerning juveniles who have been diagnosed HIV positive. This policy shall include at the following:

- when and where juveniles are to be tested;

- appropriate safeguards for staff and juveniles;
- when and under what conditions juveniles are to be separated from the general population;
- staff and juvenile training procedures; and
- issues of confidentiality.

Comment: None.

3-JDF-4C-37 (Ref. New)

117. Written policy, procedure, and practice address the management of serious and diseases. These policies and procedures are updated as new information becomes available should work with the responsible health authority in establishing policy and procedures that following: an ongoing education program for staff and residents; control, treatment, and strategies that may include screening and testing, special supervision, and/or special arrangements, as appropriate; protection of individual confidentiality; and media relations.

Comment: Because of their serious nature, methods of transmission, and public sensitivity, diseases such as tuberculosis, hepatitis-B, and AIDS (acquired immunodeficiency syndrome) require attention.

3-JDF-4C-38 (Ref. 2-8261)

118. Written policy, procedure, and practice provide for medical examination of any juvenile suspected of a communicable disease.

Comment: The examination must be conducted and the results made available quickly to ensure proper treatment of the problem.

Juvenile Participation in Research

3-JDF-4C-43 (Ref. 2-8290)

Mandatory

119. Written policy prohibits the use of juveniles for medical, pharmaceutical, or experiments. This policy does not preclude individual treatment of a juvenile based on his or her condition for a specific medical procedure that is not generally available.

Comment: A person confined in a facility is incapable of volunteering as a human subject with reward and cannot do so on the basis of fully informed consent. Therefore, juveniles should not participate in experimental projects involving medical, pharmaceutical, or cosmetic research, including conditioning, psychosurgery, electrical stimulation of the brain, or the application of cosmetic substances to the body that are being tested for possible commercial use. This prohibition does not preclude treatment of a juvenile by his or her physician with a new medical procedure, subsequent to a full disclosure of the treatment's positive and negative features. The agreement is between the physician and the juvenile and is not part of a general program of medical experimentation involving payment to juveniles for treatment.

3-JDF-4C-44 (Ref. 2-8282)

120. Under no circumstances is a stimulant, tranquilizer, or psychotropic drug to be administered for purposes of program management and control, or for purposes of experimental research.

Comment: The policy regarding the prescription of stimulants, tranquilizers, or psychotropic drugs states that these medications are dispensed only when clinically indicated and as one facet of a therapy. This policy also states that the administration of these medications is not allowed for

reasons and discourages long-term use of tranquilizers by minors.

Notification of Designated Individuals

3-JDF-4C-45 (Ref. 2-8271)

121. Written policy, procedure, and practice provide for the prompt notification of parents/guardians and the responsible agency in case of serious illness, surgery, death.

Comment: Whenever a juvenile becomes seriously ill or injured, requires surgery, or dies, the parents/guardians and the responsible agency are promptly notified by telephone, telegram, or means of communication. In the event of death, the head of the agency should also be notified. If death occurred under unusual circumstances, the coroner and appropriate law enforcement officials notified.

Health Record Files

3-JDF-4C-46 (Ref. 2-8283)

122. The health record file contains the following:

- the completed receiving screening form;
- health appraisal data forms;
- all findings, diagnoses, treatments, and dispositions;
- prescribed medications and their administration;
- laboratory, x-ray, and diagnostic studies;
- signature and title of documenter;
- consent and refusal forms;
- release-of-information forms;
- place, date, and time of health encounters;
- health service reports (e.g., dental, mental health, and consultations);
- treatment plan, including nursing care plan;
- progress reports; and
- discharge summary of hospitalization and other termination summaries.

The method of recording entries in the records, the form and format of the records, and the proper maintenance and safekeeping are approved by the health authority.

Comment: The "problem-oriented medical record" structure is suggested; however, whatever the structure, every effort should be made to establish uniformity of record forms and content throughout the correctional system. The record is to be complete and all findings recorded, including notations on mental health, dental, and consultative services, at the time of service delivery or no later than 14 days after the time of discharge of the patient or termination of treatment. The receiving screening form becomes the record at the time of the first health encounter.

3-JDF-4C-47 (Ref. 2-8284)

123. Written policy, procedure, and practice uphold the principle of confidentiality of the health record and support the following requirements:

- the active health record is maintained separately from the confinement record;
- access to the health record is controlled by the health authority; and

- the health authority shares with the facility administrator information regarding a juvenile management, security, and ability to participate in programs.

Comment: The principle of confidentiality protects the patient from disclosure of confidences ent health care provider during the course of treatment. The confidential relationship of doctor and pati to juvenile patients and their physicians or other providers. Thus, it is necessary to maintain a record files under security, completely separate from the patient's confinement record.

Transferred and Inactive Records

3-JDF-4C-48 (Ref. 2-8288)

124. For juveniles being transferred to other facilities, summaries or copies of the medi record are forwarded to the receiving facility prior to or at arrival.

Comment: Because the receiving facility has responsibility for medical care of new arrivals, it is that it receives all available medical information as soon as possible. Written authorization by the not required for the transfer of this information. This will reduce duplication of screening procedu continuity in treatment, and reduce the need for segregation until the existence of contagious disea determined.

Part V. Juvenile Services

Section A: Intake and Admission

Principle: All incoming juveniles undergo thorough screening and assessment at intake and receive thorough orie facility's procedures, rules, programs, and services.

Intake

3-JDF-5A-02 (Ref. 2-8349, 2-8350)

125. Written procedures for admission of juveniles new to the system include but are not the following:

- determination that the juvenile is legally committed to the facility;
- complete search of the juvenile and possessions;
- disposition of personal property;
- shower and hair care, if necessary;
- issue of clean, laundered clothing, as needed;
- issue of personal hygiene articles;
- medical, dental, and mental health screening;
- assignment to a housing unit;
- recording of basic personal data and information to be used for mail and visiting lists;
- assistance to juveniles in notifying their families of their admission and procedures fo visiting;
- assignment of a registered number to the juvenile; and
- provision of written orientation materials to the juvenile.

Comment: Juveniles coming into the system may be unfamiliar with staff expectations and not what is expected of them. Staff members should explain procedures at each step in the admissions

New Juveniles

3-JDF-5A-15 (Ref. 2-8351)

126. Written policy, procedure, and practice provide that new juveniles receive written materials and/or translations in their own language if they do not understand English. If a literacy problem exists, a staff member assists the juvenile in understanding the material. Co-orientation is documented by a statement signed and dated by the juvenile.

Comment: Orientation should include informal classes, distribution of written materials about the programs, rules and regulations, and discussion. Orientation should also be used to observe juveniles and to identify special problems.

Personal Property

3-JDF-5A-16 (Ref. 2-8352)

127. Written policy, procedure, and practice govern the control and safeguarding of personal property. Personal property retained at the facility is itemized in a written list that is in a permanent case file; the juvenile receives a current copy of this list.

Comment: All personal property retained at the facility should be accurately inventoried and secured. The inventory list should be signed by the juvenile and a receipt given to the juvenile for all possessions stored. The property should be available if required by the juvenile and should be returned at time of release, with a receipt signed by the juvenile acknowledging return of the property.

Section B: Social Service

Principle: The facility makes available the professional services necessary to meet the identified needs of juveniles. Services may include individual and family counseling, family planning and parent education, and programs for juvenile drug and alcohol addiction problems.

Counseling

3-JDF-5B-04 (Ref. 2-8375)

128. Written policy, procedure, and practice provide that staff members are available to assist juveniles at their request; provision is made for counseling juveniles on an emergency basis.

Comment: In assisting juveniles with their personal problems and with adjustment to the facility, staff members should make time available on a regularly scheduled basis for appointments with juveniles at their request. Because juveniles may have problems that require immediate attention, at least one staff member should be available 24 hours a day.

3-JDF-5B-05 (Ref. New)

129. Written policy, procedure, and practice provide for juvenile access to mental health and crisis intervention services in accordance with their needs.

Comment: Juveniles placed in detention facilities are, in some cases, highly disturbed; therefore, it is imperative that mental health, psychiatric, and crisis intervention services are available on an ongoing basis. Treatment offerings should include group therapy and group and individual counseling.

Section C: Academic, Vocational, and Work

Principle: A written body of policy and procedures governs the facility's academic, vocational education, and work juveniles, including program accreditation, staff certification, and coordination with other facility programs and services with the community.

Comprehensive Education Program

3-JDF-5C-01 (Ref. 2-8356)

130. There is a comprehensive education program for juveniles.

Comment: The facility should provide juveniles with a broad educational program that is most suited to their needs and abilities and includes but is not limited to: developmental education; remedial education; multicultural education; bilingual education, when the profile indicates; and tutorial services as needed. This program should operate under the auspices of the year-round school system.

3-JDF-5C-03 (Ref. 2-8359)

131. The educational program is supported by specialized equipment that meets minimum education standards.

Comment: Regardless of the extent of the educational program, specialized equipment is essential.

Vocational/Work Programs

3-JDF-5C-05 (Ref. 2-8302)

132. Juveniles are not required to participate in uncompensated work assignments unless it is related to housekeeping, maintenance of the facility or grounds, personal hygienic activities, or part of an approved training or community service program.

Comment: Work that benefits the community or the facility may also serve the needs of the juvenile. It may be part of a training program, the opportunity to practice existing skills, or simply a relief from confinement. Juveniles in the custody of the INS may not participate in compensated work assignments.

3-JDF-5C-06 (Ref. 2-8379)

133. Juveniles are not permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.

Comment: Juveniles in detention facilities should not be permitted to perform work that juveniles in the community would be prohibited from performing pursuant to state and federal child labor laws.

Section D: Library

Principle: A written body of policy and procedure governs the facility's library program, including acquisition of materials, availability, and staffing.

Comprehensive Library Services

3-JDF-5D-03 (Ref. 2-8366)

134. Library services are provided and available to all juveniles.

Comment: Every effort should be made to become part of a local library system. Young people should be encouraged to check out books and other library materials. Library services may be provided in the facility.

include reading materials for nonlibrary hours. Reading material should reflect racial and ethnic in be appropriate for various levels of competency.

Section E: Recreation and Activities

Principle: A written body of policy and procedures governs the facility's recreation and activities and programs including program coordination and supervision, facilities and equipment, community interaction, and activities juveniles.

Equipment

3-JDF-5E-04 (Ref. 2-8363)

135. Written policy, procedure, and practice provide a recreation and leisure time plan that at a minimum at least 1 hour per day of large muscle activity and 1 hour of structured leisure activities.

Comment: Large muscle development and opportunities for play and creative activity are essential for growing youth. There should be opportunities for exercise and constructive leisure time activity for 1 hour on school days and 3 hours on non-school days, not including time spent watching television.

Section F: Religious Programs

Principle: A written body of policy and procedures governs the institution's religious programs for juveniles, including program coordination and supervision, opportunities to practice the requirements of one's faith, and use of community resources.

Staff and Space Requirements

3-JDF-5F-03 (Ref. 2-8297)

136. Written policy, procedure, and practice provide that juveniles have the opportunity to participate in practices of their religious faith that are deemed essential by the faith's leadership, limited only by documentation showing threat to the safety of persons involved in such practices or that the activity itself disrupts order in the facility.

Comment: Religious practices shall include but are not limited to: access to religious publications; symbols; worship/religious services in appropriate space; individual and group counseling; religious classes; and adherence to dietary requirements.

Section G: Mail, Telephone, Visiting

Principle: A written body of policy and procedure governs the facility's mail, telephone, and visiting services including mail inspection, public phone use, and routine and special visits.

Mail

3-JDF-5G-01 (Ref. 2-8380)

137. Written policy and procedures governing correspondence of juveniles are made available to staff and juveniles and are reviewed annually and updated as needed.

Comment: None.

3-JDF-5G-02 (Ref. 2-8381)

138. When the juvenile bears the mailing cost, there is no limit on the volume of letters I send or receive.

Comment: None.

3-JDF-5G-03 (Ref. 2-8387)

139. Written policy, procedure, and practice provide that indigent juveniles, as defined receive a specified postage allowance to maintain community ties.

Comment: A juvenile without financial resources should be provided the means to send a reasonable number of letters per month. Community ties include family, personal friends, etc., but not privileged communication with an attorney, public officials, and courts.

3-JDF-5G-04 (Ref. 2-8386)

140. Written policy, procedure, and practice specify that juveniles are permitted to send letters to a specified class of persons and organizations including but not limited to legal counsel, officials of the confining authority, administrators of grievance systems, and the releasing authority.

Comment: Mail from juveniles to a specified class of persons and organizations should not be opened. Mail from juveniles from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the juvenile.

3-JDF-5G-05 (Ref. 2-8304)

141. Written policy, procedure, and practice grant juveniles the right to communicate or correspond with persons or organizations, subject only to the limitations necessary to maintain facility order and security.

Comment: Access to the public is an integral part of rehabilitation. Juveniles should be permitted to communicate with their families and friends, as well with public officials, the courts, and their attorneys. All correspondence should be censored.

Inspection of Letters and Packages

3-JDF-5G-07 (Ref. 2-8382, 2-8383)

142. Written policy, procedure, and practice provide that juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband. Mail is read, censored, or rejected based on legitimate facility interest of order and security. The juvenile is notified when incoming and outgoing letters are withheld in part or in full.

Comment: Juveniles should be permitted uncensored correspondence so long as it poses no threat to the safety and security of the facility, public officials, or the general public and is not being used in the furtherance of illegal activities. Case law has defined legal limits. When mail is censored or rejected, the juvenile should be notified of the reasons for the action and provided an opportunity to appeal the decision.

3-JDF-5G-08 (Ref. 2-8384)

143. Written policy, procedure, and practice require that all cash received through the mail be

for the juvenile in accordance with procedures approved by the parent agency.

Comment: The administration should have discretion to control the flow of cash to juveniles. How cash is intercepted and withheld by the facility, it must be in accordance with written procedures for who is responsible for the cash, where it is to be deposited, and the method of return or transfer: juvenile's release or placement.

3-JDF-5G-09 (Ref. 2-8385)

144. Written policy, procedure, and practice require that incoming and outgoing letters a no more than 24 hours, and packages for no more than 48 hours, excluding weel holidays.

Comment: Inspection for contraband in letters should take no longer than 24 hours to complete. Incoming letters should be distributed to juveniles and outgoing letters sent to the post office within 24 hours of receipt. Inspection of packages should take no longer than 48 hours to complete; packages distributed or sent to the post office within 48 hours of receipt.

Forwarding of Mail

3-JDF-5G-10 (Ref. 2-8393)

145. Written policy, procedure, and practice provide for the forwarding of first class mail packages after transfer or release.

Comment: All first class letters and packages should be forwarded to juveniles who are transferred to other facilities or released, provided a forwarding address is available. If a forwarding address is not available, first class letters and packages should be returned to the sender. Post office policy and procedure should be made available to juveniles.

Telephone

3-JDF-5G-11 (Ref. 2-8392)

146. Written policy, procedure, and practice provide for juvenile access to the telephone and receive personal calls.

Comment: Sufficient telephone facilities should be provided to permit reasonable and equitable access to juveniles, except those in reception units and disciplinary confinement. Written procedures should specify hours of telephone availability, maximum length of calls, and any limitations on telephone calls. Telephone facilities should allow for a reasonable amount of privacy. All long distance calls should be made collect.

Visiting

3-JDF-5G-12 (Ref. 2-8303)

147. Written policy, procedure, and practice grant juveniles the right to receive visits, subject to the limitations necessary to maintain facility order and security.

Comment: Because strong family and community ties increase the likelihood that the juvenile will remain law-abiding after release, visits should be encouraged. Provision should be made for visitation in pleasant surroundings with minimum surveillance to ensure privacy. Arrangements must be made to allow confidential attorneys. No restrictions should be placed on juvenile visitation rights except where the facility administrator or designee can provide substantial justification for the restriction.

3-JDF-5G-13 (Ref. 2-8389)

148. Written policy, procedure, and practice provide that juvenile visiting facilities permit communication, including opportunity for physical contact.

Comment: The degree of informality of juvenile visiting facilities should be consistent with the facility security requirements. The use of devices that preclude physical contact should be avoided in instances of substantiated security risk.

3-JDF-5G-14 (Ref. 2-8391)

149. Written policy, procedure, and practice govern special visits.

Comment: Special visits may include visits from persons who have come long distances, visits to juveniles, visits to juveniles in disciplinary status, and visits between juveniles and their attorneys. Policies and procedures should specify the conditions of such visits.

3-JDF-5G-15 (Ref. 2-8390)

150. Written policy, procedure, and practice specify (1) that visitors register on entry into and (2) the circumstances under which visitors are searched and supervised during the

Comment: Each visitor should be required to register his/her name, address, and relation to the juvenile. Staff members may search visitors and their belongings.

Section H: Release

Principle: The facility provides a structured program to help juveniles make a satisfactory transition upon their detention.

Release Preparation

3-JDF-5H-02 (Ref. 2-8395)

151. Written procedures for releasing juveniles include but are not limited to the following

- verification of identity;
- verification of release papers;
- completion of release arrangements, including the person or agency to whom the juvenile is released;
- return of personal effects;
- completion of any pending action, such as grievances or claims for damaged or lost possessions;
- medical screening and arrangements for community follow-up when needed;
- transportation arrangements; and
- instructions on forwarding of mail.

Comment: The release process should ensure that all matters relating to the facility are completed. If a juvenile is to be released to his or her family, the person accepting the juvenile should be identified. If an unescorted release must be verified. If released to another agency, everyone involved should agree on what is to occur with respect to timing, expectations, forwarding of records, and who will coordinate the transfer. The party or entity responsible for or having legal custody of the juvenile must also be notified.

3-JDF-5H-07 (Ref. New)

152. Written policy, procedure, and practice provide for and govern escorted and unescorted

leaves into the community.

Comment: There should be provision to escort juveniles into the community for needed medical care; to visit ill family members or attend funerals; and to participate in community affairs and/or would have a positive influence on the juvenile. Unescorted or day leaves should be extended for reasons related to the juvenile's planned return to the community and should be consistent with pul

INS Juvenile Shelter Care Standards Checklist	Rating 1–5: 1=in compliance; 2=no compliance; 3= exception noted; 4= information; 5=confirm			
	1	2	3	4
A. Administration and Management (Part I of JCRF manual)²				
1. Written policy provides that the facility and its programs are managed by a single administrative officer (3-JCRF-1A-06).				
2. Facility administrator qualifications include a bachelor's degree in a related discipline and demonstrated ability and leadership (3-JCRF-1A-07).				
3. Written policy provides that new or revised policies and procedures are disseminated to designated staff and volunteers (3-JCRF-1A-13).				
4. Written policy provides for regular meetings, at least monthly, between the administrator and key staff members (3-JCRF-1A-14).				
5. Written policy provides that firearms are not permitted in the facility (3-JCRF-1A-22).				
6. The facility has written fiscal policies and procedures adopted by the governing authority that meet minimum requirements (3-JCRF-1B-02).				
7. Written policy provides that any financial transactions between juveniles, staff, and others are approved by the administrator (3-JCRF-1B-17).				
8. Written policy prohibits sexual harassment (3-JCRF-1C-04).				
9. Written policy specifies support for a drug-free workplace for all employees and includes certain minimum principles (3-JCRF-1C-05).				
10. Written policy provides that there are written job descriptions and qualifications for all positions in the facility (3-JCRF-1C-06).				
11. A criminal record check is conducted on all new employees, according to state and federal statutes (3-JCRF-1C-10).				
12. Written policy provides that employees who work with juveniles receive a physical examination (3-JCRF-1C-11).				
13. Written policy provides that all personnel working with juveniles are informed and agree in writing to confidentiality policies (3-JCRF-1C-17).				
14. The facility provides initial orientation for all new employees during their first week of employment (3-JCRF-1D-03).				
15. Written policy provides that all training programs are conducted by qualified trainers in that particular area (3-JCRF-1D-05).				

16. Written policy provides that administrative, managerial, and professional specialist staff receive 40 hours of training (beyond orientation) during their 1st year and 40 hours a year thereafter (3-JCRF-1D-09).		
17. Written policy provides that all juvenile careworkers receive an additional 120 hours of training during their 1st year and 40 hours a year thereafter (3-JCRF-1D-10).		
18. Written policy provides that all support employees with regular or daily contact with juveniles receive 40 hours of training (beyond orientation) during their 1st year and 40 hours a year thereafter (3-JCRF-1D-11).		

(table continued on next page)

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INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population/Table of Contents (4 of 11)

(table continued from previous page)

19. All part-time staff, volunteers, and contractors receive formal orientation appropriate to their assignments, with training as needed (3-JCRF-1D-13).				
20. Written policy governs case record management, to include several minimum areas (3-JCRF-1E-01).				
21. Written policy provides that a record is maintained for each juvenile that includes several minimum components (3-JCRF-1E-02).				
INS Juvenile Shelter Care Standards Checklist		<p>Rating 1-5: 1=in compliance; 2=not compliance; 3= exception noted; 4= information; 5=confirm</p>		
A. Administration and Management—Cont.	1	2	3	4
22. Written policy provides for the auditing of juvenile records at least monthly (3-JCRF-1E-03).				
23. Written policy provides that appropriate safeguards exist to minimize the possibility of theft, loss, or destruction of records (3-JCRF-1E-05).				
24. Written policy provides that an updated case file is transferred along with a juvenile either simultaneously or within 72 hours (3-JCRF-1E-06).				
25. Written policy provides that records are safeguarded from unauthorized or improper disclosure (3-JCRF-1E-07).				
26. Written policy governs the voluntary participation of juveniles in non-medical, nonpharmaceutical, and noncosmetic research (3-JCRF-1F-09).				
27. A staff member is responsible for supervising citizen involvement and volunteer service programs that benefit juveniles (3-JCRF-1G-01).				
28. Volunteers agree in writing to honor facility policies, particularly those relating to the security and confidentiality of information (3-JCRF-1G-05).				
29. Written policy provides that all volunteers complete an appropriate, orientation and/or training program before being assigned (3-JCRF-1G-07).				
30. Written policy specifies that volunteers may perform professional services only when they are certified or licensed to do so (3-JCRF-1G-08).				
B. Physical Plant (Part II of JCRF manual)	1	2	3	4
31. The facility conforms to all applicable state and local building codes (3-JCRF-2A-01).				

32. Exits in the facility comply with state or local fire authorities or the authority having jurisdiction (3-JCRF-2A-03).				
33. The number of juveniles does not exceed the facility's rated bed capacity (3-JCRF-2B-03).				
34. Each sleeping room complies with minimum requirements for privacy, comfort, light, space, and temperature (3-JCRF-2C-01).				
35. Living rooms with space for varied activities are available (3-JCRF-2C-02).				
36. Written policy provides that the facility permits juveniles to decorate their living and sleeping quarters with personal possessions (3-JCRF-2C-03).				
37. The facility has, at minimum, one operable toilet for every eight juveniles (3-JCRF-2C-04).				
38. The facility has, at minimum, one operable shower or bathing facility with hot and cold running water for every eight juveniles (3-JCRF-2C-05).				
39. The facility has, at minimum, one operable wash basin with hot and cold running water for every eight juveniles (3-JCRF-2C-06).				
40. Written policy provides that juveniles with disabilities are housed in a safe and secure manner (3-JCRF-2C-08).				
41. Written policy provides that all sleeping quarters in the facility are well-lighted and properly ventilated (3-JCRF-2D-01).				
42. Temperatures in indoor living and work areas are appropriate to summer and winter comfort zones (3-JCRF-2D-02).				
43. Adequate space and furnishings to accommodate activities, such as group meetings of the juveniles, are provided in the facility (3-JCRF-2E-01).				
44. The facility provides adequate private counseling space (3-JCRF-2E-02).				
45. Written policy provides for adequate and appropriate areas for visitation and for recreation programs (3-JCRF-2E-03).				
46. Adequate dining space is provided for the juveniles (3-JCRF-2E-04).				
INS Juvenile Shelter Care Standards Checklist		Rating 1-5: 1=in compliance; 2=not compliance; 3= exception noted; 4= information; 5=confirm		
B. Physical Plant—Cont. (Part II of JCRF manual)	1	2	3	4
47. When the facility has a kitchen, the kitchen, dining, and food storage areas are properly ventilated, furnished, and cleaned (3-JCRF-2E-05).				
48. The facility has adequate space for janitorial supplies (3-JCRF-2E-07).				
49. Space is provided to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations (3-JCRF-2E-08).				
50. Adequate space is provided for storing the personal property of juveniles (3-JCRF-2E-09).				

51. The facility has controls to keep juveniles safely within the facility and to prevent unauthorized access by the general public (3-JCRF-2G-01).				
C. Facility Operations (part III of JCRF manual)	1	2	3	4
52. Written policy limits physical force to self-protection, protection of juvenile or others, and prevention of property damage and escape (3-JCRF-3A-02).				
53. Written policy provides that at least one staff person is readily available 24 hours a day, and is responsive to juveniles' needs (3-JCRF-3A-03).				
54. Written policy provides that the staffing pattern concentrates staff when most juveniles are in the facility (3-JCRF-3A-04).				
55. Written policy provides that no juvenile or group of juveniles is in a position of control or authority over other juveniles (3-JCRF-3A-05).				
56. Written policy requires staff to keep a permanent log and to prepare shift reports that record both routine and unusual occurrences (3-JCRF-3A-06).				
57. Written policy provides for the detection and reporting of absconders (3-JCRF-3A-08).				
58. Written policy provides that staff monitor the movement of juveniles into and out of the facility (3-JCRF-3A-09).				
59. Written policy provides that juveniles and adults not share sleeping rooms (3-JCRF-3A-10).				
60. Written policy provides that male and female juveniles do not occupy the same sleeping rooms (3-JCRF-3A-11).				
61. Written policy provides for searches to control contraband and its disposition at a level keeping with security needs (3-JCRF-3A-12).				
62. Written policy governs the control and use of tools, equipment, and keys (3-JCRF-3A-13).				
63. The facility complies with the regulations of the state or local fire safety authority, whichever has primary jurisdiction (3-JCRF-3B-01).				
64. Written policy specifies fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors (3-JCRF-3B-02).				
65. Written policy provides that the specifications for selecting and purchasing facility furnishings meet fire safety requirements (3-JCRF-3B-03).				
66. Written policy provides that where smoking is permitted, noncombustible receptacles are available throughout living quarters (3-JCRF-3B-04).				
67. Written policy governs the control and use of all flammable, toxic, and caustic materials (3-JCRF-3B-05).				
68. The facility has a written evacuation plan for fire or major emergency that is certified by an independent outside fire safety inspector (3-JCRF-3B-06).				
69. Written policy provides that fire drills are conducted at least monthly (3-JCRF-3B-07).				
70. Written emergency plans are disseminated to appropriate local authorities (3-JCRF-3B-08).				
	Rating 1-5:			

INS Juvenile Shelter Care Standards Checklist		1=in compliance; 2=non compliance;			
		3= exception noted; 4= information; 5=confirm			
C. Facility Operations—Cont. (Part III of JCRF manual)		1	2	3	4
71.	Written policy provides that all facility personnel are trained in implementing written emergency plans (3-JCRF-3B-09).				
72.	The facility has a fire alarm system and an automatic detection system approved by the authority having jurisdiction (3-JCRF-3B-10).				
73.	For programs providing mass-transport vehicles, written policy requires a safety inspection, at least annually, by qualified persons (3-JCRF-3B-11).				
74.	A written plan provides for continuous facility operation in the event of employee work stoppage or other job action (3-JCRF-3B-12).				
75.	Written policy provides that there is a written set of disciplinary regulations governing juvenile rule violations (3-JCRF-3C-01).				
76.	Written policy provides that all program rules and regulations are posted in an obvious place or are readily accessible in a handbook (3-JCRF-3C-02).				
77.	Written policy ensures that room restriction does not exceed 8 hours without review and administrative authorization (3-JCRF-3C-11).				
78.	Written policy ensures that the reasons for imposing restrictions or suspending privileges are discussed with the juvenile, who is given a chance to explain (3-JCRF-3C-12).				
79.	Written policy provides that staff make visual and verbal contact with room-restricted juveniles at least every 30 minutes (3-JCRF-3C-13).				
80.	Written policy provides that staff record, date, and sign all instances of room and facility restriction and privilege suspension (3-JCRF-3C-14).				
81.	Written policy ensures a juvenile's right to court access (3-JCRF-3D-01).				
82.	Written policy ensures and assists juvenile access to counsel and their authorized representatives (3-JCRF-3D-02).				
83.	Written policy provides that decisions about program access, work assignments, etc., disregard race, religion, national origin, sex (3-JCRF-3D-03).				
84.	Written policy protects juveniles from corporal or other punishment that humiliates, abuses, or interrupts daily living functions (3-JCRF-3D-04).				
85.	Written policy provides for the reporting of all instances of child abuse or neglect consistent with appropriate state or local laws (3-JCRF-3D-05).				
86.	Written policy specifies the personal property that juveniles can keep in their possession and governs its control and safeguarding (3-JCRF-3D-06).				
87.	Written policy provides for a grievance and appeal process (3-JCRF-3D-07).				
D. Facility Services (Part IV of JCRF manual)		1	2	3	4
88.	A nutritionist, dietitian, or physician approves the menu and annually approves				

the nutritional value of the food served (3-JCRF-4A-02).				
89. Written policy provides that food service staff plan menus that they largely follow, giving attention to appearance and palatability (3-JCRF-4A-03).				
90. There is a single menu for staff and juveniles (3-JCRF-4A-04).				
91. Written policy provides for special diets as prescribed by appropriate medical or dental personnel (3-JCRF-4A-05).				
92. Written policy provides for special diets for juveniles whose religious beliefs require adherence to religious dietary laws (3-JCRF-4A-06).				
93. Food service staff complies with all sanitation and health codes enacted by state or local authorities (3-JCRF-4A-07).				
94. Written policy provides for weekly inspections of food service areas, sanitary food storage, and daily temperature checks (3-JCRF-4A-08).				
INS Juvenile Shelter Care Standards Checklist	Rating 1–5: 1=in compliance; 2=no compliance; 3= exception noted; 4= information; 5=confirm			
D. Facility Services—Cont. (Part IV of JCRF manual)	1	2	3	4
95. Written policy provides that staff members supervise juveniles during meals (3-JCRF-4A-09).				
96. Written policy requires that at least three meals (of which two are hot) be served at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast (3-JCRF-4A-10).				
97. The facility complies with the sanitation and health codes of the local and/or state jurisdiction (3-JCRF-4B-02).				
98. Written policy provides for vermin and pest control and trash and garbage removal (3-JCRF-4B-03).				
99. An independent, outside source has approved the institution's potable water source and supply (3-JCRF-4B-04).				
100. Written policy provides that a housekeeping and maintenance plan is in effect to ensure a clean facility that is in good repair (3-JCRF-4B-05).				
101. Juveniles are given the opportunity to have clean clothing (3-JCRF-4B-06).				
102. The facility provides for the thorough cleaning and disinfecting of juvenile personal clothing before storage or wear (3-JCRF-4B-07).				
103. Written policy provides for the issue of suitable clean bedding and linen, including sheets, pillow cases, mattress, and blankets (3-JCRF-4B-08).				
104. Written policy requires the ready availability to juveniles of articles necessary for proper personal hygiene (3-JCRF-4B-09).				
105. Written policy provides that the facility has a formal agreement with a designated health authority to provide health care services (3-JCRF-4C-01).				

106. Written policy provides for access to health care and for a system for processing complaints regarding health care (3-JCRF-4C-02).	
107. Appropriate state and federal licensure and other requirements/restrictions apply to providers of health care services to juveniles (3-JCRF-4C-03).	
108. Written policy provides that treatment by nontraditional health care personnel is performed under authorized order or standing (3-JCRF-4C-04).	
109. Written policy specifies the provision of mental health services to juveniles (3-JCRF-4C-05).	
110. A suicide prevention/intervention program is reviewed and approved by a qualified medical or mental health professional (3-JCRF-4C-06).	
111. When facilities do not have full-time, qualified, health personnel, a health-trained staff member coordinates health services delivery (3-JCRF-4C-07).	
112. Written policy provides that the program's health care plan adheres to state and federal rules for storage and distribution of medicines (3-JCRF-4C-08).	
113. Written policy requires medical, dental, and mental health screening by qualified health care personnel on all juveniles (3-JCRF-4C-09).	
114. Written policy provides for the collection, recording, and review of health appraisal data to identify each juvenile's health care needs (3-JCRF-4C-11).	
115. Written policy provides for medical examination of any employee or juvenile suspected of having a communicable disease (3-JCRF-4C-12).	
116. Dental care is provided to each juvenile under the direction and supervision of a dentist licensed in the state (3-JCRF-4C-13).	
117. Written policy provides for 24-hour emergency medical, dental, and mental health care services as outlined in a detailed written plan (3-JCRF-4C-14).	
118. Written policy provides that careworker staff and other personnel are trained to respond to health emergencies within 4 minutes (3-JCRF-4C-15).	

INS Juvenile Shelter Care Standards Checklist

Rating 1–5:
1=in compliance; 2=not compliance;

3= exception noted; 4= information; 5=confirm

D. Facility Services—Cont. (Part IV of JCRF manual)

1	2	3	4
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119. The facility has authoritatively approved first aid equipment available at all times (3-JCRF-4C-16).	
120. Written policy provides that persons injured in an incident receive immediate medical examination and treatment (3-JCRF-4C-17).	
121. Written policy addresses the management of serious and infectious diseases (3-JCRF-4C-21).	
122. Written policy specifies approved employee actions with regard to juveniles diagnosed with HIV (3-JCRF-4C-22).	

123. Written policy prohibits the use of juveniles for medical, pharmaceutical, or cosmetic experiments (3-JCRF-4C-26).				
124. Written policy provides that juveniles' parents/guardians are promptly notified in case of serious illness, surgery, injury, or death (3-JCRF-4C-27).				
125. Juveniles' health record files contain the required forms and information (3-JCRF-4C-28).				
126. For transferred juveniles, summaries or copies of the medical history record are forwarded to the receiving facility prior to or at arrival (3-JCRF-4C-29).				
E. Juvenile Services (Part V of JCRF Manual)	1	2	3	4
127. The facility has clearly defined written policies, procedures, and practices governing admission (3-JCRF-5A-01).				
128. The agency records basic information, as outlined, on each juvenile to be admitted (3-JCRF-5A-03).				
129. Written policy provides that the facility inform a referring facility as to why a prospective juvenile is not accepted into the program (3-JCRF-5A-05).				
130. Upon admission, staff discuss with the juvenile program goals, available services, rules, and possible disciplinary actions (3-JCRF-5A-07).				
131. Written policy provides that the facility not discriminate on the basis of race, religion, national origin, gender, or disability (3-JCRF-5A-09).				
132. The facility provides or arranges for a variety of services, such as food, education, counseling, recreation, transportation, etc. (3-JCRF-5A-12).				
133. Written policy provides that new juveniles receive written orientation materials and/or translations in their own languages (3-JCRF-5A-13).				
134. Where a language or literacy problem can cause misunderstanding of rules and reg., staff must provide assistance to the juvenile (3-JCRF-5B-08).				
135. Written policy provides that each juvenile is assigned a facility staff member who meets with and counsels him or her (3-JCRF-5C-02).				
136. Written policy provides that staff members are available to counsel juveniles at their request, with provision for emergencies (3-JCRF-5C-03).				
137. Written policy provides for coordination and continuity between educational, vocational, and work programs (3-JCRF-5D-01).				
138. Special education programs are available to meet the needs of special education students as defined in public law (3-JCRF-5D-02).				
139. Written policy shows compliance with laws pertaining to individual special education plans before juveniles are placed or removed (3-JCRF-5D-03).				
140. Written policy provides that educational, vocational, work, and treatment program credits are accepted by community agencies (3-JCRF-5D-04).				
141. Written policy provides that the use of work does not interfere with educational and treatment programs (3-JCRF-5D-05).				
142. Written policy provides for indoor and outdoor recreational and leisure time needs of juveniles (3-JCRF-5E-01).				
	Rating 1-5:			

INS Juvenile Shelter Care Standards Checklist		1=in compliance; 2=no compliance; 3= exception noted; 4= information; 5=confirm			
E. Juvenile Services—Cont. (Part V of JCRF manual)		1	2	3	4
143.	Written policy provides that juveniles have the opportunity to participate in practices of their religious faiths (3-JCRF-5F-01).				
144.	Written policy provides that indigent juveniles receive a specified postage allowance to maintain community ties (3-JCRF-5G-01).				
145.	Written policy governs juvenile access to publications (3-JCRF-5G-02).				
146.	Written policy provides that juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband (3-JCRF-5G-03).				
147.	Written policy provides for the forwarding of first class letters and packages after transfer or release (3-JCRF-5G-04).				
148.	Written policy provides for juvenile access to a telephone to make and receive personal calls (3-JCRF-5G-06).				
149.	Written policy allows juveniles to receive approved visitors, except where a threat to juvenile safety or program security is evidenced (3-JCRF-5G-06).				
150.	Written policy provides for special visits (3-JCRF-5G-07).				
151.	Written procedures for releasing juveniles include several verification processes and other checks (3-JDF-5H-02).				
152.	Written policy provides for and governs escorted and unescorted day leaves into the community (3-JDF-5H-07).				

**Special Instructions for Supplemental Form G-324b
Service Contract Facility Inspection Checklist
for INS Juvenile Shelter Care Facilities**

This packet contains Form G-324a, the "Service Contract Facility Inspection Report," which includes instructions for completing the report, a checklist for inspecting adult facilities, an inspection certification page, and Supplemental Form G-324b (4/98).

When conducting inspections of juvenile residential shelter facilities, please replace page 2 of Form G-324a—the checklist used for inspecting adult facilities—with Supplemental Form G-324b. These attached pages comprise the itemized checklist to be used for evaluating juvenile shelter care facilities.

Minimum Standards for Immigration and Naturalization Service Juvenile Shelter Care Facilities³

Part I. Administration and Management

Section A: General Administration

Principle: A written body of policy and procedures establishes the facility's goals, objectives, and standards procedures and establishes a system of regular review.

Qualifications

3-JCRF-1A-06 (Ref. 2-6005)

- 1. Written policy, procedure, and practice provide that the facility and its programs are managed by a single administrative officer.**

Comment: None.

3-JCRF-1A-07 (Ref. 2-6052)

- 2. The qualifications for the position of facility administrator include, at a minimum, a degree in an appropriate discipline and demonstrated administrative ability and leadership. A degree requirement may be satisfied by completing a career development program that includes related experience, training, or college credits at a level of achievement equivalent to the degree.**

Comment: Establishing high qualifications ensures that only experienced individuals are recruited and employed. It is the facility's responsibility to see that potential administrators receive the required education.

Policy and Procedure Manuals

3-JCRF-1A-13 (Ref. New)

- 3. Written policy, procedure, and practice provide that new or revised policies and procedures are disseminated to designated staff and volunteers.**

Comment: Dissemination of policies and procedures increases the effectiveness of the communication system.

Channels of Communication

3-JCRF-1A-14 (Ref. New)

- 4. Written policy, procedure, and practice provide for regular meetings, at least monthly, between the administrator and key staff members.**
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Comment: Regular channels of communication are necessary for delegating authority, responsibility, supervising work, and coordinating efforts.

Firearms

3-JCRF-1A-22 (Ref. 2-6208)

5. Written policy, procedure, and practice provide that firearms are not permitted in the facility.

Comment: None.

Section B: Fiscal Management

Principle: A written body of policy and procedures establishes the facility's fiscal planning, budgeting, and procedures and provides a system of regular review.

Fiscal Control

3-JCRF-1B-02 (Ref. 2-6033)

6. The facility has written fiscal policies and procedures adopted by the governing body including, at a minimum, the following: internal controls, petty cash, bonding, signature on checks, juvenile funds, and employee expense reimbursements.

Comment: None.

Juvenile Funds

3-JCRF-1B-17 (Ref. New)

7. Written policy, procedure, and practice provide that any financial transactions permitted between juveniles and staff, or juveniles and volunteers must be approved by the facility administrator.

Comment: Uncontrolled financial transactions between juveniles and juveniles and staff can facilitate activities.

Section C: Personnel

Principle: A written body of policy and procedures establishes the facility's staffing, recruiting, promotion, benefits, and procedures for employees.

Sexual Harassment

3-JCRF-1C-04 (Ref. New)

8. Written policy, procedure, and practice prohibit sexual harassment.

Comment: Facility administrators should have as their objective the creation of a workplace that is free of all forms of discrimination, including sexual harassment. Policy clearly indicates that sexual harassment, either explicit or implicit, is strictly prohibited. Employees and agents of the facility, including contractors, and vendors, must be advised that they are subject to disciplinary action, including termination of contracts and/or services, if found guilty of sexual harassment charges brought by juveniles or juveniles.

Drug-free Workplace

3-JCRF-1C-05 (Ref. 2-6055-1)

9. **There is written policy and procedure that specifies support for a drug-free workplace employees.** This policy, which is reviewed annually, includes, at a minimum, the following:

- prohibition of the use of illegal drugs;
- prohibition of possession of any illegal drug, except in the performance of official duties;
- procedures to be used to ensure compliance;
- opportunities available for treatment and/or counseling for drug abuse; and
- penalties for violation of the policy.

Comment: None.

Staffing Requirements

3-JCRF-1C-06 (Ref. 2-6041)

10. **Written policy, procedure, and practice provide that there are written job description qualifications for all positions in the facility.** Each job description includes, at a minimum, the following: job title, responsibilities of the position, required minimum experience, and education

Comment: The job description can be a useful tool in evaluating employee performance. It can assist the employee with clarification of the position's duties and responsibilities.

Criminal Record Check

3-JCRF-1C-10 (Ref. New)

11. **A criminal record check is conducted on all new employees in accordance with state statutes.**

Comment: The facility administrator should know of any criminal conviction that could directly affect an employee's job performance.

Physical Examination

3-JCRF-1C-11 (Ref. New)

12. **Written policy, procedure, and practice provide that employees who work with juveniles undergo a physical examination.**

Comment: Staff whose responsibilities include supervision or regular direct contact with juveniles should undergo physical examinations to protect their health and ensure that they can carry out their assignments. The basic health status of all employees should be evaluated against the specific requirements of their assignments. Physical examination and screening procedures may be established by the appropriate authority, if there are such applicable laws and regulations.

Confidentiality of Information

3-JCRF-1C-17 (Ref. New)

13. **Written policy, procedure, and practice provide that employees, consultants, and personnel who work with juveniles are informed in writing about the facility's confidentiality of information and agree in writing to abide by them.**

Comment: The written policies should specify what types of information are confidential between juvenile, what types may be shared with other facility personnel, and what types can be comm persons outside the facility.

Section D: Training and Staff Development

Principle: A written body of policy and procedure establishes the facility's training and staff development program training requirements for all categories of personnel.

Orientation/Training

3-JCRF-1D-03 (Ref. 2-6057)

14. **The facility provides initial orientation for all new employees during their first employment.** This orientation/training includes, at a minimum, the following: a historical per the facility, facility goals and objectives, program rules and regulations, job responsibilities, policies, juvenile supervision, and report preparation. The employee signs and dates a indicating that orientation has been received.

Comment: Supervisory personnel should provide orientation for all newly employed personnel to them with facility policies and procedures.

Training Resources

3-JCRF-1D-05 (Ref. 2-6059)

15. **Written policy, procedure, and practice provide that all training programs are pre persons who are qualified in the areas in which they conduct training.**

Comment: None.

Administrative Staff

3-JCRF-1D-09 (Ref. 2-6063)

16. **Written policy, procedure, and practice provide that all administrative, manag professional specialist staff receive 40 hours of training in addition to orientation train the first year of employment and 40 hours of training each year thereafter.** At a mir training covers the following areas: general management, labor law, employee-managemer the juvenile justice system, and relationships with other service agencies.

Comment: None.

Juvenile Careworkers

3-JCRF-1D-10 (Ref. 2-6062)

17. **Written policy, procedure, and practice provide that all juvenile careworkers r additional 120 hours of training during their first year of employment and 40 hours each subsequent year.** At a minimum, this training covers the following areas:

- signs of child abuse;
- security procedures;
- supervision of juveniles;
- signs of suicide risks;
- suicide precautions;
- use-of-force regulations and restraint techniques;
- report writing;
- juvenile rules and regulations;
- rights and responsibilities of juveniles;
- fire and emergency procedures;
- safety procedures;
- key control;
- interpersonal relations;
- social/cultural lifestyles of the juvenile population;
- communication skills;
- first aid/cardiopulmonary resuscitation (CPR);
- counseling techniques;
- crisis intervention;
- legal issues; and
- sexual harassment.

Comment: Since the duties of juvenile careworkers frequently involve most facility operations, th should be comprehensive. Ongoing training during subsequent years of employment enables en sharpen skills and keep abreast of changes in operational procedures.

Support Staff

3-JCRF-1D-11 (Ref. 2-6063-1)

- 18. Written policy, procedure, and practice provide that all support employees who have daily contact with juveniles receive 40 hours of training, in addition to orientation traini their first year of employment and 40 hours of training each year thereafter.**

Comment: Food service employees, industrial supervisors, and other support personnel whose we day-to-day contact with juveniles should receive basic training in juvenile supervision and security specialized training in their field as it relates to the facility setting. These individuals should be famil policies and procedures of the facility, along with the basic rules of juvenile supervision and securit training during subsequent years of employment enables employees to sharpen skills and keep changes in operational procedures.

Part-time Staff and Volunteers

3-JCRF-1D-13 (Ref. 2-6063-3)

- 19. All part-time staff, volunteers, and contract personnel receive formal orientation app their assignments and additional training as needed.**

Comment: Part-time staff should receive orientation to facility rules and security and operational prc

Section E: Juvenile Records

Principle: A written body of policy and procedures establishes the facility's management of case records, including right of access, and release of information.

Juvenile Records

3-JCRF-1E-01 (Ref. 2-6076)

20. Written policy, procedure, and practice govern case record management, including, at a minimum, the following areas: the establishment, use, and content of juvenile records; privacy; secure placement and preservation of records; and schedule for retiring or archiving inactive records. The policies and procedures are reviewed annually.

Comment: An orderly and timely system for recording, maintaining, and using data about juveniles; the efficiency and effectiveness of program and service delivery and the transfer of information to and release authorities. The policy should cover juveniles' access to their files.

According to the *Flores* Agreement, Minimum Standards for Licensed Programs (Exhibit 1-F), the facility maintains adequate records and makes regular reports as required by the INS that permit the INS to monitor and enforce this order and other requirements and standards, as determined to be in the juvenile's best interests.

3-JCRF-1E-02 (Ref. 2-6077)

21. Written policy, procedure, and practice provide that a record is maintained for each juvenile, which includes, at a minimum, the following information:

- initial intake information form;
- case information from referral source, if available;
- case history/social history;
- medical record, when available;
- individual plan or program;
- signed release of information forms;
- evaluation and progress reports;
- current employment data;
- program rules and disciplinary policy, signed by juvenile;

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Immigration Information**onlineplus****WHAT'S NEW HOME WHAT'S NEW HOME SEARCH GLOSSARY FEEDBACK TRANSLATE PRINTPAGE****CONTENTS PREVIOUS NEXT QUERY QUERY HELP CLEAR SEARCH HIT LIST PREVIOUS HIT NEXT HIT LAWS**

INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population/Table of Contents (5 of 11)

- documented legal authority to accept juvenile;
- grievance and disciplinary record;
- referrals to other agencies; and
- final discharge report.

Comment: The record is a composite report including background information, ongoing progress r current information. Any staff member should be able to obtain clear and concise knowledge juvenile and his or her progress through the facility record.

3-JCRF-1E-03 (Ref. 2-6080)

- 22. Written policy, procedure, and practice provide for the auditing of juvenile recor monthly.**

Comment: All records must be reviewed on a regular basis by staff to ensure that appropriate ar material is being entered. Policy must designate the persons who may have access to these record

3-JCRF-1E-05 (Ref. 2-6079)

- 23. Written policy, procedure, and practice provide that appropriate safeguards exist to the possibility of theft, loss, or destruction of records.**

Comment: All records should be maintained in a secure location, preferably in an office area that h staff coverage. Theft, loss, or destruction of records represents a potentially serious setback to th and often to the juvenile.

Transfer of Records**3-JCRF-1E-06 (Ref. New)**

- 24. Written policy, procedure, and practice provide that an updated case file for an transferred from one facility to another is transferred simultaneously or, at the latest, hours.**

Comment: Continuity of programming for juveniles transferred from other facilities requires that sta benefit of a complete, cumulative case record as soon as possible.

Confidentiality**3-JCRF-1E-07 (Ref. 2-6081)**

- 25. Written policy, procedure, and practice provide that records are safeguarded from un and improper disclosure. Manual records are marked "confidential." Written policy and provide that when any part of the information system is computerized, security ensures confide**

Comment: A juvenile's constitutional right to privacy can be violated if records are improperly dis The facility should establish procedures to limit access to records to persons and public agencies: both a "need to know" and a "right to know" and can demonstrate that access to such information is for juvenile justice purposes. Written guidelines should regulate juvenile access to records.

Juvenile Participation

3-JCRF-1F-09 (Ref. New)

26. Written policy, procedure, and practice govern the voluntary participation of juveniles in nonmedical, nonpharmaceutical, and noncosmetic research programs.

Comment: None.

Section G: Citizen Involvement and Volunteers

Principle: A written body of policy and procedure establishes the screening, training, and operating procedures for a citizen involvement and volunteer program.

Program Coordination

3-JCRF-1G-01 (Ref. 2-6212)

27. There is a staff member who is responsible for the supervision of a citizen involvement and volunteer service program for the benefit of juveniles.

Comment: A citizen involvement and volunteer service program can generate a wide variety of activities for juveniles during confinement and after release. For example, information on referrals to release programs for recreational and cultural activities in the community. The staff member responsible for the program should be full-time or part-time, and the positions may be filled by volunteer or contract personnel. The staff member should have or receive appropriate training.

Screening and Selection

3-JCRF-1G-05 (Ref. New)

28. Volunteers agree in writing to abide by facility policies, particularly those relating to confidentiality and confidentiality of information.

Comment: Confidentiality of records and of other privileged information is critical. The facility should have written policies and procedures specifying that volunteers respect all facility policies.

Orientation and Training

3-JCRF-1G-07 (Ref. New)

29. Written policy, procedure, and practice provide that each volunteer completes an approved and documented orientation and/or training program prior to assignment.

Comment: None.

Offer of Professional Services

3-JCRF-1G-08 (Ref. 2-6213)

30. Written policy specifies that volunteers may perform professional services only when they are certified or licensed to do so.

Comment: None.

Part II. Physical Plant

Section A: Building and Safety Codes

Principle: Compliance with professional zoning, building, and fire safety codes helps to ensure the safety of all people at the facility.

Building Codes

3-JCRF-2A-01 (Ref. 2-6086)

Mandatory

31. The facility conforms to all applicable state and local building codes.

Comment: Often a state or local jurisdiction will license a residential facility, thereby indicating its compliance with all building codes. In those cases when a license is not issued, letters or certificates of compliance are acceptable. If the facility is not subject to local (city and/or county) building codes, state codes will apply to the facility.

Fire Safety Codes

3-JCRF-2A-03 (Ref. 2-6118)

Mandatory

32. Exits in the facility are in compliance with state or local fire authorities or the authority having jurisdiction.

Comment: Battery-operated electric lights, portable lamps, or lanterns should be used for primary lighting of exits. Electric battery-operated lighting may be used as an emergency source where normal lighting has failed, as defined by the current edition of the National Fire Protection Association's *Life Safety Code*.

Section B: Size, Location, and Organization

Principle: The facility size and design encourage flexibility, creativity, and innovation in meeting the concerns of juveniles, programming, safety, and quality of life.

Rated Capacity

3-JCRF-2B-03 (Ref. New)

33. The number of juveniles does not exceed the facility's rated bed capacity.

Comment: Rated bed capacity is considered to be the original design, plus or minus capacity changes resulting from building additions, reductions, or revisions.

Section C: Juvenile Housing

Principle: Juvenile housing areas are the foundation of facility living and must promote the safety and well-being of juveniles and staff. The facility must approximate regular home and living conditions in its appearance.

Sleeping Areas

3-JCRF-2C-01 (Ref. New)

34. Each sleeping room has, at a minimum, the following:

- some degree of privacy for the juvenile;
- 35 square feet of unencumbered space per occupant; sleeping area partitions are required if more than four people are in one sleeping area;
- access to toilets and a wash basin with hot and cold running water 24 hours a day;
- a bed, mattress, pillow, desk, chair or stool, and adequate storage space;
- natural light; and
- temperatures that are appropriate to summer and winter comfort zones.

“Unencumbered space” is usable space that is not encumbered by furnishings or fixtures. A minimum dimension of the unencumbered space is no less than 7 feet. All fixtures must be in operation.

Comment: Natural lighting should be available either by room windows to the exterior or from a skylight. The bed should be elevated from the floor and have a clean, covered mattress and blankets, as needed.

According to the *Flores* Agreement (Exhibit 1-A.12), a reasonable right to privacy includes the right of the juvenile to (a) wear his or her own clothes, when available; (b) retain a private space in the residential group, or foster home for the storage of personal belongings; (c) talk privately on the phone, as permitted by the house rules and regulations; (d) visit privately with guests, as permitted by the house rules and regulations; and (e) receive and send uncensored mail unless there is a reasonable belief that the mail contains contraband.

Dayrooms

3-JCRF-2C-02 (Ref. New)

35. Living rooms with space for varied activities are available.

Comment: None.

Furnishings

3-JCRF-2C-03 (Ref. 2-6097)

36. Written policy, procedure, and practice provide that the facility permits juveniles to store their living and sleeping quarters with personal possessions. Regulations concerning storage are available to all juveniles and staff. The rules are reviewed annually and revised, if indicated.

Comment: None.

Toilets

3-JCRF-2C-04 (Ref. 2-6092)

37. The facility has, at a minimum, one operable toilet for every eight juveniles. Urinals are substituted for up to one-half of the toilets in all-male facilities.

Comment: None.

Showers

3-JCRF-2C-05 (Ref. 2-6094)

38. The facility has, at a minimum, one operable shower or bathing facility with hot running water for every eight juveniles. Water temperatures are thermostatically controlled.

Comment: None.

Wash Basins

3-JCRF-2C-06 (Ref. 2-6093)

39. The facility has, at a minimum, one operable wash basin with hot and cold running every eight juveniles.

Comment: None.

Housing for Disabled Juveniles

3-JCRF-2C-08 (Ref. New)

40. Written policy, procedure, and practice provide that juveniles with disabilities are housed in a manner that provides for their safety and security. Appropriate facility programs and activities are accessible to disabled juveniles in the facility according to applicable law.

Comment: Disabled juveniles should not be isolated because of their conditions.

Section D: Environmental Conditions

Principle: Environmental conditions significantly influence the overall effectiveness of facility operations. Standard air quality, temperature, and noise levels are designed to preserve the health and well-being of juveniles and staff.

Housing Area

3-JCRF-2D-01 (Ref. 2-6089)

41. Written policy, procedure, and practice provide that all sleeping quarters in the facility are well lighted and properly ventilated. Natural lighting should be provided wherever possible. Documentation shall be provided by an independent, qualified source that lighting is at least 20 footcandles and air circulation is at least 15 cubic feet of outside or recirculated filtered air per minute per person.

Comment: The facility should maintain strict adherence to local health codes requiring proper ventilation.

Heating and Cooling

3-JCRF-2D-02 (Ref. New)

42. Temperatures in indoor living and work areas are appropriate to summer and winter zones.

Comment: Temperature and humidity should be capable of being mechanically raised or lowered to an acceptable comfort level in keeping with the general community standards.

Section E: Program and Service Areas

Principle: Adequate space must be provided for the various program and service functions conducted within the facility. Requirements are best determined by careful assessment of how, when, and how many juveniles use a specific area.

Program Area

3-JCRF-2E-01 (Ref. 2-6099)

43. Adequate space and furnishings to accommodate activities, such as group meetings for juveniles, are provided in the facility.

Comment: A room(s) of sufficient size to accommodate group meetings is a necessity. The room(s) is/are pleasantly and comfortably furnished.

3-JCRF-2E-02 (Ref. 2-6098)

44. Adequate private counseling space is provided in the facility.

Comment: Each facility must have adequately furnished space available to conduct private individual counseling sessions.

Visiting

3-JCRF-2E-03 (Ref. 2-6100)

45. Written policy, procedure, and practice provide for adequate and appropriate areas for visiting and for recreation programs.

Comment: An important part of the residential program is providing for relatives and friends of juveniles at the facility.

Dining

3-JCRF-2E-04 (Ref. New)

46. Adequate dining space is provided for juveniles.

Comment: None.

Food Service

3-JCRF-2E-05 (Ref. 2-6128)

47. When the facility has a kitchen, the kitchen, dining, and food storage areas are well ventilated, properly furnished, and clean.

Comment: None.

Housekeeping

3-JCRF-2E-07 (Ref. New)

48. Adequate space is provided for janitorial supplies, which is accessible to the living areas.

areas.

Comment: None.

Clothing and Supplies

3-JCRF-2E-08 (Ref. New)

49. Space is provided in the facility to store and issue clothing, bedding, cleaning supplies and other items required for daily operations.

Comment: None.

Personal Property

3-JCRF-2E-09 (Ref. New)

50. Adequate space is provided for storing the personal property of juveniles.

Comment: None.

Section G: Safety/Security

Principle: The physical plant supports the safe and secure operation of the facility.

Juvenile Safety

3-JCRF-2G-01 (Ref. New)

51. The facility is controlled by appropriate means to provide that juveniles remain safely in the facility and to prevent access by the general public without proper authorization.

Comment: The means chosen to ensure controlled access should reflect the facility's needs based on the degree of security required.

Part III. Facility Operations**Section A: Supervision**

Principle: The facility uses a combination of supervision, inspection, accountability, and policies and procedure to ensure safe and orderly operations.

Use of Force

3-JCRF-3A-02 (Ref. 2-6194)

Mandatory

52. Written policy, procedure, and practice limit the use of physical force to instances of self-defense, protection of the juvenile or others, prevention of property damage, and prevention of escape, and are in accordance with appropriate statutory authority. In no event is physical force justifiable as punishment. A written report is prepared following all uses of force and is submitted to the facility administrator.

Comment: It is important that records of all use-of-force instances are maintained.

Juvenile Careworkers

3-JCRF-3A-03 (Ref. 2-6167)

53. Written policy, procedure, and practice provide that there is at least one staff per premises 24 hours a day who is readily available and responsive to juvenile needs.

Comment: None.

3-JCRF-3A-04 (Ref. 2-6166)

54. Written policy, procedure, and practice provide that the staffing pattern concentrates most juveniles are in the facility.

Comment: Many juveniles who work or attend school during the day are in the facility during the late afternoon and evening. A large number of staff should be available during those hours.

3-JCRF-3A-05 (Ref. 2-6193)

55. Written policy, procedure, and practice provide that no juvenile or group of juveniles is in a position of control or authority over other juveniles.

Comment: Under no circumstances should juveniles be used or allowed to control others. There are times when a supervised system of advanced responsibilities for juveniles may be used.

Permanent Log

3-JCRF-3A-06 (Ref. New)

56. Written policy, procedure, and practice require that juvenile careworker staff maintain a permanent log and prepare shift reports that record routine information, emergency and unusual incidents that occur in the facility.

Comment: Adequate supervision of juveniles requires an accurate written reporting system.

Accountability

3-JCRF-3A-08 (Ref. 2-6206)

57. Written policy, procedure, and practice provide for the detection and reporting of absences of juveniles.

Comment: Because program participants frequently are persons legally in a custody status, any unauthorized absence or absconding should be considered an absence without leave. The procedure should provide for prompt determination of the juvenile's absence and timely notification to the facility with jurisdiction of the juvenile.

Juvenile Movement

3-JCRF-3A-09 (Ref. 2-6205)

58. Written policy, procedure, and practice provide that staff monitor the movement of juveniles in and out of the facility.

Comment: The monitoring of juveniles' movement, particularly during the evening and night hours

a protection for juveniles, staff, and the public. Therefore, periodic scrutiny of movement into and out of the facility is necessary.

Sleeping Rooms

3-JCRF-3A-10 (Ref. 2-6103)

59. Written policy, procedure, and practice provide that juveniles and adults do not share sleeping rooms.

Comment: No children over the age of one, including those of group home parents, should share a room with an adult. In emergencies, such as sickness or severe emotional disturbance, the program may authorize exceptions.

3-JCRF-3A-11 (Ref. 2-6102)

60. Written policy, procedure, and practice provide that male and female juveniles do not share the same sleeping rooms.

Comment: None.

Control of Contraband

3-JCRF-3A-12 (Ref. 2-6204)

61. Written policy, procedure, and practice provide for searches to control contraband and its disposition at a level commensurate with security needs. This policy is made available to all juveniles. Policy and procedure are reviewed at least annually and updated, if necessary. If no searches are not allowed in the facility.

Comment: The facility's search plans and procedures may include unannounced and irregular searches of rooms and juveniles.

Tools, Equipment, and Keys

3-JCRF-3A-13 (Ref. New)

62. Written policy, procedure, and practice govern the control and use of tools, equipment, and keys.

Comment: Tools and utensils should be used in accordance with a prescribed system.

Section B: Safety and Emergency Procedures

Principle: The facility adheres to all applicable safety and fire codes and has the necessary equipment and procedures in the event of a major emergency.

Fire Safety

3-JCRF-3B-01 (Ref. 2-6111)

Mandatory

63. The facility complies with the regulations of the state or local fire safety authority, and has primary jurisdiction over the facility.

Comment: Local and state fire codes must be strictly followed to ensure the safety of juveniles. Reports of periodic inspections and actions taken should be maintained.

3-JCRF-3B-02 (Ref. 2-6112)

Mandatory

64. Written policy, procedure, and practice specify fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors. These include but are not limited to the following:

- provision for an adequate fire protection service;
- a system of fire inspections and testing of equipment at least quarterly;
- an annual inspection by local or state fire officials or other qualified person(s); and
- availability of fire protection equipment at appropriate locations throughout the facility.

Comment: Facility personnel should plan and execute all reasonable procedures for the prevention and prompt control of fire to ensure the safety of all staff, juveniles, and visitors.

Flammable, Toxic, and Caustic Materials

3-JCRF-3B-03 (Ref. New)

Mandatory

65. Written policy, procedure, and practice provide that the specifications for the selection and purchase of facility furnishings meet fire safety performance requirements.

Comment: Furnishings, mattresses, cushions, or other items of foamed plastics or rubber (e.g., polystyrene) can pose a severe hazard due to high smoke production, rapid burning once ignited, and heat release. Such materials should receive careful fire safety evaluation before purchase or selection. Consideration should be given to the product's flammability and toxicity characteristics. Facility furnishings include draperies, curtains, furniture, wastebaskets, decorations, and similar materials that can burn. This standard applies to all living quarters. The standard requires that specifications be known, if available, at the time of selection.

JCRF-3B-04 (Ref. New)

Mandatory

66. Written policy, procedure, and practice provide that where smoking is permitted, noncombustible receptacles for smoking materials and separate containers for other combustible materials and refuse are accessible at locations throughout living quarters. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are to be inspected and cleaned daily.

Comment: None.

3-JCRF-3B-05 (Ref. New)

Mandatory

67. Written policy, procedure, and practice govern the control and use of all flammable, toxic, and caustic materials.

Comment: None.

Emergency Plans

3-JCRF-3B-06 (Ref. 2-6116)

Mandatory

68. The facility has a written evacuation plan prepared in the event of a fire or major emergency certified by an independent, outside inspector trained in the application of national codes. The plan is reviewed annually, updated if necessary, and reissued to the local fire. The plan includes the following:

- location of building/room floor plan;
- use of exit signs and directional arrows for traffic flow;
- location of publicly posted plan; and
- monthly drills in all facility locations.

Comment: The evacuation plan should also specify routes of evacuation, subsequent disposition, temporary housing of juveniles, and provision for medical care or hospital transportation for injured juveniles and/or staff. Fire drills should include evacuation of all juveniles. Actual evacuation during drills is required, although staff supervising such juveniles should be required to perform their roles.

Fire Drills

3-JCRF-3B-07 (Ref. New)

Mandatory

69. Written policy, procedure, and practice provide that fire drills are conducted at least monthly.

Comment: None.

3-JCRF-3B-08 (Ref. 2-6114)

Mandatory

70. Written emergency plans are disseminated to appropriate local authorities. Directions for the location of exits, fire extinguishers, first aid equipment, and other emergency equipment are posted in all facility.

Comment: Dissemination of these plans to local authorities, such as law enforcement, fire department, police, civil defense, etc., will keep them informed of their roles in the event of an emergency. The plans should be posted conspicuously and be readily available to juveniles and employees to assist in an emergency, yet attached so as to prevent removal. The emergency plan should include direct location of exits, fire extinguishers, first aid equipment, and other emergency equipment or supplies.

3-JCRF-3B-09 (Ref. 2-6115)

Mandatory

71. Written policy, procedure, and practice provide that all facility personnel are trained in the implementation of written emergency plans.

Comment: Since the staff must be able to properly execute the plans, a review of the emergency plans should be an essential element of personnel orientation and in-service training.

Fire Alarm System

3-JCRF-3B-10 (Ref. 2-6117)

Mandatory

72. The facility has a fire alarm system and an automatic detection system that is approved by the authority having jurisdiction. All system elements are tested on a quarterly basis; adequate operation of the systems are approved by a state fire official or other qualified authority annually.

Comment: Fire and/or smoke identification at the earliest possible moment is critical to fire fighting, as well as to the evacuation of staff and juveniles to preclude smoke inhalation and preserve health.

Safety Inspections

3-JCRF-3B-11 (Ref. New)

Mandatory

73. For those programs providing mass-transport vehicles, written policy, procedure, and regulations require, at a minimum, an annual safety inspection by qualified individuals. Documentation of immediate completion of safety repairs shall be on file.

Comment: Bus transportation, whether program-owned, contracted, or local school board operated, must be safely maintained for juvenile, staff, and public safety. Bus inspections may be certified by the local school board transportation department, city/county or state inspection programs, or by a qualified bus inspector using a checklist of safety features including but not limited to brakes, steering, tires, mirrors, doors, etc.

Threats to Security

3-JCRF-3B-12 (Ref. 2-6119)

74. There is a written plan that provides for continuous facility operation in the event of work stoppage or other job action. Copies of this plan are available to all supervisory personnel and are required to familiarize themselves with its contents.

Comment: In the event of mass sick calls, slow-downs, and related acts, a plan should be established that is known to all supervisory personnel and includes necessary coverage of facility posts, procedure for personnel reporting to work, and access to the workplace if there is a picket line.

Section C: Rules and Discipline

Principle: The facility's rules of conduct and sanctions and procedures for violations are defined in writing and apply to all juveniles and staff. Disciplinary procedures are carried out promptly and with respect for the juveniles.

Rules of Conduct

3-JCRF-3C-01 (Ref. New)

75. Written policy, procedure, and practice provide that there is a written set of regulations governing juvenile rule violations. These are reviewed annually and updated as necessary.

Comment: According to the Flores Agreement (Exhibit 1-C), program rules and discipline standards consider the range of ages and maturity in the program, and are culturally sensitive to the needs of minors.

3-JCRF-3C-02 (Ref. 2-6172)

76. Written policy, procedure, and practice provide that all program rules and regulations to juveniles are conspicuously posted in the facility or included in a handbook that is accessible to all juveniles and staff. When a literacy or communication problem exists, a staff member provides assistance to the juvenile in understanding the materials.

Comment: None.

Hearing Decisions

3-JCRF-3C-11 (Ref. 2-6197)

77. Written policy, procedure, and practice ensure that room restriction does not exceed 30 minutes without review and administrative authorization. It is used only when the juvenile is dangerous to himself/herself or others.

Comment: Occasionally, a juvenile may lose control and require restriction. During the restriction, a juvenile may be denied certain privileges; however, in no instance may regular meals, clothing, sleep, or religious needs, and/or staff assistance be denied.

Basis for Decisions

3-JCRF-3C-12 (Ref. 2-6198)

78. Written policy, procedure, and practice ensure that before facility restriction or suspension, the reason(s) for the restriction is discussed, and the juvenile has the opportunity to explain the behavior.

Comment: None.

3-JCRF-3C-13 (Ref. 2-6199)

79. Written policy, procedure, and practice provide that during room restriction, visual contact by staff is made with the juvenile at least every 30 minutes. This contact is retained by staff. The juvenile assists in determining the end of the restriction period.

Comment: During the period of restriction, a staff person should interact with the juvenile in an effort to solve problems and to determine a release time.

3-JCRF-3C-14 (Ref. 2-6202)

80. Written policy, procedure, and practice provide that all instances of room restriction or suspension, and facility restriction are recorded, dated, and signed by staff. The record is reviewed and signed by a supervisory staff member daily.

Comment: This will assist in ensuring the consistent and proper application of discipline procedures.

Section D: Juvenile Rights

Principle: The facility protects the safety and constitutional rights of juveniles and seeks a balance between the protection of individual rights and preservation of order.

Access to Courts

3-JCRF-3D-01 (Ref. New)

81. Written policy, procedure, and practice ensure the right of juveniles to have access to the courts.

Comment: None.

Access to Counsel

3-JCRF-3D-02 (Ref. New)

82. Written policy, procedure, and practice ensure and facilitate juvenile access to counsel to assist juveniles in making confidential contact with attorneys and their representatives. Such contact includes but is not limited to telephone communications, correspondence, and visits.

Comment: According to the Flores Agreement (Exhibit 1-A.14), the program provides legal information regarding the availability of free legal assistance, the right to be represented by counsel at government expense, the right to a deportation or exclusion hearing before an immigration judge, the right to apply for political asylum or to request voluntary departure in lieu of deportation. This information must be maintained by the facility. If the facility does not have this information, the INS must provide it.

Access to Programs and Services

3-JCRF-3D-03 (Ref. New)

83. Written policy, procedure, and practice provide that program access, work assignments, and administrative decisions are made without regard to juveniles' race, religion, national origin, or sex.

Comment: Juveniles should be ensured equal opportunities to participate in all programs.

Protection from Harm

3-JCRF-3D-04 (Ref. 2-6196)

84. Written policy, procedure, and practice provide that juveniles are not subjected to corporal punishment, unusual punishment, humiliation, mental abuse, or punitive interference with the daily activities of living, such as eating or sleeping.

Comment: Any sanctions that may adversely affect a juvenile's health or physical or psychological well-being are expressly prohibited. Corporal punishment or psychological intimidation should never be practiced. The Flores Agreement (Exhibit 1-C) stipulates that juveniles will not be denied regular meals, sleep, exercise, medical care, correspondence privileges, or legal assistance.

3-JCRF-3D-05 (Ref. New)

85. Written policy, procedure, and practice provide for the reporting of all instances of child abuse and/or neglect consistent with appropriate state laws or local laws.

Comment: Whenever a juvenile reports or staff observe indicators of child abuse and/or neglect, the facility must follow established procedures for juvenile care and investigation of the allegation. Where appropriate, interagency cooperation pursuant to child abuse should be implemented.

Personal Property

3-JCRF-3D-06 (Ref. New)

86. Written policy, procedure, and practice specify the personal property juveniles can possess and govern the control and safeguarding of such property. Personal property retained in the facility is itemized in a written list that is kept in a permanent file; the juvenile receives a copy listing the property retained for storage.

Comment: Personal property should be accurately inventoried and securely stored.

Grievance Procedures

3-JCRF-3D-07 (Ref. 2-6173)

87. Written policy, procedure, and practice provide for a grievance and appeal process. A grievance is transmitted without alteration, interference, or delay to the party responsible for the grievance and investigation. A written report as to the final disposition of the grievance should be prepared and filed.

Comment: Juveniles should have the opportunity to express themselves regarding problems they have with the program without being subjected to any adverse action. The appeal process should be in writing and should be in writing of the specific program activity that is the subject of the grievance, and should have various levels of appeal.

Part IV. Facility Services

Section A: Food Service

Principle: Meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets governmental health and safety codes.

Dietary Allowances

3-JCRF-4A-02 (Ref. 2-6120)

Mandatory

88. A nutritionist, dietitian, or physician approves the menu and annually approves the value of the food served.

Comment: None.

3-JCRF-4A-03 (Ref. 2-6122)

89. Written policy, procedure, and practice provide that food service staff develop advance menus and substantially follow the schedule in the planning and preparation of all meals. Appearance, flavor, texture, and temperature. Appearance and palatability are taken into consideration.

Comment: All menus, including special diets, should be planned, dated, and available for review a week in advance. Notations should be made of any substitutions in the meals actually served, and substitutions should be of equal nutritional value.

Menu Planning

3-JCRF-4A-04 (Ref. 2-6123)

90. There is a single menu for staff and juveniles.

Comment: None.

Special Diets

3-JCRF-4A-05 (Ref. 2-6125)

Mandatory

- 91. Written policy, procedure, and practice provide for special diets as prescribed by a medical or dental personnel.**

Comment: Therapeutic diets should be available upon medical or dental authorization. Specific diets should be prepared and served to juveniles according to the orders of the treating physician or dentist, or by the responsible health authority official. Medical or dental diet prescriptions should be specific, complete, furnished in writing to the food service manager, and rewritten monthly. Special diets should be kept as simple as possible and should conform as closely as possible to the foods served other juveniles.

3-JCRF-4A-06 (Ref. 2-6126)

- 92. Written policy, procedure, and practice provide for special diets for juveniles whose religious beliefs require adherence to religious dietary laws.**

Comment: Religious diet prescriptions should be specific and complete, furnished in writing to the food service manager, and rewritten monthly. Special diets should be kept as simple as possible and should conform as closely as possible to the foods served to other juveniles.

Health and Safety Regulations

3-JCRF-4A-07 (Ref. 2-6121)

Mandatory

- 93. Food service staff complies with all sanitation and health codes enacted by state and local authorities.**

Comment: All sanitation codes are to be strictly followed to ensure the health and welfare of the juveniles. Local or state health regulations usually require some type of medical examination and certification of staff preparing food.

Inspections

3-JCRF-4A-08 (Ref. New)

- 94. Written policy, procedure, and practice provide for the following:**

- weekly inspection of all food service areas, including dining and food preparation equipment;
- sanitary, temperature-controlled storage facilities for all foods; and
- daily checks of refrigerator and water temperatures.

Comment: Appropriate space and equipment should be available for the proper storage and refrigeration of food supplies. Dry food supplies are stored in a clean, dry, ventilated room not subject to wastewater or other contamination. The American Dietary Association recommends storage temperatures for dry food to be 10° to 0° Fahrenheit and refrigerated storage at 32° to 36° Fahrenheit. However, the requirements differ under certain conditions. When the requirements vary from the above, laws and/or regulations of the local health authority having jurisdiction prevail.

Meal Service

3-JCRF-4A-09 (Ref. New)

- 95. Written policy, procedure, and practice provide that staff members supervise juveniles during meals.**

Comment: The practice of having staff members present during meals contributes to a more orderly meal service.

experience in the dining area and enhances the relationship between the staff and the population. This practice also minimizes food waste, careless serving, and abuse of a juvenile by another juvenile. It permits observation and reporting of unusual eating habits of individual juveniles, such as ravenous eating and overeating. The degree and level of supervision may vary based on differential programs.

3-JCRF-4A-10 (Ref. New)

96. Written policy, procedure, and practice require that at least three meals, of which two are breakfast and one is dinner, are provided at regular meal times during each 24-hour period, with no more than 12 hours between the evening meal and breakfast. Provided basic nutritional goals are met, variations are allowed based on weekend and holiday food service demands.

Comment: When juveniles are not routinely absent from the institution for work or other purposes, three meals should be provided at regular times during each 24-hour period.

Section B: Sanitation and Hygiene

Principle: The facility's sanitation and hygiene program complies with applicable regulations and standards of government to protect the health and safety of juveniles and staff.

Sanitation Inspections

3-JCRF-4B-02 (Ref. 2-6105)

Mandatory

97. The facility complies with the sanitation and health codes of the local and/or state jurisdiction.

Comment: Compliance with sanitation and health codes is vital for the safety and well-being of the population. Written reports of inspections by state or local authorities should be kept on file as assurance of compliance with these codes. In the event that no local city and/or county codes apply, state codes prevail. If neither local nor state codes apply, appropriate national codes should be applied to the facility. If applicable, OSHA (Office of Safety and Health Administration) standards can be applied.

3-JCRF-4B-03 (Ref. 2-6109)

Mandatory

98. Written policy, procedure, and practice provide for vermin and pest control and garbage removal.

Comment: None.

Water Supply

3-JCRF-4B-04 (Ref. New)

Mandatory

99. The facility's potable water source and supply, whether self-owned or operated by a contracted water department, is approved by an independent, outside source to be in compliance with applicable jurisdictional laws and regulations.

Comment: Safe drinking water is basic to human health and should be provided in any facility operated by the institution.

Housekeeping

3-JCRF-4B-05 (Ref. 2-6087)

100. Written policy, procedure, and practice provide that a housekeeping and maintenance in effect to ensure that the facility is clean and in good repair. Specific duties and responsibilities should be assigned to staff and juveniles.

Comment: Dirt or disrepair, such as large cracks in the plaster, holes in walls and ceilings, chipping peeling paint, broken windows, or worn carpeting are not acceptable in any facility designated for living.

Clothing and Bedding Supplies**3-JCRF-4B-06 (Ref. New)**

101. Juveniles are provided the opportunity to have clean clothing. The facility may provide in several ways, including access to self-serve washer facilities, central clothing exchange, or a combination of the two. Wash basins in rooms are not sufficient to meet the standard.

Comment: None.

3-JCRF-4B-07 (Ref. New)

102. The facility provides for the thorough cleaning and, when necessary, disinfecting of personal clothing before being stored or before allowing the juvenile to keep and wear the clothing.

Comment: Juvenile personal clothing should be cleaned and disinfected to prevent odors and should be stored outside of the juvenile housing area.

3-JCRF-4B-08 (Ref. 2-6107)

103. Written policy, procedure, and practice provide for the issue of suitable clean bedding, including two sheets, pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperature controls. There is provision for linen exchange, including towels, at least weekly.

Comment: Collection, storage, and exchange methods for bedding and linens should be done in a way that is, blankets, pillows, and mattresses should be cleaned before reissue.

Bathing and Personal Hygiene**3-JCRF-4B-09 (Ref. 2-6108)**

104. Written policy, procedure, and practice require that articles necessary for maintaining personal hygiene are provided and readily available upon reasonable request to all juveniles. These articles include at least the following:

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- soap;
- shampoo;
- toothbrush;
- toothpaste or powder;
- a comb;
- toilet paper; and
- special hygiene items for female residents.

Comment: Hygiene items may be available from the staff or other sources, as approved by administrator.

Section C: Health Care

Principle: The facility provides comprehensive health care services by qualified personnel to protect the health and well-being of juveniles.

Responsible Health Authority

3-JCRF-4C-01 (Ref. 2-6129/6130)

Mandatory

105. Written policy, procedure, and practice provide that the facility has a designated authority with responsibility for health care pursuant to a written agreement, contract, or other description. The health authority may be a physician, health administrator, or health agency.

Comment: The responsibility of the health authority includes arranging for health care services and ensuring that juveniles have access to them.

Unimpeded Access to Care

3-JCRF-4C-02 (Ref. New)

106. Written policy, procedure, and practice provide for access to health care and for a process for processing complaints regarding health care. These policies are communicated verbally and in writing to juveniles upon their arrival in the facility, and are communicated in a language clearly understood by each juvenile. All decisions concerning access to health care are made by health care staff.

Comment: The facility should follow the policy of explaining access procedures verbally to juveniles who cannot read. When the facility frequently has non-English-speaking juveniles, procedures should be explained and written in their language.

Personnel

3-JCRF-4C-03 (Ref. 2-6132)

107. Appropriate state and federal licensure, certification, or registration requirements apply to personnel who provide health care services to juveniles. The

responsibilities of such personnel are governed by written job descriptions approved by the health care administrator. Verification of current credentials and job descriptions are on file in the facility.

Comment: Only qualified health care personnel should determine and supervise health care personnel. Written job descriptions should include the required professional qualifications and the individual's role in the health care delivery system. Verification of qualifications may consist of copies of current credentials or a letter from the state licensing or certifying body regarding current credential status. All health care services are performed in accordance with professionally recognized standards of nursing practice within the jurisdiction's Nurse Practice Act.

Qualifications

3-JCRF-4C-04 (Ref. New)

108. Written policy, procedure, and practice provide that treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent practitioner is performed pursuant to written standing or direct orders by personnel authorized by the facility to perform such orders. Nurse practitioners and physician's assistants may practice within the limits of laws and regulations.

Comment: Professional practice acts differ in various states as to issuing direct orders for treatment. State laws in each state need to be studied for implementation of this standard. Standing medical orders for the definitive treatment of identified conditions and for on-site treatment of emergency conditions are written by a person having the condition to which the order pertains. Direct orders are written specifically for the treatment of one person's particular condition.

Mental Health Services

3-JCRF-4C-05 (Ref. New)

109. Written policy, procedure, and practice specify the provision of mental health services for juveniles. These services include but are not limited to those provided by qualified mental health professionals who meet the educational and license/certification criteria specified by their professional disciplines.

Comment: An adequate number of qualified staff members should be available to deal directly with juveniles who have severe mental health problems as well as to advise other correctional staff in their care of such individuals.

3-JCRF-4C-06 (Ref. New)

110. There is a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff with responsibility for supervision are trained in the implementation of the program. The program includes specific procedures for intake screening, identification, and supervision of suicide-prone juveniles.

Comment: None.

Health-trained Staff Member

3-JCRF-4C-07 (Ref. New)

111. When facilities do not have full-time, qualified, health-trained personnel, a health-trained staff member coordinates the health delivery services.

Comment: Coordination duties may include reviewing initial screening forms for needed follow-up.

juveniles and their records for sick call, and assisting in carrying out orders regarding such matters as housing, and work assignments.

Pharmaceuticals

3-JCRF-4C-08 (Ref. 2-6142)

112. Written policy, procedure, and practice provide that the program's health care plan : state and federal laws and regulations regarding storage and distribution of medications

Comment: None.

Health Screenings and Examinations

JCRF-4C-09 (Ref. New)

Mandatory

113. Written policy, procedure, and practice require medical, dental, and mental health screenings to be performed by health-trained or qualified health care personnel on all juveniles. This includes the following:

Inquiry into:

- current illness and health problems, including venereal diseases and other infectious diseases;
- dental problems;
- mental health problems;
- use of alcohol and other drugs, which includes types of drugs used, mode of use, amount and frequency of use, date or time of last use, and a history of problems that may have occurred during use (e.g., convulsions);
- past and present treatment or hospitalization for mental disturbance or suicide; and
- other health problems designated by the responsible physician.

Observation of:

- behavior, which includes state of consciousness, mental status, appearance, conduct, tremors, and sweating;
- body deformities, ease of movement, etc.; and
- condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and insect bite marks or other indicators of drug abuse.

Comment: According to the *Flores* Agreement (Exhibit 1-A.2), the program provides routine medical and dental care, family planning services, and emergency health care services, including a complete physical examination (with screening for infectious diseases) within 48 hours of admission, excluding weekends and holidays, unless the juvenile was recently examined at another facility; appropriate immunizations in accordance with the U.S. Public Health Service, Center for Disease Control; administration of medication and special diets; and appropriate mental health interventions when necessary.

3-JCRF-4C-11 (Ref. New)

114. Written policy, procedure, and practice provide for the collection and recording of appraisal data and require the following:

- the process is completed in a uniform manner as determined by the health authority;
- health history and vital signs are collected by health-trained or qualified health personnel;
- review of the results of the medical examinations, tests, and identification of problems is performed by a physician; and
- collection of all other health appraisal data is performed only by qualified health personnel.

Comment: The initial screening must be followed with a more detailed health examination by the health appraisal personnel to adequately identify the health care needs of each juvenile. It also is required that the examination be performed in a uniform manner to ensure that it is thorough and consistent for all juveniles.

3-JCRF-4C-12 (Ref. 2-6140)

115. Written policy, procedure, and practice provide for medical examination of any juvenile suspected of having a communicable disease.

Comment: Examination results must be made available quickly to ensure prompt and proper treatment.

Dental Screening and Examination

3-JCRF-4C-13 (Ref. 2-6131)

116. Dental care is provided to each juvenile under the direction and supervision of a dentist licensed in the state.

Comment: None.

Emergency Health Care

3-JCRF-4C-14 (Ref. New)

Mandatory

117. Written policy, procedure, and practice provide for 24-hour emergency medical, dental, and mental health care availability as outlined in a written plan that includes arrangements for the following:

- on-site emergency first aid and crisis intervention;
- emergency evacuation of the juvenile from the facility;
- use of an emergency medical vehicle;
- use of one or more designated hospital emergency rooms or other appropriate health facilities;
- emergency on-call physician, dentist, and mental health professional services when the health facility is not located in a nearby community; and
- security procedures providing for the immediate transfer of juveniles, when appropriate.

Comment: Arrangements should be made with nearby hospitals or other facilities for all health services that cannot be appropriately provided within the facility or where contractual arrangements can result in a broader range of services. In the event the usual health services are not available, particularly in emergency situations, the facility should have developed a back-up to serve the program. The plan might include alternate hospital emergency service or a physician "on call" service.

First Aid

3-JCRF-4C-15 (Ref. New)

118. Written policy, procedure, and practice provide that careworker staff and other personnel are trained to respond to health-related situations within a 4-minute response time. A training program is established by the responsible health authority in cooperation with the facility administrator. The training program includes the following:

- recognition of signs and symptoms and knowledge of action required in potential emergency situations;
- administration of first aid and cardiopulmonary resuscitation (CPR) and current certification;
- methods of obtaining assistance;
- signs and symptoms of mental illness, retardation, and chemical dependency; and
- procedures for patient transfers to appropriate medical facilities or health care providers.

Comment: None.

3-JCRF-4C-16 (Ref. 2-6135)

119. The facility has available at all times first aid equipment approved by a recognized health authority.

Comment: The health authority may be a physician, health administrator, or organization that has the expertise to determine the potential first aid needs of the facility and to evaluate the condition of first aid supplies and equipment.

3-JCRF-4C-17 (Ref. New)

120. Written policy, procedure, and practice provide that persons injured in an incident receive immediate medical examination and treatment.

Comment: Immediate medical examination and treatment should be required in all instances involving persons injured as a result of force.

Serious and Infectious Diseases

3-JCRF-4C-21 (Ref. 2-6134-1)

121. Written policy, procedure, and practice address the management of serious and infectious diseases. These policies and procedures are updated as new information becomes available.

Comment: Because of their serious nature, methods of transmission, and public sensitivity, diseases such as tuberculosis, hepatitis-B, and AIDS (acquired immunodeficiency syndrome) require special attention. Agencies should work with the responsible health authority in establishing policy and procedure. Policies and procedures should include the following: an ongoing education program for staff and residents; control, treatment, and prevention strategies, which may include screening and testing, special supervision, and/or special arrangements, as appropriate; protection of individual confidentiality; and media relations.

3-JCRF-4C-22 (Ref. 2-6139-1)

122. There is written policy, procedure, and practice that specify approved actions to be taken by employees concerning juveniles who have been diagnosed with HIV. This policy shall be reviewed annually and shall include, at a minimum, the following:

- when and where juveniles are to be tested;
- appropriate safeguards for staff and juveniles;
- who shall conduct the tests;

- when and under what conditions the juveniles are to be separated from the general population;
- staff and juvenile training procedures; and
- issues of confidentiality.

Comment: None.

Juvenile Participation in Research

3-JCRF-4C-26 (Ref. 2-6073)

Mandatory

123. Written policy prohibits the use of juveniles for medical, pharmaceutical, or experiments. This policy does not preclude individual treatment of a juvenile based on his or her condition for a specific medical procedure that is not generally available.

Comment: A person confined in a facility is incapable of volunteering as a human subject without reward and cannot do so on the basis of fully informed consent. Therefore, juveniles should not participate in experimental projects involving medical, pharmaceutical, or cosmetic research, including conditioning, psychosurgery, electrical stimulation of the brain, or the application of cosmetic substances to the body that are being tested for possible commercial use. This prohibition does not preclude treatment of a juvenile by his or her physician with a new medical procedure, subsequent to a full disclosure of the treatment's positive and negative features. The agreement is between the physician and the juvenile and is not part of a general program of medical experimentation involving payment to juveniles for treatment.

Notification of Designated Individuals

3-JCRF-4C-27 (Ref. 2-6146)

124. Written policy, procedure, and practice provide for the prompt notification of parents/guardians in case of serious illness, surgery, injury, or death. Any death in the facility should be reported immediately to the proper officials.

Comment: Whenever a juvenile becomes seriously ill, requires surgery, or dies, the parents/guardians should be promptly notified by a telephone call, a telegram, or other rapid means of communication. In the event of death, the head of the facility should be notified. The coroner and appropriate law enforcement officials should also be notified.

Health Record Files

3-JCRF-4C-28 (Ref. New)

125. The health record file contains the following:

- the completed receiving screening form;
- health appraisal data forms;
- all findings, diagnoses, treatments, and dispositions;
- prescribed medications and their administration;
- signature and title of documenter;
- consent and refusal forms;
- place, date, and time of health encounters; and
- health service reports (e.g., dental, mental health, and consultations).

The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping are approved by the health authority.

Comment: None.

Transfer of Records

3-JCRF-4C-29 (Ref. New)

126. For juveniles being transferred to other facilities, summaries or copies of the medical record are forwarded to the receiving facility prior to or at arrival.

Comment: Because the receiving facility has responsibility for medical care of new arrivals, it is that it receives all available medical information as soon as possible. Written authorization of the not required for the transfer of this information. This will reduce duplication of screening procedure continuity in treatment, and reduce the need for segregation until existence of contagious disease determined.

Part V. Juvenile Services

Section A: Juvenile Services

Principle: All incoming juveniles undergo thorough screening and assessment at admission and receive a thorough to the facility's procedures, rules, programs, and services.

Admission

3-JCRF-5A-01 (Ref. 2-6147)

127. The facility has clearly defined written policies, procedures, and practices admission.

Comment: The policies and procedures governing the admission process should include but not be types of information gathered on all applicants before admission, criteria for acceptance, and procedure be followed when accepting or not accepting referrals.

3-JCRF-5A-03 (Ref. 2-6149)

128. The agency records information on each juvenile to be admitted that, unless prohibited by local statute, includes, at a minimum, the following:

- name;
- address;
- date of birth;
- sex;
- race or ethnic origin;
- reason for referral;
- whom to notify in case of emergency;
- date information gathered;
- name of referring agency or committing authority;
- educational/school history;
- social history, where available;
- special medical problems or needs;
- personal physician, if applicable;

- legal status, including jurisdiction, length and conditions of placement; and
- signature of both interviewee and employee gathering information.

Comment: The agency's admission information form should include the basic data necessary to continuous program for the juvenile. The information on the form can be expanded to meet the individual facilities.

According to the *Flores* Agreement (Exhibit 1-A.3), a comprehensive and realistic individual care of each juvenile is developed according to his or her needs, as determined by the individual assessment. An individualized needs assessment shall include (a) various initial intake forms; (b) data relating to the identification and history of the minor and family; (c) identification of the minor's needs including any specific problem(s) which appear to require immediate intervention; (d) an assessment and plan; (e) an assessment of family relationships and interaction with adults, authority figures; (f) a statement of religious preference and practice; (g) an assessment of the personal goals, strengths, and weaknesses; and (h) identifying information about immediate family or other relatives, godparents, or friends who may be residing in the United States and may be able to assist with family reunification. Individual plans shall be implemented and closely coordinated through an open management system.

Reception and Orientation

3-JCRF-5A-05 (Ref. 2-6151)

129. Written policy, procedure, and practice provide that the facility advises the referring source when a prospective juvenile is not accepted into the program, stating specific reasons.

Comment: An important part of the referral process is the follow-up provided to the referring source so that communication will assist the referring source in making future referrals.

3-JCRF-5A-07 (Ref. 2-6153)

130. At the time of admission, facility staff discuss program goals, services available, governing conduct, program rules, and possible disciplinary actions with the juvenile. This discussion is documented by employee and juvenile signatures.

Comment: It is important that the juvenile, at the time of admission, understand what can be expected from the program and what the program expects from him or her. This discussion can occur before admission or later than at the time of admission and acceptance into the program. The discussion or orientation should include but not be limited to curfew, meal hours, program participation, house rules, eligibility for discharge, and staff expectations.

The *Flores* Agreement (Exhibit 1-A.9) stipulates that the availability of legal assistance must be explained during orientation.

3-JCRF-5A-09 (Ref. 2-6155)

131. Written policy, procedure, and practice provide that the facility does not discriminate on the basis of race, religion, national origin, gender, or disability.

Comment: The program should demonstrate both in writing and practice that it accepts any juvenile in need of services and meets the program eligibility criteria.

3-JCRF-5A-12 (Ref. 2-6156)

132. The facility provides or makes arrangements for the provision of the following services:

- educational, vocational, and psychological assessment;
- educational/vocational programs;
- individual and group counseling activities;
- appropriate recreation and leisure activities;
- consistent family contact;
- food service;
- assistance with transportation;
- transitional services;
- emergency financial assistance;
- medical health services;
- mental health services; and
- employment counseling and placement.

Comment: The program cannot and should not provide all services in-house, not only because it would be prohibitive, but also because the basic philosophy of community residential programs is destroyed. If additional services are not available without charge, the program should assist in the purchase of funds for them. Involvement of other support services for the juveniles is an essential element of residential programs, and referral to and assistance with community agencies should be made whenever possible.

According to the *Flores* Agreement (Exhibit 1-A.13), family reunification services designed to reunite juveniles with relatives in the United States as well as in foreign countries and assistance in obtaining legal guardianship when necessary for the minor's release are services that may be carried out by INS in conjunction with contracted personnel at the facility. *Flores* (Exhibit 1-A.8) also holds that acculturation and adaptation services should be made available, to include information for the development of social and inter-personal skills that are necessary to those abilities needed to live independently and responsibly.

New Juveniles

3-JCRF-5A-13 (Ref. New)

- 133. Written policy, procedure, and practice provide that juveniles new to the facility receive orientation materials and/or translations in their own language, if they do not understand English.** When a literacy problem exists, a staff member assists the juvenile in understanding the materials. Completion of orientation is documented by a statement signed and dated by the juvenile.

Comment: Orientation should include informal classes and the distribution of written materials about the facility's programs, rules, and regulations. Orientation should also be used to observe juvenile behavior and identify special problems.

Section B: Classification

Principle: Juveniles are classified to the most appropriate level of supervision and programming, both upon admission and upon review of their status.

Classification Plan

3-JCRF-5B-08 (Ref. 2-6171)

- 134. Where a language or literacy problem exists that can lead to a juvenile's misunderstandings, the facility shall provide appropriate services to address the problem.**

agency rules and regulations, assistance is provided to the juvenile either by staff or another individual under the supervision of a staff member.

Comment: There are situations when a juvenile will require the assistance of another person; most of which is understanding the rules and regulations governing personal conduct in the program.

Section C: Social Services

Principle: The facility makes available the professional services necessary to meet the identified needs of juveniles. Services may include individual and family counseling, family planning and parent education, and other program planning for juveniles with drug and alcohol addictions.

Program Coordination and Supervision

3-JCRF-5C-02 (Ref. 2-6168)

135. Written policy, procedure, and practice provide that each juvenile is assigned a staff member who meets with and counsels that juvenile.

Comment: In order to ensure that each juvenile receives adequate as well as continuing responsibility for the case management of a juvenile should be assigned to a specific staff member.

Counseling

3-JCRF-5C-03 (Ref. New)

136. Written policy, procedure, and practice provide that staff members are available to juveniles at their request; provision is made for counseling juveniles on an emergency basis. Such services may include individual and family counseling, family planning and parent education, and other program planning for juveniles with drug and alcohol addictions.

Comment: In assisting juveniles with their personal problems and with adjustment to the facility, staff members should make time available on a regularly scheduled basis for appointments with juveniles at their request. Because juveniles may have problems that require immediate attention, at least one staff member should be available 24 hours a day.

According to the *Flores* Agreement (Exhibit 1-A.6), the program includes at least one individual counseling session per week conducted by trained social work staff. Individual counseling session objectives include reviewing the juvenile's progress, establishing new short-term objectives, and addressing developmental and crisis-related needs of each juvenile. *Flores* also specifies (Exhibit 1-A.7) that counseling sessions should be offered at least twice a week. Group counseling is usually an informal process in which all juveniles are present. It is a time when new juveniles are given the opportunity to get acquainted with the staff, other juveniles, and the rules of the program. It is an open forum where everyone gets a chance to speak. Daily program management is discussed and decisions are made about recreational activities. It is a time for staff and juveniles to discuss whatever is on their minds and to resolve problems.

Section D: Education/Vocation

Principle: A written body of policy and procedures governs the facility's programs. All juveniles will have an individual program that will contain elements of education, vocational education, work, recreation, and social services.

Educational/Vocational Training

3-JCRF-5D-01 (Ref. New)

137. Written policy, procedure, and practice provide for coordination and continuity of educational, vocational, and work programs.

Comment: In accordance with the Flores Agreement (Exhibit 1-A.4), the program provides services appropriate to the juvenile's level of development and communication skills in a structured setting, Monday through Friday, concentrating primarily on the development of basic academic core and secondarily on English Language Training. The educational program shall include instructional, educational, and other reading materials in such languages as needed. Basic academic areas shall include Science, Social Studies, Math, Reading, Writing, and Physical Education. The program shall provide with appropriate reading materials in languages other than English for use during the juvenile's leisure time.

3-JCRF-5D-02 (Ref. 2-6183)

138. Special education programs are available to meet the needs of special education students defined in public law.

Comment: There is a large number of persons with disabilities in juvenile correctional programs. Special academic and vocational needs. P.L. 94-142 mandates services for persons with disabilities that all students who wish to participate in education are provided the opportunity to do so.

3-JCRF-5D-03 (Ref. New)

139. Written policy, procedure, and practice indicate compliance with laws pertaining to special education plans prior to placement of juveniles into or out of special education programs.

Comment: None.

3-JCRF-5D-04 (Ref. New)

140. Written policy, procedure, and practice provide that educational, vocational, and treatment programs, credits, certificates, or diplomas are accepted by community agencies.

Comment: Educational programs must be at least equal in quality and requirements to equivalent programs in the community to ensure that student credits, certificates, and diplomas are accepted by employers and transferable to schools and colleges after release.

Employment

3-JCRF-5D-05 (Ref. New)

141. Written policy, procedure, and practice provide that the use of work does not interfere with educational and treatment programs.

Comment: None.

Section E: Recreation

Principle: A written body of policy and procedures governs the facility's recreation and activity programs for juveniles, including coordination and supervision, facilities and equipment, community interaction, and activities initiated by juveniles.

Staff and Space Requirements

3-JCRF-5E-01 (Ref. 2-6184)

142. Written policy, procedure, and practice provide for indoor and outdoor recreational time needs of juveniles. Juveniles should be encouraged to be physically active, depending on their capabilities, and receive at least two hours of planned recreation per day.

Comment: Provision should be made for periodic group activities outside the facility. Also, there should be space for indoor leisure time activities, such as television, games, reading, and studying.

According to the *Flores* Agreement (Exhibit 1-A.5), the recreation and leisure time plan shall include: 1 hour of outdoor activity, weather permitting; at least 1 hour per day of large muscle activity; and 1 hour of structured leisure time activities. Activities should be increased to a total of 3 hours on days when juveniles are not in session. Structured leisure time activities do not include time spent watching television.

Section F: Religion

Principle: A written body of policy and procedures governs the facility's religious programs for juveniles, including instruction and supervision, opportunities to practice the requirements of one's faith, and use of community resources.

Participation

3-JCRF-5F-01 (Ref. 2-6185)

143. Written policy, procedure, and practice provide that juveniles have the opportunity to participate in practices of their religious faith in accordance with legislation of the state having jurisdiction.

Comment: All juveniles should have the opportunity to practice their religions.

The *Flores* Agreement (Exhibit 1-A.10) holds that juveniles are to be given access to religious instruction of their choice, whenever possible.

Section G: Mail, Telephone, Visiting

Principle: A written body of policy and procedure governs the facility's mail, telephone, and visiting services, including inspection, public phone use, and routine and special visits.

Mail

3-JCRF-5G-01 (Ref. 2-6188)

144. Written policy, procedure, and practice provide that indigent juveniles, as defined, receive a specified postage allowance to maintain community ties.

Comment: A juvenile without financial resources should be provided the means to send a reasonable number of letters per month. Community ties include family, personal friends, etc., but not privileged community attorneys, public officials, and courts.

Access to Publications

3-JCRF-5G-02 (Ref. New)**145. Written policy, procedure, and practice govern juvenile access to publications.**

Comment: Specific policies and procedures should exist to define which publications are allowed in and how they will be inspected. Restrictions to access should be directly related to the maintenance order and security.

Inspection of Letters and Packages**3-JCRF-5G-03 (Ref. 2-6187)****146. Written policy, procedure, and practice provide that juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband. When based on legitimate facility order and security, mail may be read or rejected. The juvenile is notified when incoming mail is returned or outgoing mail is withheld.**

Comment: Juveniles should be permitted uncensored correspondence, as long as it poses no threat to the safety and security of the facility, public officials, or the general public and is not being used in the furtherance of illegal activities. Case law has defined legal limits. When mail is censored or rejected, the juvenile should be notified of the reason for the action and provided an opportunity to appeal the decision.

Forwarding of Mail**3-JCRF-5G-04 (Ref. New)****147. Written policy, procedure, and practice provide for the forwarding of first class mail and packages after transfer or release.**

Comment: All first class letters and packages should be forwarded to juveniles who are transferred to other facilities or released, provided a forwarding address is available. If a forwarding address is not available, first class letters and packages should be returned to the sender. Post office policy and procedure should be made available to juveniles.

Telephone**3-JCRF-5G-05 (Ref. 2-6189)****148. Written policy, procedure, and practice provide for juvenile access to a telephone and receive personal calls.**

Comment: Juveniles should be permitted reasonable access to a telephone to make both program-related calls. This may be a pay phone. Written policy specifies the hours of telephone use and any limitations on telephone calls.

Visiting**3-JCRF-5G-06 (Ref. 2-6186)****149. Written policy, procedure, and practice provide that juveniles receive approved visit normal visiting hours, except where there is substantial evidence that a visitor poses a threat to the safety of the juvenile or to the security of the program.**

Comment: The range of visiting hours and/or approved visitors should be as broad as possible. If a visitor is permanently denied access to the facility, such as through a court order, the reasons for denial should be specified in a written report, copies of which are kept on file and given to the juvenile requested.

According to the *Flores* Agreement (Exhibit 1-A.11), visitation and contact with family members of their immigration status) is structured to encourage such visitation. The staff shall respect the privacy while reasonably preventing his or her unauthorized release.

3-JCRF-5G-07 (Ref. New)

150. Written policy, procedure, and practice provide for special visits.

Comment: Sometimes there are emergency events or circumstances that require special visitation policy should provide guidelines for responding to these situations.

Section H: Release

The following two standards are taken from the *ACA Standards for Juvenile Detention Facilities* (1991).

Principle: The facility provides a structured program to help juveniles make a satisfactory transition upon release from detention.

Release Preparation

3-JDF-5H-02 (Ref. 2-8395)

151. Written procedures for releasing juveniles include but are not limited to the following

- verification of identity;
- verification of release papers;
- completion of release arrangements, including the person or agency to whom the juvenile is released;
- return of personal effects;
- completion of any pending action, such as grievances or claims for damaged or lost possessions;
- medical screening and arrangements for community follow-up when needed;
- transportation arrangements; and
- instructions on forwarding of mail.

Comment: The release process should ensure that all matters relating to the facility are completed. If a juvenile is to be released to his or her family, the person accepting the juvenile should be identified. If an unescorted release must be verified. If released to another agency, everyone involved should understand the conditions to occur with respect to timing, expectations, forwarding of records, and person designated to receive the juvenile. The party or entity responsible for or having legal custody of the juvenile must also be notified.

3-JDF-5H-07 (Ref. New)

152. Written policy, procedure, and practice provide for and govern escorted and unescorted day leaves into the community.

Comment: There should be provision to escort juveniles into the community for needed medical care; to visit ill family members or attend funerals; and to participate in community affairs and/or activities that would have a positive influence on the juvenile. Unescorted or day leaves should be extended for reasons related to the juvenile's planned return to the community and should be consistent with public safety.

INS Secure Juvenile Standards Checklist		Rating 1-5: 1=in compliance; 2=not i compliance; 3= exception noted; 4=st information; 5=confirmer			
A. Administration and Management (Part I of JDF manual)⁴	1	2	3	4	
1. A criminal record check is performed on all new employees in accordance with state and federal statutes (3-JDF-1C-13).					
2. Written policy governs the management of case records, including all required areas (3-JDF-1E-01).					
3. The facility administration maintains and has available in a master file a detailed record on each juvenile (3-JDF-1E-02).					
4. Written policy provides that an updated case file is transferred within 72 hours of a juvenile's transfer to another facility (3-JDF-1E-04).					
5. Written policy safeguards records from unauthorized and improper disclosure (3-JDF-1E-08).					
B. Physical Plant (Part II of JDF manual)	1	2	3	4	
6. The facility conforms to all applicable fire safety codes (3-JDF-2A-03).					
7. A qualified source has documented that finishing materials in juvenile living areas comply with recognized codes (3-JDF-2A-04).					
8. Juveniles' rooms and sleeping areas conform with all space requirements (3-JDF-2C-02).					
9. Dayrooms for varied juvenile activities are separated from sleeping areas by a floor-to-ceiling wall (3-JDF-2C-04).					
10. There is at least 1 toilet for every 12 male juveniles and 8 female juveniles; and at least 2 toilets in houses with 5 or more juveniles (JDF-2C-06).					
11. Juveniles have access to wash basins with hot and cold running water, at a ratio of 1 basin for every 12 occupants (3-JDF-2C-07).					
12. Juveniles have access to showers with temperature-controlled hot and cold running water, with at least 1 shower for every 8 juveniles (3-JDF-2C-08).					
13. Male and female juveniles do not occupy the same sleeping room (3-JDF-2C-12).					
14. Written policy provides that all housing areas comply with specified lighting and other environmental requirements (3-JDF-2D-01).					
15. Temperatures in indoor living and work areas are appropriate to summer and winter comfort zones (3-JDF-2D-03).					

16. School classroom designs conform with local or state educational requirements (3-JDF-2E-05).	
17. The food preparation area has space appropriate to population size, type of food preparation, and methods of meal service (3-JDF-2E-07).	
18. Provisions exist for adequate storage and loading areas and for garbage disposal facilities (3-JDF-2E-08).	
19. There is space in the facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations (3-JDF-2E-11).	
20. Space is provided for the safe and secure storing of juveniles' personal property (3-JDF-2E-12).	
21. There is space for a 24-hour control center to monitor and coordinate the facility's security, safety, and communications systems (3-JDF-2G-01).	
22. The facility's perimeter is controlled to keep juveniles in and the general public out, unless they have proper authorization (3-JDF-2G-02).	

<h2 style="margin: 0;">INS Secure Juvenile Standards Checklist</h2>	Rating 1–5: 1=in compliance; 2=not i compliance; 3= exception noted; 4=sta information; 5=confirmec				
	C. Institutional Operations (part III of JDF manual)	1	2	3	4
23. There is a manual containing all procedures for facility security and control, with detailed instructions for implementing them (3-JDF-3A-01).					
24. The facility has a communication system between the control center and juvenile living areas (3-JDF-3A-02).					
25. The facility maintains a daily report on juvenile population movement (3-JDF-3A-03).					
26. Written policy requires that coed facilities have both a male and a female staff member on duty at all times (3-JDF-3A-07).					
27. Written policy requires staff to keep a permanent log and to prepare shift reports that record both routine and unusual occurrences (3-JDF-3A-09).					
28. Written policy requires at least weekly inspection and maintenance of all security devices, with corrective action taken as needed (3-JDF-3A-12).					
29. The facility has a system for physically counting juveniles (3-JDF-3A-13).					
30. Written policy provides that restraint devices are applied only with the facility administrator's approval, and never as punishment (3-JDF-3A-16).					
31. Written policy provides that the facility maintain a written record of routine and emergency distribution of restraint equipment (3-JDF-3A-17).					
32. All special incidents, e.g., hostage taking or use of force, are reported in					

writing, and dated and signed by the reporting staff person (3-JDF-3A-18).				
33. Written policy provides for searches of facilities and juveniles to control and dispose of contraband (3-JDF-3A-19).				
34. Written policy provides that manual or instrument inspection of body cavities is done only with reason and authorization (3-JDF-3A-20).				
35. Written policy allows visual inspection of juvenile body cavities only when a reasonable belief exists that he/she is carrying contraband (3-JDF-3A-21).				
36. Written policy governs the control and use of keys (3-JDF-3A-22).				
37. Written policy governs the control and use of tools and culinary and medical equipment (3-JDF-3A-23).				
38. Written policy governs the availability, control, and use of chemical agents and related security devices (3-JDF-3A-26).				
39. Written policy requires that personnel using force to control juveniles give a written report to the facility administrator by end of TDY (3-JDF-3A-27).				

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40. Written policy provides that persons injured in an incident receive immediate medical attention (3-JDF-3A-28).				
41. Firearms are not permitted in facilities except in emergency situations (3-JDF-3A-29).				
42. Written policy restricts the use of physical force to justifiable instances only, such as for self defense or protection of others (3-JDF-3A-30).				
43. Written policy specifies the facility's fire prevention regulations and practices (3-JDF-3B-01).				
44. Written policy requires a comprehensive monthly compliance inspection of the facility by a qualified fire and safety officer (3-JDF-3B-02).				
45. Specifications for selecting and purchasing facility furnishings indicate their fire safety performance requirements (3-JDF-3B-03).				
46. Facilities have noncombustible receptacles for smoking materials, and separate containers for other combustible refuse (3-JDF-3B-04).				
47. Written policy governs the control and use of all flammable, toxic, and caustic materials (3-JDF-3B-05).				
INS Secure Juvenile Standards Checklist	<p>Rating 1–5: 1=in compliance; 2=not i compliance;</p> <p>3= exception noted; 4=st information; 5=confirm</p>			
C. Institutional Operations—Cont. (part III of JDF manual)	1	2	3	4
48. Written policy requires a communications system within the facility and between it and the community for emergency situations (3-JDF-3B-07).				
49. The facility has a certified evacuation plan for major emergencies (3-JDF-3B-10).				
50. All facility personnel are trained in implementing written emergency plans (3-JDF-3B-11).				
51. Written policy specifies juveniles' immediate release in case of emergency, with a backup system in place (3-JDF-3B-12).				
52. There are written procedures governing escapes that are reviewed at least annually and updated as needed (3-JDF-3B-13).				
53. Written rules of juvenile conduct specify prohibited acts within the facility and penalties for various degrees of violation (3-JDF-3C-02).				

54. A rulebook of all chargeable offenses and consequences is given to each juvenile and staff member, in other languages as necessary (3-JDF-3C-03).					
55. Written policy requires that juveniles are told the reasons behind imposed restrictions, and get an opportunity to explain themselves (3-JDF-3C-06).					
56. During room restriction, staff contact is made with the juvenile at least every 15 minutes, depending on his/her emotional state (3-JDF-3C-07).					
57. Written policy specifies room restriction for minor misbehavior only as a "cooling off" period, to last from 15 to 60 minutes (3-JDF-3C-08).					
58. Written policy provides that juveniles who commit criminal acts are referred to appropriate court or law enforcement officials (3-JDF-3C-09).					
59. A juvenile charged with a major rule violation, e.g., that imperils personal or another's safety, may be confined for up to 24 hours (3-JDF-3C-11).					
60. Written policy ensures the right of juveniles to have access to courts (3-JDF-3D-01).					
61. Written policy ensures and facilitates juvenile access to counsel and assists juveniles in making confidential contact with attorneys (3-JDF-3D-02).					
62. Written policy protects juveniles from abuse, corporeal punishment, personal injury, disease, property damage, and harassment (3-JDF-3D-06).					
63. A written grievance procedure is made available to all juveniles that includes at least one level of appeal (3-JDF-3D-08).					
64. Written policy provides special management for juveniles with serious behavior problems and for those requiring protective care (3-JDF-3E-01).					
65. The facility administrator/shift supervisor can order immediate placement in a special location to protect juveniles from self or others (3-JDF-3E-02).					
66. The facility's sanctioning schedule sets a maximum of 5 days' disciplinary confinement for any offense, unless superseded by law (3-JDF-3E-03).					
67. Juveniles placed in confinement are visually checked by staff every 15 minutes and are visited each day by the appropriate units (3-JDF-3E-04).					
68. Written policy specifies that confined juveniles have living conditions and privileges similar to those for the general population (3-JDF-3E-05).					
D. Facility Services (Part IV of JDF manual)	1	2	3	4	
69. It is documented that the facility's system of dietary allowances is reviewed at least monthly by a dietitian for proper compliance (3-JDF-4A-03).					
70. Written policy requires that food service staff plan out menus and stick to them, taking into account food appearance and palatability (3-JDF-4A-04).					
71. Written policy provides for specially prescribed diets (3-JDF-4A-06).					
INS Secure Juvenile Standards Checklist	Rating 1-5: 1=in compliance; 2=not i compliance;				

	3= exception noted; 4=st: information; 5=confirme			
D. Facility Services—Cont. (Part IV of JDF manual)	1	2	3	4
72. Written policy precludes the use of food as a disciplinary measure (3-JDF-4A-07).				
73. Written policy specifies that food services comply with applicable sanitation and health codes (3-JDF-4A-09).				
74. Shelved and refrigerated goods are maintained at the appropriate prescribed temperatures for each (3-JDF-4A-11).				
75. Written policy provides that staff members supervise juveniles during meals (3-JDF-4A-12).				
76. Written policy requires 3 meals a day, 2 of them hot, at regular meal times, with fewer than 14 hours between dinner and breakfast (3-JDF-4A-13).				
77. Written policy provides for adequate health protection for all juveniles and staff in the facility and working in food service (3-JDF-4A-14).				
78. Written policy requires weekly sanitation inspections of all facility areas (3-JDF-4B-01).				
79. The facility administration complies with applicable sanitation codes (3-JDF-4B-02).				
80. An independent, outside source has approved the institution's potable water source and supply (3-JDF-4B-03).				
81. The institution has an approved waste disposal system (3-JDF-4B-04).				
82. Written policy provides for vermin and pest control (3-JDF-4B-05).				
83. Written policy specifies accountability for clothing and bedding issued to juveniles (3-JDF-4B-08).				
84. Juveniles are afforded 3 complete sets of clean clothing per week (3-JDF-4B-10).				
85. Written policy requires the facility to thoroughly clean and disinfect, as necessary, juvenile personal clothing being stored or worn (3-JDF-4B-11).				
86. Written policy provides for the issue of complete clean bedding and linen sets, with sufficient blankets for temperature comfort (3-JDF-4B-12).				
87. Written policy provides an approved shower schedule that allows daily showers and showers after strenuous exercise (3-JDF-4B-13).				
88. Written policy requires that all juveniles receive articles necessary for maintaining proper personal hygiene (3-JDF-4B-14).				
89. There are hair care services available to juveniles (3-JDF-4B-15).				
90. Written policy provides that the facility has a contracted health authority with responsibility for health care (3-JDF-4C-01).				
91. Written policy provides that a staff member accompany a juvenile needing hospitalization at least through admission (3-JDF-4C-04).				

92. Adequate space, equipment, and supplies, as determined by the responsible physician, are provided for primary health care delivery (3-JDF-4C-06).	
93. Written policy provides for unimpeded access to health care and for a system for processing health care complaints (3-JDF-4C-07).	
94. When sick call is not conducted by a physician, he/she is available once a week to answer juveniles' health care service complaints (3-JDF-4C-08).	
95. Juveniles' medical complaints are monitored and responded to daily by medically trained personnel (3-JDF-4C-09).	
96. Appropriate state and federal licensure and registration requirements apply to personnel providing health care services to juveniles (3-JDF-4C-10).	

INS Secure Juvenile Standards Checklist	Rating 1–5: 1=in compliance; 2=no compliance; 3= exception noted; 4= information; 5=confirm			
	1	2	3	4
D. Facility Services—Cont. (Part IV of JDF manual)				
97. Written policy provides that treatment by other than licensed health care personnel is performed under a physician's orders (3-JDF-4C-11).				
98. A juvenile's immunization history is obtained when the health appraisal data are collected; immunizations are updated, as required (3-JDF-4C-13).				
99. Obstetrical, gynecological, family planning, and health education services are provided in facilities housing females (3-JDF-4C-14).				
100. Written policy specifies the provision of mental health services for juveniles (3-JDF-4C-16).				
101. When facilities lack full-time, qualified health-trained personnel, a trained staff member coordinates supervised health services (3-JDF-4C-17).				
102. Written policy provides for the proper management of pharmaceuticals (3-JDF-4C-18).				
103. Psychotropic drugs and drugs requiring parenteral administration are prescribed by a physician or provider, following an exam (3-JDF-4C-19).				
104. The person administering medications has training from the responsible physician/official, is accountable for administering medications, and appropriately records their administration (3-JDF-4C-20).				
105. Written policy requires that all juveniles, upon arrival, receive thorough health screenings by qualified personnel (3-JDF-4C-21).				
106. Written policy requires that all juveniles receive thorough health screenings upon their arrival from intrasystem transfers (3-JDF-4C-23).				

107. Written policy provides for the collection and recording of health appraisal data in accordance with prescribed procedures (3-JDF-4C-24).	
108. Written policy provides for 24-hour emergency health care availability as outlined in a detailed written plan (3-JDF-4C-26).	
109. Written policy provides that personnel are trained to respond to health-related situations within 4 minutes (3-JDF-4C-27).	
110. Written policy requires that first aid kits are available (3-JDF-4C-28).	
111. Sick call for nonemergency medical service by a physician or counterpart is available to each juvenile at least 3 times a week (3-JDF-4C-29).	
112. Written policy provides for a special health program for juveniles requiring close medical supervision (3-JDF-4C-30).	
113. Chronic care, convalescent care, and medical preventive maintenance are provided to juveniles when medically indicated (3-JDF-4C-31).	
114. There is a written agreement between the facility and a nearby hospital for all medical services that cannot be provided at the facility (3-JDF-4C-33).	
115. A written suicide and intervention program is reviewed and approved by a qualified medical or mental health professional (3-JDF-4C-35).	
116. Written policy specifies approved actions to be taken by employees concerning juveniles diagnosed as HIV positive (3-JDF-4C-36).	
117. Written policy addresses the management of serious and infectious diseases (3-JDF-4C-37).	
118. Written policy provides for medical examination of any employee or juvenile believed to have a communicable disease (3-JDF-4C-38).	
119. Written policy prohibits using juveniles for medical, pharmaceutical, or cosmetic experiments (3-JDF-4C-43).	
120. Stimulants, tranquilizers, or psychotropic drugs are never used for program management, control, experiment, or research purposes (3-JDF-4C-44).	

INS Secure Juvenile Standards Checklist

Rating 1–5:
 1=in compliance; 2=no compliance;
 3= exception noted; 4= information; 5=confirm

D. Facility Services—Cont. (Part IV of JDF manual)	1	2	3	4
121. Written policy provides that juveniles' parents/guardians are promptly notified in case of serious illness, surgery, injury, or death (3-JDF-4C-45).				
122. Juveniles' health record files contain complete and proper records that are maintained in a manner approved by the health authority (3-JDF-4C-46).				
123. Written policy upholds the principle of the health record's confidentiality, and supports particular requirements (3-JDF-4C-47).				
124. Summaries or copies of a juvenile transferee's medical history records are				

forwarded to the receiving facility before his or her arrival (3-JDF-4C-48).				
E. Juvenile Services (Part V of JDF Manual)	1	2	3	4
125. Written procedures for admitting juveniles new to the system include all the required elements and steps (3-JDF-5A-02).				
126. Written policy provides that new juveniles receive written orientation materials and/or translations in their own language (3-JDF-5A-15).				
127. Written policy governs the control and safeguarding of juvenile personal property (3-JDF-5A-16).				
128. Written policy provides that staff members are available to counsel juveniles at their request, even on an emergency basis (3-JDF-5B-04).				
129. Written policy provides for juvenile access to mental health counseling and crisis intervention services, according to need (3-JDF-5B-05).				
130. There is a comprehensive education program for juveniles (3-JDF-5C-01).				
131. The educational program is supported by specialized equipment that meets minimum state education standards (3-JDF-5C-03).				
132. Juveniles are not required to work for free except as part of facility upkeep, personal hygiene, or approved training or service program (3-JDF-5C-05).				
133. Juveniles are not permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor (3-JDF-5C-06).				
134. Library services are provided and available to all juveniles (3-JDF-5D-03).				
135. Written policy provides a recreation-leisure plan that daily allows at least 1 hour each for large muscle and structured leisure activities (3-JDF-5E-04).				
136. Written policy allows juveniles to practice the tenets of their religions, limited only by a documented threat to safety or order (3-JDF-5F-03).				
137. Written policy for juveniles' correspondence is made available to all staff and juveniles, is reviewed annually, and updated as needed (3-JDF-5G-01).				
138. There is no limit on the volume of letters a juvenile may send or receive, when he/she bears the mailing cost (3-JDF-5G-02).				
139. Written policy provides that indigent juveniles, as defined in policy, receive a specified postage allowance to maintain community ties (3-JDF-5G-03).				
140. Written policy specifies that juveniles are permitted to send sealed letters to a specified class of persons and organizations (3-JDF-5G-04).				
141. Written policy grants juveniles the right to communicate/correspond freely, limited only by preservation of facility security and order (3-JDF-5G-05).				
142. Written policy provides that all juveniles' mail—incoming and outgoing— may be opened and inspected for contraband (3-JDF-5G-07).				
143. Written policy requires that all cash received in the mail is held for the juvenile under procedures approved by the parent agency (3-JDF-5G-08).				
144. Written policy requires that incoming and outgoing letters are held for no more than 24 hours, and packages no more than 48 hours (3-JDF-5G-09).				
	Rating 1–5:			

INS Secure Juvenile Standards Checklist		1=in compliance; 2=no compliance; 3= exception noted; 4= information; 5=confirm			
E. Juvenile Services—Cont. (Part V of JDF manual)		1	2	3	4
145.	Written policy provides for the forwarding of first class letters and packages after transfer or release (3-JDF-5G-10).				
146.	Written policy provides for juvenile access to the telephone to make and receive personal calls (3-JDF-5G-11).				
147.	Written policy grants juveniles the right to receive visits, limited only by the need to maintain facility order and security (3-JDF-5G-12).				
148.	Written policy provides that juvenile visiting facilities permit informal communication, including opportunity for physical contact (3-JDF-5G-13).				
149.	Written policy governs special visits (3-JDF-5G-14).				
150.	Written policy specifies that visitors register on entry and states the circumstances governing visitor searches and supervision (3-JDF-5G-15).				
151.	Written procedures for releasing juveniles include several verification processes and other checks (3-JDF-5H-02).				
152.	Written policy provides for and governs escorted and unescorted day leaves into the community (3-JDF-5H-07).				

6. Transportation Requirements

INS Officers transporting juveniles must adhere to the guidelines contained in the Flores Agreeen are summarized below. For detailed standards governing the escorting of persons in INS custody, official guideline, "Enforcement Standard Escorts," released February 5, 1998. For detailed describing the policy for using restraints when transporting people in INS custody, refer to the IN "Enforcement Standard, Use of Restraints," released February 5, 1998. General guidelines go transportation and transfer of juveniles are provided below.

6.1 Transportation and Transfer of Juveniles

6.1.1 Do not transport juveniles with detained adults unless:

- juveniles are being transported from the place of arrest or apprehension to an INS office; or
- separate transportation would be impractical (but then the juvenile must be kept sep precautions taken for his or her safety). Unaccompanied juveniles will be separated from adult males by separate passenger compartments or by an empty row of seats.

6.1.2 Upon release, the INS will-without undue delay-assist juveniles in making tra arrangements to the INS office nearest the person or facility they are being released to. The INS discretion, pay for or provide such transportation.

6.1.3 Juveniles must be transported with their legal papers and possessions unless possessing the amount normally permitted by the carrier, in which case possessions must be shipped in a timely manner to the juvenile.

6.1.4 If a juvenile is represented by counsel, that counsel must be notified prior to transfer unless the juvenile is at issue, the juvenile is an escape risk, or counsel has waived notice. In any case, the juvenile must be notified within 24 hours following transfer.

6.1.5 Escorting Officers have the responsibility to determine the need and level of restraints used at any time while escorting a detainee. When an Officer determines that conditions warrant the use of restraints on members of a family unit, females, or juveniles, the Officer must be able to explain the conditions justifying the restraints. Only the minimum degree of restraint needed to ensure the safety of the officer, the public, and the detainee, or to prevent escape, will be used. Females, juveniles, or family units traveling in vehicles will be placed in seat belts, and may be restrained as appropriate. Additional restraint devices such as handcuffs are permitted in secured vehicles, based on explainable factors.

6.1.6 Regardless of whether restraints are used or the level of restraints, no juvenile will be transported without the assigned Officer conducting his or her own search of the juvenile for contraband.

6.2 Escorting Juveniles on JPATS and Commercial Aircraft

6.2.1 JPATS. Juveniles transported on Justice Prisoner and Alien Transportation System (JPATS) aircraft and vehicles are subject to the policies and stipulations found in the JPATS Prisoner Transportation Manual. Officers should consult that reference for instructions regarding the use of escorts on JPATS aircraft.

6.2.2 If an escorted juvenile presents a risk to the escorts or the public, and a suitable itinerary to the home country that permits the use of restraints cannot be arranged, JPATS will be contacted to arrange for government or charter aircraft. If JPATS cannot accommodate the removal, HQ Field Operations will be contacted for guidance or authorization to use other means of transportation.

6.2.3 Commercial Aircraft. Personnel assigned to make reservations to transport juveniles on commercial aircraft will normally advise the airline(s) 1 day before the anticipated flight of the date to transport a detainee under a law enforcement officer's control. Persons making reservations will advise the carrier or agent accepting the reservation of each traveler's escort classification. In accordance with Federal Aviation Administration (FAA) regulations (14 C.F.R. 108), under no circumstances, exigent or otherwise, will this notification take place less than 1 hour prior to the flight.

6.2.4 In addition to properly assigning escorts according to the classification system in "Escort Standard, Escorts" (February 5, 1998), the following also applies when escorting juveniles on commercial aircraft:

- Criminal juveniles should be escorted consistent with the classification criteria for adults with criminal background.
- Noncriminal juveniles may be escorted by certain designated non-INS personnel under an interagency agreement with the INS in place of INS Officers. Although escort by INS is preferred, contract personnel may be used at the District Director's discretion.

Note: Agencies under contract or interagency agreement with the INS that are handling noncriminal juveniles do not have authority to restrain such juveniles. INS personnel will remove restraints prior to sending juveniles to such agencies. Detainees received from such agencies may be restrained by INS personnel according to policy.

- All FAA regulations pertaining to transporting "maximum risk" individuals in custody enforcement officers will be observed.
- When making travel arrangements, reasonable efforts must be made to observe individual policies regarding the transporting of detainees.
- There must be one escort of the same sex per juvenile.

6.3 Medical Escorts and Precautions Taken from Enforcement Standard, "Escorts 2/5/98.o

6.3.1 When a juvenile requires a medical escort, a medical professional will escort him or her with a minimum of two INS Officers. During transport, the medical escort will sit as close to the juvenile as possible with the INS escort officers as possible. At no time will the medical escort assume security responsibilities for the juvenile while in the air or on the ground.

6.3.2 Only a medical professional may provide juveniles with prescription medication for the treatment of diagnosed illnesses, e.g., heart ailments, depression, or other conditions. Under no circumstances shall detainees be medicated solely to facilitate transport.⁹ The medical escort is responsible for the distribution of medication and related equipment.

6.3.3 In all cases, juveniles will be accompanied by up-to-date copies of their medical records, which will be carried in a sealed envelope or folder, clearly marked "Medical Records, To Be Opened By Medical Personnel Only." Detainees will be accompanied by medical supplies and medication sufficient for the duration of the trip, plus at least 3 days.

6.3.4 Do not transport detainees who have not been medically screened on commercial aircraft. Detainees transported on JPATS are subject to stipulations found in the JPATS Prisoner Transport Manual.

6.3.5 Officers should be alert for symptoms such as coughing, fever, sweating, and emaciation, as well as obviously open wounds or bleeding. If an Officer suspects that a juvenile alien may be infected with a contagious disease, the following precautions should be taken:

- transport the juvenile in a separate vehicle from others;
- place a surgical mask on the juvenile;¹⁰ and
- seat the juvenile in the rear of the vehicle, next to an open window to provide as much ventilation as possible.

7. Legal Requirements-Representation

This section clarifies attorney-client privileges and other items contained in the Flores Agreement.

7.1 Notice of Right to Bond Redetermination and Judicial Review of Placement

7.1.1 Juveniles in removal proceedings under Section 240 of the Immigration and Naturalization Act are afforded a bond redetermination hearing before an Immigration Judge, unless the juvenile indicates the refusal on the "Notice of Custody Determination" form.

Note: A juvenile may only be released to a qualified sponsor (see Section 2.4, "Release").

7.1.2 Juveniles not released under the above condition shall be provided the following:

- INS Form I-770;
- a list of free legal services providers compiled according to INS regulations (unless previous the juvenile); and
- a Notice of Right to Judicial Review (see Attachment 1, Flores Agreement, Exhibit 6).

Any juvenile who disagrees with the INS' placement decision (for facility) or who asserts that the program does not meet the Minimum Standards for Licensed Programs (Exhibit 1 Agreement) may seek judicial review in Federal district court to challenge placement noncompliance. The court will be limited to entering an order affecting only that juvenile.

7.2 Attorney-Client Visits Under Flores

7.2.1 As plaintiff's counsel, staff attorneys from the Center for Human Rights and Constitutional Law in Los Angeles, California, or the National Center for Youth Law of San Francisco may visit juveniles if, upon visit, they show proper identification. Plaintiff's counsel must always provide a Notice of Appearance to the INS before any attorney-client meeting. This notice must be submitted to the Local INS or District Coordinator by hand or mail, and to the facility by hand upon arrival. Other lawyers for the Flores plaintiffs may also visit juveniles if they are on the list of approved lawyers available from the District Coordinator. (Every 6 months, plaintiff's counsel will provide the INS with a list of attorneys planning such visits during the following 6 months): Attorney-client visits shall be permitted in ALL INS at facilities.

7.2.2 All visits will take place according to the applicable policies and procedures for attorney-client visits at each individual facility. This provision does not limit visits by other attorneys.

7.2.3 The facility's staff must provide plaintiff's counsel, upon arrival, with a list of names and registration numbers for the juveniles housed at that facility.

7.2.4 The juvenile may refuse to meet with the attorney, and the juvenile's parents or legal guardian may deny plaintiff's counsel permission to meet the juvenile.

7.3 Attorney Visits to Licensed Facilities Under Flores

7.3.1 Facility visits are to be conducted according to the generally accepted policies and procedures at the facility to the extent that those policies and procedures are consistent with Exhibit 4 of the Flores Agreement (Attachment 1) summarized below: The purpose of facility visits is to interview class members and observe conditions at the facility.

- Visits will be scheduled at least 7 business days in advance. Visitor names, positions, credentials, and professional associations must be provided at that time.
- All visits with class members must take place during normal business hours.
- No video recording equipment or cameras of any type shall be permitted.
- Audio recording equipment will be limited to hand-held tape recorders.
- Number of visitors will not exceed six; or for family foster homes, four-including interpreters

of these visitors may be non-attorney experts in juvenile justice and/or child welfare.

- Visit will not exceed 3 hours per day and will not disrupt the routine followed by the juvenile staff.

7.3.2 Plaintiff's counsel may request access to any licensed facility or to any medium or secure facility. Request must be submitted by hand or by mail to the Local INS or District Juvenile Coordinator.

7.3.3 The District Juvenile Coordinator will provide reasonable assistance in conveying the request to the facility and coordinating the visit.

7.3.4 Plaintiff's counsel must treat juveniles and staff with respect and dignity, and the facility functioning must not be disrupted.

7.4 Attorney-Client Representation

7.4.1 A Notice of Appearance of Attorney (INS Form G-28) must be on file for each juvenile represented by counsel and maintained in the juvenile's A-file.

7.4.2 Attorneys should be allowed reasonable access to all juveniles they represent.

7.4.3 The Arresting Officer must provide all juveniles with specific information regarding the availability of free legal assistance and advise each juvenile of the right to be represented by counsel at no expense to the government and of the right to a hearing before an Immigration Judge. This process is to be repeated by the Local or District Juvenile Coordinator upon the juvenile's placement in the facility.

7.4.4 Paralegals (individuals who work under the direction and supervision of an attorney to represent their clients) may interview juveniles, complete forms, and deliver papers without the attorney being present. The paralegal does not represent the juvenile before the INS. Each paralegal must have a letter from the employer/attorney identifying him or her and stating that s/he is employed and supervised by the attorney.

7.4.5 Messengers or other persons not certified as paralegals will be permitted only to deliver documents, forms, etc., to and from the facility, and may not interview or come into contact with juveniles.

7.4.6 Attorneys representing juveniles in foster care have the same right of access to these juveniles as any other juvenile client. The facility will provide juveniles with access to their attorney representatives and will honor the privileged nature of the client/attorney contact, recognizing that such appointments are to be at times mutually agreed upon by the juvenile and the foster parent.

7.4.7 Juvenile facilities shall have established visiting hours that allow attorneys ample opportunity to meet with their clients. However, the hours shall not compromise security or unduly interfere with the necessary routines of the program. Facilities must provide space that allows confidentiality between attorneys and clients.

7.4.8 Facility staff may visually observe all conversations between juveniles and their attorneys but may not in any way record or listen to conversations.

8. Escapes and Other Emergency Incidents

8.1 Juvenile Escapes

Dealing with escapes is a critical issue for anyone with responsibility for juvenile aliens being held by the INS in secure or nonsecure facilities. It is therefore important to learn and follow the procedures in this chapter to fulfill all aspects of your prescribed role, whether you are acting as a Regional Juvenile Coordinator, INS Officer, or Headquarters personnel. All escapes will be treated in the same manner regardless of who had custody of the alien at the time of the escape. p Memo from William R. Yates, Regional Director, on "Escape Reporting Procedures," 8/3/98. p First and foremost, when an escape occurs, immediate efforts should be made to locate the juvenile alien.

8.1.1 The District Juvenile Coordinator must ensure that facility staff know what to do when a juvenile absconds from a facility (medium or secure detention, shelter care, group home, or foster care). The person reporting the unauthorized absence must call the local INS Office and local law enforcement authorities and provide the following information:

- physical description of juvenile;
- name and alien registration number of juvenile;
- time of incident;
- what occurred;
- any calls or other contacts;
- name, address, and phone number of family;
- information regarding unusual behavior; and
- any reasons to believe that the departure was involuntary.

The District Juvenile Coordinator notifies the attorney of record and the Regional Juvenile Coordinator. In addition, the District Juvenile Coordinator should verify that local law enforcement has been notified and that all the above information was provided.

8.1.2 When a juvenile absconds from a facility (medium or secure detention, shelter care, group home, or foster care), the local INS Office should handle the matter as a reportable "incident," and the local INS Office should telephone the respective Regional Juvenile Coordinator in DDP and the INS Center within 24 hours of discovery of the escape. All escapes involving juveniles must also be reported to the National Juvenile Coordinator at HQOPS. The following then occurs: The regional office assigns a report number. All future correspondence about the escape will reference the assigned escape report number.

8.1.3 To start the escape investigation, the District Director or Chief Patrol Agent will determine which INS section (e.g., INV, DDP, etc.) will conduct the inquiry. While the extent of the investigation will depend on the nature of the escape, it must include the following:

- the cause of the escape;
- whether proper custody procedures were followed;
- what law enforcement authorities were notified;
- what attempts were made to apprehend the alien; and
- recommendation for corrective or disciplinary action, if necessary.

8.1.4 If the Investigating Officer determines the escape to be a result of complicity with the escapee or contract guard, or if evidence exists of legal impropriety, the Office of the Inspector General will be notified and the report so noted. 11

8.1.5 In the case of a juvenile escape from INS custody following arrest or conviction for a violation—whether felonious or misdemeanor and/or before the sentence is up (if the juvenile alien is on parole), the juvenile must report the escape to the nearest office of the U.S. Marshals Service within 1 hour of the discovery.

report must be submitted to the Regional Juvenile Coordinator or his or her designee in DDP Regional Director within 48 hours.

8.1.6 The Investigating Officer must prepare a full written report on the escape, which will include the results of the investigation, along with the following: This information on required report content is a 5/25/82 memo from J.F. Salgado, Associate Commissioner, Enforcement, on "Escape Ar Reporting Procedures."

- Memoranda detailing the escape from the officers or contract guards involved.
- Memoranda of review by the District Director or Chief Patrol Agent, including any interview of first or second line supervisors. In each case, the District Director or Chief Patrol Agent will determine whether the proper procedures were observed and if disciplinary action or further investigation is warranted. Any remedial action taken by those field officials will be spelled out.
- A transmittal memo from the Regional Office of Enforcement to HQDDP via HQENF, with agreement or disagreement with actions taken.

Normally, the completed written report should be transmitted from the Regional Office of Enforcement Headquarters within 30 days of the escape. If any ongoing investigation precludes meeting that time, an interim report shall be forwarded with appropriate explanation.

8.1.7 Any juvenile who is apprehended after escaping from a foster care home, shelter, or any other custody will be placed in a secure juvenile detention facility. From a 12/4/95 memo, "Instructions for Detention, Placement, and Release of Chinese Juveniles," to Regional and District Directors, from the Deputy Commissioner. All INS field offices must devote the needed resources to investigate and follow up on all leads in a timely manner.

8.1.8 In cases of escape by Chinese or Indian juvenile aliens from secure or nonsecure facilities outlined above must be followed. In addition, the procedures found in Section 3, "Special Issues and Populations," must also be followed.

8.2 Proceeding with Removal Hearings

8.2.1 For juveniles who have escaped, the removal hearing should proceed and an Order is obtained that is consistent with the requirements of Section 242B(c) of the Immigration and Nationality Act. From a 10/4/95 telegraphic message from Joan Higgins, Assistant Commissioner, Detention and Deportation.

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9. Medical Issues

9.1 Required Medical and Health-Related Services

9.1.1 According to the Flores Agreement, all facilities used by the INS must provide appropriate medical and dental care, family planning services, and emergency health care services, including a medical examination within 48 hours of admission. This requirement excludes weekends and holidays if the juvenile was recently examined at another facility. The medical examination should include, at a minimum, the following:

- screening for infectious diseases;

- appropriate immunizations in accordance with the U.S. Public Health Service Center for Disease Control;
- administration of prescribed medications and special diets; and
- appropriate mental health interventions when necessary.

9.1.2 Refer to Section 5 of this manual, "Inspection Standards for Juvenile Shelter Care and Juvenile Detention Facilities," for a thorough discussion of medical and health-related services required for both juvenile shelter care and medium-secure/secure detention facilities.

ATTACHMENTS

Attachment 1 Jenny Lisette Flores, et al. v. Janet Reno

Jenny Lisette Flores, et al.

v.

Janet Reno

Stipulated Settlement Agreement

8/12/96

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW

Carlos Holguín

Peter A. Schey

256 South Occidental Boulevard

Los Angeles, CA 90057

(213) 388-8693

NATIONAL CENTER FOR YOUTH LAW

Alice Bussiere

James Morales

114 Sansome Street, Suite 905

San Francisco, CA 94104

(415) 453-3307

Attorneys for Plaintiffs

Michael Johnson

Assistant United States Attorney

300 N. Los Angeles St., Rm. 7516

Los Angeles, CA 90012

Allen Hausman

Office of Immigration Litigation

Civil Division

U.S. Department of Justice

P.O. Box 878, Ben Franklin Station

Washington, DC 20044

Attorneys for Defendants

Additional counsel listed next page

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JENNY LISETTE FLORES, et al.,)	Case No. CV 85-4544-RJK(Px)
)	
Plaintiffs,)	Stipulated Settlement
)	Agreement
)	
	v.)	
JANET RENO, Attorney General)	
of the United States, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiffs' Additional Counsel

ACLU Foundation of Southern California
Mark Rosenbaum
Sylvia Argueta
1616 Beverly Boulevard
Los Angeles, CA 90026
Telephone: (213) 977-9500

STREICH LANG
Susan G. Boswell
Jeffrey Willis
1500 Bank of America Plaza
33 North Stone Avenue
Tucson, AZ 85701
Telephone: (602) 770-8700

Defendants' Additional Counsel

Arthur Strathern
Mary Jane Candaux
Office of the General Counsel
U.S. Immigration & Naturalization Service
425 I St. N.W.
Washington, DC 20536

STIPULATED SETTLEMENT AGREEMENT

WHEREAS, Plaintiffs have filed this action against Defendants, challenging, inter alia, the consistency of Defendants' policies, practices and regulations regarding the detention and release of unaccompanied minors taken into the custody of the Immigration and Naturalization Service (INS) in the Western Region;

WHEREAS, the district court has certified this case as a class action on behalf of all minors apprehended by the INS in the Western Region of the United States; and

WHEREAS, this litigation has been pending for nine (9) years, all parties have conducted discovery, and the United States Supreme Court has upheld the constitutionality of the challenged regulations on their face and has remanded for further proceedings consistent with its opinion; and

WHEREAS, on November 30, 1987, the parties reached a settlement agreement requiring the INS custody in the Western Region be housed in facilities meeting certain standards, including minimum standards for the housing and care of dependent children, and Plaintiffs' motion to enforce compliance with that settlement is currently pending before the court; and

WHEREAS, a trial in this case would be complex, lengthy and costly to all parties concerned, and any decision of the district court would be subject to appeal by the losing parties with the final outcome uncertain;

WHEREAS, the parties believe that settlement of this action is in their best interests and best interests of justice by avoiding a complex, lengthy and costly trial, and subsequent appeals, which could take several more years;

NOW, THEREFORE, Plaintiffs and Defendants enter into this Stipulated Settlement Agreement (the "Agreement"), stipulate that it constitutes a full and complete resolution of the issues raised in this case and agree to the following:

I DEFINITIONS

As used throughout this Agreement, the following definitions shall apply:

1. The term "party" or "parties" shall apply to Defendants and Plaintiffs. As the term applies to Defendants, it shall include their agents, employees, contractors and/or successors in office. As the term applies to Plaintiffs, it shall include all class members:

2. The term "Plaintiff" or "Plaintiffs" shall apply to the named plaintiffs and all class members.

3. The term "class member" or "class members" shall apply to the persons defined in Paragraph 4.

4. The term "minor" shall apply to any person under the age of eighteen (18) years who is in the legal custody of the INS. This Agreement shall cease to apply to any person who has reached eighteen years. The term "minor" shall not include an emancipated minor or an individual who is incarcerated due to a conviction for a criminal offense as an adult. The INS shall treat all persons under the age of eighteen but not included within the definition of "minor" as adults for all purposes, including release on bond or recognizance.

5. The term "emancipated minor" shall refer to any minor who has been determined to be emancipated by an appropriate state judicial proceeding.

6. The term "licensed program" shall refer to any program, agency or organization that is licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children, including a program operating group homes, foster homes, or facilities for special needs minors. Any such program must also meet those standards for licensed programs set forth in Exhibit 1 attached hereto, including homes and facilities operated by licensed programs, including facilities for special needs minors, shall be as secure as required under state law; provided, however, that a facility for special needs minors may be placed at that level of security permitted under state law which is necessary for the protection of a minor in appropriate circumstances, e.g., cases in which a minor has drug or alcohol problems or is mentally ill. The INS shall make reasonable efforts to provide licensed placements in those geographical areas where a majority of minors are apprehended, such as southern California, southeast Texas, southern Florida, and the northeast corridor.

7. The term "special needs minor" shall refer to a minor whose mental and/or physical condition requires special services and treatment by staff. A minor may have special needs due to drug or alcohol problems.

serious emotional disturbance, mental illness or retardation, or a physical condition or chronic requires special services or treatment. A minor who has suffered serious neglect or abuse may be a minor with special needs if the minor requires special services or treatment as a result of the abuse. The INS shall assess minors to determine if they have special needs and, if so, shall minors, whenever possible, in licensed programs in which the INS places children without special which provide services and treatment for such special needs.

8. The term "medium security facility" shall refer to a facility that is operated by a program, organization licensed by an appropriate State agency and that meets those standards set forth in attached hereto. A medium security facility is designed for minors who require close supervision need placement in juvenile correctional facilities. It provides 24-hour awake supervision, custody treatment. It maintains stricter security measures, such as intensive staff supervision, than a facility by a licensed program in order to control problem behavior and to prevent escape. Such a facility has a secure perimeter but shall not be equipped internally with major restraining construction or typically associated with correctional facilities.

II SCOPE OF SETTLEMENT, EFFECTIVE DATE, AND PUBLICATION

9. This Agreement sets out nationwide policy for the detention, release, and treatment of minors in custody of the INS and shall supersede all previous INS policies that are inconsistent with the terms of this Agreement. This Agreement shall become effective upon final court approval, except that those terms of this Agreement regarding placement pursuant to Paragraph 19 shall not become effective until all contracts under the Program Announcement referenced in Paragraph 20 below are negotiated and implemented. The INS shall make its best efforts to execute these contracts within 120 days after the court's final approval of this Agreement. However, the INS will make reasonable efforts to comply with Paragraph 19 prior to implementation of all such contracts. Once all contracts under the Program Announcement referenced in Paragraph 20 have been implemented, this Agreement shall supersede the agreement entitled Memorandum of Understanding Re: Compromise of Class Action: Conditions of Detention (hereinafter "MOU"), entered into by and between the Plaintiffs and Defendants and filed with the United States District Court for the District of California on November 30, 1987, and the MOU shall thereafter be null and void. However, the INS shall not institute any legal action for enforcement of the MOU for a six (6) month period commencing on the date of final district court approval of this Agreement, except that Plaintiffs may institute enforcement proceedings against the Defendants have engaged in serious violations of the MOU that have caused irreparable harm to the Plaintiffs for which injunctive relief would be appropriate. Within 120 days of the final district court approval of this Agreement, the INS shall initiate action to publish the relevant and substantive terms of this Agreement as a Service regulation. The final regulations shall not be inconsistent with the terms of this Agreement. Within 30 days of final court approval of this Agreement, the INS shall distribute to all INS field office offices instructions regarding the processing, treatment, and placement of juveniles. Those instructions shall include, but may not be limited to, the provisions summarizing the terms of this Agreement, attached as Exhibit 2.

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INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population/Table of Contents (8 of 11)

III CLASS DEFINITION

10. The certified class in this action shall be defined as follows: "All minors who are detained custody of the INS."

IV STATEMENTS OF GENERAL APPLICABILITY

11. The INS treats, and shall continue to treat, all minors in its custody with dignity, respect and concern for their particular vulnerability as minors. The INS shall place each detained minor in a restrictive setting appropriate to the minor's age and special needs, provided that such setting is consistent with its interests to ensure the minor's timely appearance before the INS and the immigration courts, to protect the minor's well-being and that of others. Nothing herein shall require the INS to release any person or agency whom the INS has reason to believe may harm or neglect the minor or fail to do so before the INS or the immigration courts when requested to do so.

V PROCEDURES AND TEMPORARY PLACEMENT FOLLOWING ARREST

12.A. Whenever the INS takes a minor into custody, it shall expeditiously process the minor and provide the minor with a notice of rights, including the right to a bond redetermination hearing if appropriate. Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS' concern for the particular vulnerability of minors. Facilities will provide access to toilets, drinking water and food as appropriate, medical assistance if the minor is in need of emergency care, adequate temperature control and ventilation, adequate supervision to protect minors from contact with family members who were arrested with the minor. The INS will segregate unaccompanied minors from unrelated adults. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours. If there is no one to whom the INS will release the minor pursuant to Paragraph 14, and no appropriate licensed program is immediately available for placement pursuant to Paragraph 19, the minor may be placed in an INS detention facility, or a contracted facility, having separate accommodations for minors, or a State or county juvenile detention facility. However, minors shall be separated from delinquent offenders. Every effort must be taken to ensure the safety and well-being of the minors detained in these facilities are satisfactorily provided for by the INS. The INS will transfer a minor from a placement under this paragraph to a placement under Paragraph 19 within three (3) days, if the minor was apprehended in an INS district in which a licensed program is located and space available; or (ii) within five (5) days in all other cases; except:

1. as otherwise provided under Paragraph 13 or Paragraph 21;
2. as otherwise required by any court decree or court-approved settlement;
3. in the event of an emergency or influx of minors into the United States, in which case the INS will release all minors pursuant to Paragraph 19 as expeditiously as possible; or
4. where individuals must be transported from remote areas for processing or speak unusual languages such that the INS must locate interpreters in order to complete processing, in which case the INS will release all such minors pursuant to Paragraph 19 within five (5) business days.

B. For purposes of this paragraph, the term "emergency" shall be defined as any act or event that necessitates the placement of minors pursuant to Paragraph 19 within the time frame provided. Such emergencies include natural disasters (e.g., earthquakes, hurricanes, etc.), facility fires, civil disturbances, and other emergencies (e.g., a chicken pox epidemic among a group of minors). The term "influx of minors into the United States" shall be defined as those circumstances where the INS has, at any given time, more than 100 minors eligible for placement in a licensed program under Paragraph 19, including those who have been placed or are awaiting such placement.

C. In preparation for an "emergency" or "influx," as described in Subparagraph B, the INS shall submit a written plan that describes the reasonable efforts that it will take to place all minors as expeditiously as possible. This plan shall include the identification of 80 beds that are potentially available for INS custody and that are licensed by an appropriate State agency to provide residential, group, or foster care for dependent children. The plan, without identification of the additional beds available, is attached as Appendix A. The INS shall not be obligated to fund these additional beds on an ongoing basis. The INS shall submit a listing of additional beds on a quarterly basis and provide Plaintiffs' counsel with a copy of this listing.

13. If a reasonable person would conclude that an alien detained by the INS is an adult despite the alien's age, the INS shall treat the person as an adult for all purposes, including confinement and release on bond or recognizance. The INS may require the alien to submit to a medical or dental examination conducted by a medical professional or to submit to other appropriate procedures to verify his or her age. If the INS subsequently determines that such an individual is a minor, he or she will be treated as a minor in accordance with this Agreement for all purposes.

VI GENERAL POLICY FAVORING RELEASE

14. Where the INS determines that the detention of the minor is not required either to secure the minor's timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of the INS, the INS shall release a minor from its custody without unnecessary delay, in the following order of priority:

- A. a parent;
- B. a legal guardian;
- C. an adult relative (brother, sister, aunt, uncle, or grandparent);
- D. an adult individual or entity designated by the parent or legal guardian as capable and willing to assume custody of the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration officer or (ii) such other document(s) that establish(es) to the satisfaction of the INS, in its discretion, the parent's paternity or guardianship;
- E. a licensed program willing to accept legal custody; or
- F. an adult individual or entity seeking custody, in the discretion of the INS, when it appears that no other likely alternative to long term detention and family reunification does not appear to be a possibility.

15. Before a minor is released from INS custody pursuant to Paragraph 14 above, the custodian shall execute an Affidavit of Support (Form I-134) and an agreement to:

- A. provide for the minor's physical, mental, and financial well-being;
 - B. ensure the minor's presence at all future proceedings before the INS and the immigration court;
 - C. notify the INS of any change of address within five (5) days following a move;
 - D. in the case of custodians other than parents or legal guardians, not transfer custody of the minor to another party without the prior written permission of the District Director;
 - E. notify the INS at least five days prior to the custodian's departing the United States of such information as to whether the departure is voluntary or pursuant to a grant of voluntary departure or order of removal;
 - F. if dependency proceedings involving the minor are initiated, notify the INS of the initiation of such proceedings and the dependency court of any immigration proceedings pending against the minor.
- In the event of an emergency, a custodian may transfer temporary physical custody of a minor to another party securing permission from the INS but shall notify the INS of the transfer as soon as is practicable but in all cases within 72 hours. For purposes of this paragraph, examples of an "emergency" shall include the serious illness of the custodian, destruction of the home, etc. In all cases where the custodian seeks written permission for a transfer, the District Director shall promptly respond to the request.

16. The INS may terminate the custody arrangements and assume legal custody of any minor if the custodian fails to comply with the agreement required under Paragraph 15. The INS, however, shall not terminate the custody arrangements for minor violations of that part of the custodial agreement set forth in Subparagraph 15.C above.

17. A positive suitability assessment may be required prior to release to any individual or program if the INS determines that such an assessment is necessary. A suitability assessment may include such components as an investigation of the individual's background.

conditions in which the minor would be placed and the standard of care he would receive, the identity and employment of the individuals offering support, interviews of members of the household and home visit. Any such assessment should also take into consideration the wishes and concerns of the minor.

18. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, shall make and record the prompt and continuous efforts on its part toward family reunification and the welfare of the minor pursuant to Paragraph 14 above. Such efforts at family reunification shall continue so long as the minor is in INS custody.

VII. INS CUSTODY

19. In any case in which the INS does not release a minor pursuant to Paragraph 14, the minor shall remain in INS legal custody. Except as provided in Paragraphs 12 or 21, such minor shall remain temporarily in a licensed program until such time as release can be effected in accordance with Paragraph 14 above or until the minor's immigration proceedings are concluded, whichever occurs earlier. All minors in such a licensed program remain in the legal custody of the INS and may only be transferred or released under the authority of the INS; provided, however, that in the event of an emergency a licensed program may transfer temporary physical custody of a minor prior to securing permission from the INS but shall notify the INS of the transfer as soon as is practicable thereafter, but in all cases within 8 hours.

20. Within 60 days of final court approval of this Agreement, the INS shall authorize the United States Department of Justice Community Relations Service to publish in the Commerce Business Daily and the Federal Register a Program Announcement to solicit proposals for the care of 100 minors in licensed programs.

21. A minor may be held in or transferred to a suitable State or county juvenile detention facility, INS detention facility, or INS-contracted facility, having separate accommodations for minors where the District Director or Chief Patrol Agent determines that the minor:

A. has been charged with, is chargeable, or has been convicted of a crime, or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable for a delinquent act; provided, however, that this provision shall not apply to any minor whose offense falls within either of the following categories:

- i. Isolated offenses that (1) were not within a pattern or practice of criminal activity and (2) did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, DUI, etc. This list is not exhaustive.);
- ii. Petty offenses, which are not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc. This list is not exhaustive.);

As used in this paragraph, "chargeable" means that the INS has probable cause to believe that the individual has committed a specified offense;

B. has committed, or has made credible threats to commit, a violent or malicious act (whether against himself or others) while in INS legal custody or while in the presence of an INS officer;

C. has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive to the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: drug or alcohol abuse, stealing, fighting, intimidation of others, etc. This list is not exhaustive.);

D. is an escape-risk; or

E. must be held in a secure facility for his or her own safety, such as when the INS has reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

22. The term "escape-risk" means that there is a serious risk that the minor will attempt to escape INS custody. Factors to consider when determining whether a minor is an escape-risk or not include, but are not limited to, whether:

A. the minor is currently under a final order of removal or exclusion;

B. the minor's immigration history includes: a prior breach of a bond; a failure to appear before the immigration court; evidence that the minor is indebted to organized smugglers for his transportation or voluntary departure or a previous removal from the United States pursuant to a final order of exclusion;

C. the minor has previously absconded or attempted to abscond from INS custody.

23. The INS will not place a minor in a secure facility pursuant to Paragraph 21 if there are less restrictive alternatives that are available and appropriate in the circumstances, such as transfer to (a) a medical facility which would provide intensive staff supervision and counseling services or (b) another program. All determinations to place a minor in a secure facility will be reviewed and approved by the juvenile coordinator.

24.A. A minor in removal proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the minor indicates on the Notice of Custody Determination that he or she refuses such a hearing.

B. Any minor who disagrees with the INS' determination to place that minor in a particular type of facility who asserts that the licensed program in which he or she has been placed does not comply with the standards set forth in Exhibit 1 attached hereto, may seek judicial review in any United States District Court with jurisdiction and venue over the matter to challenge that placement determination or noncompliance with the standards set forth in Exhibit 1. In such an action, the United States District Court shall be limited to entering an order solely affecting the individual claims of the minor bringing the action.

C. In order to permit judicial review of Defendants' placement decisions as provided in this paragraph, Defendants shall provide minors not placed in licensed programs with a notice of the reasons for their placement in a detention or medium security facility. With respect to placement decisions reviewed under this paragraph, the standard of review for the INS' exercise of its discretion shall be the abuse of discretion standard of review. With respect to all other matters for which this paragraph provides for judicial review, the standard of review shall be de novo review.

D. The INS shall promptly provide each minor not released with (a) INS Form I-770, (b) an explanation of the right of judicial review as set out in Exhibit 6, and (c) the list of free legal services available in the area pursuant to INS regulations (unless previously given to the minor).

E. Exhausting the procedures established in Paragraph 37 of this Agreement shall not be a prerequisite to the bringing of an action under this paragraph in any United District Court. Prior to initiating any such action, however, the minor and/or the minors' attorney shall confer telephonically or in person with the United States Attorney's office in the judicial district where the action is to be filed, in an effort to informally resolve the minor's complaints without the need of federal court intervention.

VIII TRANSPORTATION OF MINORS

25. Unaccompanied minors arrested or taken into custody by the INS should not be transported in vehicles with detained adults except:

- A. when being transported from the place of arrest or apprehension to an INS office, or
- B. where separate transportation would be otherwise impractical.

When transported together pursuant to Clause B, minors shall be separated from adults. The INS shall take necessary precautions for the protection of the well-being of such minors when transported with adults.

26. The INS shall assist without undue delay in making transportation arrangements to the nearest location of the person or facility to whom a minor is to be released pursuant to Paragraph 21. The INS may, in its discretion, provide transportation to minors.

IX TRANSFER OF MINORS

27. Whenever a minor is transferred from one placement to another, the minor shall be transferred with his or her possessions and legal papers; provided, however, that if the minor's possessions exceed the amount permitted normally by the carrier in use, the possessions will be shipped to the minor in a separate manner. No minor who is represented by counsel shall be transferred without advance notice to such counsel, except in unusual and compelling circumstances such as where the safety of the minor or others is at risk or the minor has been determined to be an escape-risk, or where counsel has waived such notice. In all other cases notice shall be provided to counsel within 24 hours following transfer.

X MONITORING AND REPORTS

28A. An INS Juvenile Coordinator in the Office of the Assistant Commissioner for Detention and

Deportation shall monitor compliance with the terms of this Agreement and shall maintain a record of all minors who are placed in proceedings and remain in INS custody for longer than 30 days. Statistical information on such minors shall be collected weekly from all INS district offices and Border Patrol stations. Statistical information will include at least the following: (1) biographical information such as the minor's name, date of birth, and country of birth, (2) date placed in INS custody, (3) each date the minor was removed or released, (4) to whom and where placed, transferred, removed or released, (5) INS status, and (6) hearing dates. The INS, through the Juvenile Coordinator, shall also collect information regarding the reasons for every placement of a minor in a detention facility or medium security facility.

B. Should Plaintiffs' counsel have reasonable cause to believe that a minor in INS legal custody has not been released pursuant to Paragraph 14, Plaintiffs' counsel may contact the Juvenile Coordinator to request that the Coordinator investigate the case and inform Plaintiffs' counsel of the reasons why the minor has not been released.

29. On a semi-annual basis, until two years after the court determines, pursuant to Paragraph 14, that the INS has achieved substantial compliance with the terms of this Agreement, the INS shall provide Plaintiffs' counsel the information collected pursuant to Paragraph 28, as permitted by law, and each INS instruction issued to INS employees regarding the implementation of this Agreement. In addition, Plaintiffs' counsel shall have the opportunity to submit questions, on a semi-annual basis, to the Juvenile Coordinator at the Office of the Assistant Commissioner for Detention and Deportation with regard to the implementation of this Agreement and the information provided to Plaintiffs' counsel during the preceding six-month period pursuant to Paragraph 28. Plaintiffs' counsel shall present such questions either orally or in writing at the option of the Juvenile Coordinator. The Juvenile Coordinator shall furnish responses, either orally or in writing at the option of Plaintiffs' counsel, within 30 days of receipt.

30. On an annual basis, commencing one year after final court approval of this Agreement, the Juvenile Coordinator shall review, assess, and report to the court regarding compliance with the terms of this Agreement. The Coordinator shall file these reports with the court and provide copies to the parties. In the final report referenced in Paragraph 35, so that they can submit comments on the report to the court. In each report, the Coordinator shall state to the court whether or not the INS is in substantial compliance with the terms of this Agreement, and, if the INS is not in substantial compliance, explain the reasons for non-compliance. The Coordinator shall continue to report on an annual basis until three years after the court determines that the INS has achieved substantial compliance with the terms of this Agreement.

31. One year after the court's approval of this Agreement, the Defendants may ask the court to determine whether the INS has achieved substantial compliance with the terms of this Agreement.

XI ATTORNEY-CLIENT VISITS

32.A. Plaintiffs' counsel are entitled to attorney-client visits with class members even though they may not have the names of class members who are housed at a particular location. All visits shall occur in accordance with generally applicable policies and procedures relating to attorney-client visits at the facility. Upon Plaintiffs' counsel's arrival at a facility for attorney-client visits, the facility staff shall provide Plaintiffs' counsel with a list of names and alien registration numbers for the minors housed at that facility. In all instances, in order to memorialize any visit to a minor by Plaintiffs' counsel, Plaintiffs' counsel shall provide notice of appearance with the INS prior to any attorney-client meeting. Plaintiffs' counsel may limit the scope of representation of the minor in connection with this Agreement. Plaintiffs' counsel shall submit a copy of the notice of appearance by hand or by mail to the local INS juvenile coordinator and by hand to the staff of the facility.

B. Every six months, Plaintiffs' counsel shall provide the INS with a list of those attorneys who conduct such attorney-client visits, as Plaintiffs' counsel, to minors during the following six month period. Such attorney-client visits may also be conducted by any staff attorney employed by the Center for Human Rights and Constitutional Law in Los Angeles, California or the National Center for Youth Law in San Francisco, California, provided that such attorney presents credentials establishing his or her employment with the Center for Human Rights and Constitutional Law or the National Center for Youth Law at the time of the visit.

C. Agreements for the placement of minors in non-INS facilities shall permit attorney-client visits by class counsel in this case.

D. Nothing in Paragraph 32 shall affect a minor's right to refuse to meet with Plaintiffs' counsel. If a minor's parent or legal guardian may deny Plaintiffs' counsel permission to meet with the minor.

XII FACILITY VISITS

33. In addition to the attorney-client visits permitted pursuant to Paragraph 32, Plaintiffs' counsel shall request access to any licensed program's facility in which a minor has been placed pursuant to Paragraphs 21 or 23. Plaintiffs' counsel shall submit a request to visit a facility under this paragraph to the district juvenile coordinator who will provide reasonable assistance to Plaintiffs' counsel by coordinating the request to the facility's staff and coordinating the visit. The rules and procedures to be followed in connection with any visit approved by a facility under this paragraph are set forth in Exhibit 4 attached, except otherwise agreed by Plaintiffs' counsel and the facility's staff. In all visits to any facility pursuant to this Agreement, Plaintiffs' counsel and their associated experts shall treat minors and staff with respect and dignity and shall not disrupt the normal functioning of the facility.

XIII TRAINING

34. Within 120 days of final court approval of this Agreement, the INS shall provide appropriate and training for designated INS employees regarding the terms of this Agreement. The INS shall provide written and/or audio or video materials for such training. Copies of such written and/or audio or video materials shall be made available to Plaintiffs' counsel when such training materials are sent to the INS to the extent practicable, prior to that time.

XIV DISMISSAL

35. After the court has determined that the INS is in substantial compliance with this Agreement and the Coordinator has filed a final report, the court, without further notice, shall dismiss this action. If, upon dismissal, the court shall retain jurisdiction over this action.

XV RESERVATION OF RIGHTS

36. Nothing in this Agreement shall limit the rights, if any, of individual class members to press for judicial review in the appeal of an individual case or for class members to exercise any independent rights they may otherwise have.

XVI NOTICE AND DISPUTE RESOLUTION

37. This paragraph provides for the enforcement, in this District Court, of the provisions of this Agreement except for claims brought under Paragraph 24. The parties shall meet telephonically or in person to discuss any complete or partial repudiation of this Agreement or any alleged non-compliance with the terms of this Agreement, prior to bringing any individual or class action to enforce this Agreement. Notice of a claim that a party has violated the terms of this Agreement shall be served on plaintiffs addressed to:

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW

Carlos Holguín
Peter A. Schey
256 South Occidental Boulevard
Los Angeles, CA 90057

NATIONAL CENTER FOR YOUTH LAW

Alice Bussiere
James Morales
114 Sansome Street, Suite 905
San Francisco, CA 94104

and on Defendants addressed to:

Michael Johnson
Assistant United States Attorney
300 N. Los Angeles St., Rm. 7516
Los Angeles, CA 90012

Allen Hausman
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, DC 20044

XVII PUBLICITY

38. Plaintiffs and Defendants shall hold a joint press conference to announce this Agreement shall send copies of this Agreement to social service and voluntary agencies agreed upon by the set forth in Exhibit 5 attached. The parties shall pursue such other public dissemination of regarding this Agreement as the parties shall agree.

XVIII ATTORNEYS' FEES AND COSTS

39. Within 60 days of final court approval of this Agreement, Defendants shall pay to Plaintiffs the sum of \$374,110.09, in full settlement of all attorneys' fees and costs in this case.

XIX TERMINATION

40. All terms of this Agreement shall terminate the earlier of five years after the date of final court approval of this Agreement or three years after the court determines that the INS is in substantial compliance with this Agreement, except that the INS shall continue to house the general population of minors in INS facilities that are licensed for the care of dependent minors.

XX REPRESENTATIONS AND WARRANTY

41. Counsel for the respective parties, on behalf of themselves and their clients, represent that there is nothing in this Agreement that exceeds the legal authority of the parties or is in violation of applicable law. Defendants' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Attorney General, the United States Department of Justice, and the Immigration and Naturalization Service, and acknowledge that Plaintiffs enter into this Agreement in reliance on such representation. Plaintiffs' counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Plaintiffs, and acknowledge that Defendants enter into this Agreement in reliance on such representation. The undersigned, by their signatures on behalf of the Plaintiffs and Defendants, warrant that upon execution of this Agreement in their representative capacities, they and their agents, and successors of such principals and agents shall be fully and unequivocally bound hereunder to the full extent authorized by law.

For Defendants:

Signed: _____ Title: _____
Dated: _____

For Plaintiffs:

Signed: _____ Title: _____
Dated: _____

EXHIBIT 1

Minimum Standards for Licensed Programs

A. Licensed programs shall comply with all applicable state child welfare laws and regulations and local building, fire health and safety codes and shall provide or arrange for the following services for a minor in its care:

1. Proper physical care and maintenance, including suitable living accommodations, food, clothing, and personal grooming items.
2. Appropriate routing medical and dental care, family planning services, and emergency services, including a complete medical examination (including screening for infectious disease) within 24 hours of admission, excluding weekends and holidays, unless the minor was recently examined at a medical facility; appropriate immunizations in accordance with the U.S. Public Health Service (PHS), Centers for Disease Control; administration of prescribed medication and special diets; appropriate medical interventions when necessary.
3. An individualized needs assessment which shall include: (a) various initial intake forms; (b) data relating to the identification and history of the minor and family; (c) identification of the minor's needs including any specific problem(s) which appear to require immediate intervention; (d) an assessment and plan; (e) an assessment of family relationships and interaction with adults, authority figures; (f) a statement of religious preference and practice; (g) an assessment of the minor's personal goals, strengths and weaknesses; and (h) identifying information regarding immediate family members, other relatives, godparents or friends who may be residing in the United States and may assist in family reunification.
4. Educational services appropriate to the minor's level of development, and communication skills in a structured classroom setting, Monday through Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training (ELT). The educator shall include instruction and educational and other reading materials in such languages as needed. Academic areas should include Science, Social Studies, Math, Reading, Writing and Physical Education. The program shall provide minors with appropriate reading materials in languages other than English during the minor's leisure time.
5. Activities according to a recreation and leisure time plan which shall include daily outdoor activities, weather permitting, at least one hour per day of large muscle activity and one hour per day of leisure time activities (this should not include time spent watching television). Activities should be included for a total of three hours on days when school is not in session.
6. At least one (1) individual counseling session per week conducted by trained social workers to meet specific objectives of reviewing the minor's progress, establishing new short term objectives, and addressing both the developmental and crisis-related needs of each minor.
7. Group counseling sessions at least twice a week. This is usually an informal process and is conducted with all the minors present. It is a time when new minors are given the opportunity to get acquainted with staff, other children, and the rules of the program. It is an open forum where everyone gets a chance to speak. Daily program management is discussed and decisions are made about recreational activities. It is a time for staff and minors to discuss whatever is on their minds and to resolve problems.
8. Acculturation and adaptation services which include information regarding the development of inter-personal skills which contribute to those abilities necessary to live independently and responsibly.
9. Upon admission, a comprehensive orientation regarding program intent, services, rules (both written and verbal), expectations and the availability of legal assistance.
10. Whenever possible, access to religious services of the minor's choice.
11. Visitation and contact with family members (regardless of their immigration status), which is to encourage such visitation. The staff shall respect the minor's privacy while reasonably preventing the unauthorized release of the minor.
12. A reasonable right to privacy, which shall include the right to (a) wear his or her own clothing when available; (b) retain a private space in the residential facility, group or foster home for the storage of personal belongings; (c) talk privately on the phone, as permitted by the house rules and regulations; (d) visit

with guests, as permitted by the house rules and regulations; and (e) receive and send uncer unless there is a reasonable belief that the mail contains contraband.

13. Family reunification services designed to identify relatives in the United States as well as countries and assistance in obtaining legal guardianship when necessary for the release of the min

14. Legal services information regarding the availability of free legal assistance, the right to be r by counsel at no expense to the government, the right to a removal or exclusion hearing immigration judge, the right to apply for political asylum or to request voluntary departure in lieu of r

B. Service delivery is to be accomplished in a manner which is sensitive to the age, cult language and the complex needs of each minor.

C. Program rules and discipline standards shall be formulated with consideration for the range c maturity in the program and shall be culturally sensitive to the needs of alien minors. Minors s subjected to corporal punishment, humiliation, mental abuse, or punitive interference with the dail of living, such as eating or sleeping. Any sanctions employed shall not: (1) adversely affect eithe health, or physical or psychological well-being; or (2) deny minors regular meals, sufficient sleep medical care, correspondence privileges, or legal assistance.

D. A comprehensive and realistic individual plan for the care of each minor must be de accordance with the minor's needs as determined by the individualized needs assessment. Indiv shall be implemented and closely coordinated through an operative case management system.

E. Programs shall develop, maintain, and safeguard individual client case records. Age organizations are required to develop a system of accountability which preserves the confidential information and protects the records from unauthorized use or disclosure.

F. Programs shall maintain adequate records and make regular reports as required by the INS the INS to monitor and enforce this order and other requirements and standards as the INS may are in the best interests of the minors.

EXHIBIT 2

(new)

Instructions to Service Officers re:

Processing, Treatment, and Placement of Minors

These instructions are to advise Service officers of INS policy regarding the way in which mir custody are processed, housed and released. These instructions are applicable nationwide and su prior inconsistent instructions regarding minors.

(a) Minors. A minor is a person under the age of eighteen years. However, individuals who emancipated by a state court or convicted and incarcerated for a criminal offense as an ad considered minors. Such individuals must be treated as adults for all purposes, including confin release on bond.

Similarly, if a reasonable person would conclude that an individual is an adult despite his or her cla minor, the INS shall treat such person as an adult for all purposes, including confinement and relea or recognizance. The INS may require such an individual to submit to a medical or dental e conducted by a medical professional or to submit to other appropriate procedures to verify his or the INS subsequently determines that such an individual is a minor, he or she will be treated as a r purposes.

(b) General policy. The INS treats and will continue to treat minors with dignity, respect and spec for their particular vulnerability. INS policy is to place each detained minor in the least restric appropriate to the minor's age and special needs, provided that such setting is consistent with t ensure the minor's timely appearance in court and to protect the minor's well-being and that of officers are not required to release a minor to any person or agency whom they have reason to b

harm or neglect the minor or fail to present him or her before the INS or the immigration court requested to do so.

(c) Processing. The INS will expeditiously process minors and will provide a Form I-770 notice including the right to a bond redetermination hearing, if applicable.

Following arrest, the INS will hold minors in a facility that is safe and sanitary and that is consistent with the INS' concern for the particular vulnerability of minors. Such facilities will have access to toilets, drinking water and food as appropriate, medical assistance if the minor is in need of emergency care, adequate temperature control and ventilation, adequate supervision to protect minors from contact with family members who were arrested with the minor. The INS will separate unaccompanied minors from unrelated adults whenever possible. Where such segregation is not immediately possible, an unaccompanied minor will not be detained with an unrelated adult for more than 24 hours.

If the juvenile cannot be immediately released, and no licensed program (described below) is available for him or her, s/he should be placed in an INS or INS-contract facility that has separate accommodations for minors, or in a State or county juvenile detention facility that separates minors in INS custody from offenders. The INS will make every effort to ensure the safety and well-being of juveniles placed in these facilities.

(d) Release. The INS will release minors from its custody without unnecessary delay, unless detention of a juvenile is required to secure his or her timely appearance or to ensure the minor's safety or the safety of the community. Minors shall be released, in the following order of preference, to:

(i) a parent;

(ii) a legal guardian;

(iii) an adult relative (brother, sister, aunt, uncle, or grandparent);

(iv) an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in (i) a declaration signed under penalty of perjury before an immigration officer, or (ii) such other documentation that establishes to the satisfaction of the INS, in its discretion, that the individual designating the individual or entity as the minor's custodian is in fact the minor's parent or legal guardian;

(v) a state-licensed juvenile shelter, group home, or foster home willing to accept legal custody (as defined in 8 CFR 214.2(b)(1)(ii)(B)) or

(vi) an adult individual or entity seeking custody, in the discretion of the INS, when it appears that no other likely alternative to long term detention and family reunification does not appear to be a possibility.

(e) Certification of custodian. Before a minor is released, the custodian must execute an Affidavit of Support (Form I-134) and an agreement to:

(i) provide for the minor's physical, mental, and financial well-being;

(ii) ensure the minor's presence at all future proceedings before the INS and the immigration court;

(iii) notify the INS of any change of address within five (5) days following a move;

(iv) if the custodian is not a parent or legal guardian, not transfer custody of the minor to another person without the prior written permission of the District Director;

(v) notify the INS at least five days prior to the custodian's departure from the United States, if the departure is voluntary or pursuant to a grant of voluntary departure or order of removal; and

(vi) if dependency proceedings involving the minor are initiated in state court, notify the INS of the such proceedings and the dependency court of any removal proceedings pending against the minor.

In an emergency, a custodian may transfer temporary physical custody of a minor prior to securing approval from the INS, but must notify the INS of the transfer as soon as is practicable, and in all cases within 24 hours. Examples of an "emergency" include the serious illness of the custodian, destruction of the custodian's home, or other circumstances that make it impracticable for the custodian to obtain written permission. In all cases where the custodian seeks written permission for a transfer, the District Director shall respond to the request.

The INS may terminate the custody arrangements and assume legal custody of any minor whose custodian fails to comply with the agreement. However, custody arrangements will not be terminated for minor non-compliance if the custodian's obligation to notify the INS of any change of address within five days following a change of address is met.

(f) Suitability assessment. An INS officer may require a positive suitability assessment prior to placing a minor in any individual or program. A suitability assessment may include an investigation of the conditions in which the minor is to be placed and the standard of care s/he would receive, verification of the identity and employment of the individuals offering support, interviews of members of the household, and a home visit. The assessment will also take into consideration the wishes and concerns of the minor.

(g) Family reunification. Upon taking a minor into custody, the INS, or the licensed program in which the minor is placed, will promptly attempt to reunite the minor with his or her family to permit the release of the minor under Paragraph (d) above. Such efforts at family reunification will continue as long as the minor remains in INS or licensed program custody and will be recorded by the INS or the licensed program in which the minor is placed.

(h) Placement in licensed programs. A "licensed program" is any program, agency or organization approved by an appropriate state agency to provide residential, group, or foster care services for dependent minors, including a program operating group homes, foster homes, or facilities for special needs minors. The Flores v. Reno Settlement Agreement describes the standards required of licensed programs. All minors who remain in INS custody must be placed in a licensed program within three calendar days if the minor is apprehended in an INS district in which a licensed program is located and has space available, or within 30 calendar days in all other cases, except when:

(i) the minor falls under Paragraph (i), "Secure and supervised detention," below;

(ii) the INS reasonably believes the alien is an adult and is conducting medical or dental examinations to determine age;

(iii) a court decree or court-approved settlement requires otherwise;

(iv) an emergency (such as a natural disaster, fire, civil disturbance, or medical emergency) or influenza outbreak into the United States (meaning the INS has more than 130 minors in custody) prevents compliance with this requirement; or

(v) the minor must be transported from remote areas for processing or speaks an unusual language in which case a special interpreter is required to process the minor, in which case the minor must be placed in

program within five business days.

(vi) Secure and supervised detention. A minor may be held in or transferred to a State or county detention facility or in a secure INS facility or INS-contracted facility having separate accommodations for minors, whenever the District Director or Chief Patrol Agent determines that the minor:

(i) has been charged with, is chargeable, or has been convicted of a crime, or is the subject of criminal proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act, unless the offense is:

(a) an isolated offense not within a pattern of criminal activity which did not involve violence against a person or the use or carrying of a weapon (Examples: breaking and entering, vandalism, DUI, etc.); or

(b) a petty offense which is not considered grounds for stricter means of detention in any case (Examples: shoplifting, joy riding, disturbing the peace, etc.);

(ii) has committed, or has made credible threats to commit, a violent or malicious act (whether directed at the minor or herself or others) while in INS legal custody or while in the presence of an INS officer;

(iii) has engaged, while in a licensed program, in conduct that has proven to be unacceptably disruptive to the normal functioning of the licensed program in which he or she has been placed and removal is necessary to ensure the welfare of the minor or others, as determined by the staff of the licensed program (Examples: Excessive use of force, alcohol abuse, stealing, fighting, intimidation of others, etc.);

(iv) is an escape-risk; or

(v) must be held in a secure facility for his or her own safety, such as when the INS has reason to believe that a smuggler would abduct or coerce a particular minor to secure payment of smuggling fees.

A "chargeable" offense means that the INS has probable cause to believe that the individual has committed the specified offense.

The term "escape-risk" means that there is a serious risk that the minor will attempt to escape from INS custody. Factors to consider when determining whether a minor is an escape-risk or not include, but are not limited to, whether:

(a) the minor is currently under a final order of removal;

(b) the minor's immigration history includes: a prior breach of a bond; a failure to appear before the immigration court; evidence that the minor is indebted to organized smugglers for his or her return to the United States, voluntary departure or a previous removal from the United States pursuant to a final order of removal;

(c) the minor has previously absconded or attempted to abscond from INS custody.

The INS will not place a minor in a State or county juvenile detention facility, secure INS detention facility, or secure INS-contracted facility if less restrictive alternatives are available and appropriate under the circumstances, such as transfer to another licensed program or transfer to a medium security facility. A "medium security facility" may have a secure perimeter but cannot have major internal security features, such as locked cells. A medium security facility must otherwise meet all the standards of a licensed program and provide intensive staff supervision and counseling services.

All determinations to place a minor in a secure facility will be reviewed and approved by the region.

Coordinator. INS officers must also provide any minor not placed in a licensed program with a written explanation of the reasons for housing the minor in a secure or medium security facility.

(j) Notice of right to bond redetermination and judicial review of placement. A minor in removal proceedings shall be afforded a bond redetermination hearing before an immigration judge in every case, unless the judge indicates on the Notice of Custody Determination form that he or she refuses such a hearing. A juvenile who is not released or placed in a licensed program shall be provided (1) a written explanation of the reasons for denial of judicial review (copy attached) and (2) the list of free legal services providers compiled pursuant to 8 C.F.R. 214.2(b)(2)(ii) regulations (unless previously given to the minor).

(k) Transportation and transfer. Unaccompanied minors should not be transported in vehicles with adults except when being transported from the place of arrest or apprehension to an INS office. Where separate transportation would be otherwise impractical, in which case minors shall be separated from adults. INS officers shall take all necessary precautions for the protection of minors during transportation with adults.

When a minor is to be released, the INS will assist him or her in making transportation arrangements. The INS office nearest the location of the person (or facility) to whom a minor is to be released. The INS will, at its discretion, provide transportation to such minors.

Whenever a minor is transferred from one placement to another, s/he shall be transferred with all personal possessions and legal papers; provided, however, that if the minor's possessions exceed those permitted normally by the carrier in use, the possessions must be shipped to the minor in a timely manner. A minor who is represented by counsel should be transferred without advance notice to counsel unless there are unusual and compelling circumstances such as where the safety of the minor or others is threatened, where a minor has been determined to be an escape-risk, or where counsel has waived notice, in which case advance notice must be provided to counsel within 24 hours following transfer.

(l) Periodic reporting. Statistical information on minors placed in proceedings who remain in INS custody longer than 72 hours must be reported to the Juvenile Coordinator by all INS district offices and Border Patrol stations. Information will include: (a) biographical information, including the minor's name, date of birth, and country of birth, (b) date placed in INS custody, (c) each date placed, removed or released, (d) to what facility placed, transferred, removed or released, (e) immigration status, and (f) hearing dates. INS officers should also inform the Juvenile Coordinator of the reasons for placing a minor in a medium-security detention facility as described in paragraph (i).

(m) Attorney-client visits by Plaintiffs' counsel. The INS will permit the lawyers for the Flores v. Reno class to visit minors, even though they may not have the names of minors who are housed at a particular facility location. A list of Plaintiffs' counsel entitled to make attorney-client visits with minors is available from the district Juvenile Coordinator. Attorney-client visits may also be conducted by any staff attorney employed by the Center for Human Rights & Constitutional Law of Los Angeles, California, or the National Center for Human Rights Law of San Francisco, California, provided that such attorney presents credentials establishing employment prior to any visit.

Visits must occur in accordance with generally applicable policies and procedures relating to attorney-client visits at the facility in question. Upon Plaintiffs' counsel's arrival at a facility for attorney-client visits, INS staff must provide Plaintiffs' counsel with a list of names and alien registration numbers for the minors housed at that facility. In all instances, in order to memorialize any visit to a minor by Plaintiffs' counsel, INS staff must file a notice of appearance with the INS prior to any attorney-client meeting. Plaintiffs' counsel may limit the notice of appearance to representation of the minor in connection with his placement in INS custody. Plaintiffs' counsel must submit a copy of the notice of appearance by mail to the local INS juvenile coordinator and a copy by hand to the staff of the facility.

A minor may refuse to meet with Plaintiffs' counsel. Further, the minor's parent or legal guardian

Plaintiffs' counsel permission to meet with the minor.

(n) Visits to licensed facilities. In addition to the attorney-client visits, Plaintiffs' counsel may request a licensed program's facility (described in paragraph (h)) or to a medium-security facility or detention center (described in paragraph (i)) in which a minor has been placed. The district juvenile coordinator will request to the facility's staff and coordinate the visit. The rules and procedures to be followed in connection with such visits are set out in Exhibit 4 of the Flores v. Reno Settlement Agreement, unless Plaintiffs' counsel and the facility's staff agree otherwise. In all visits to any facility, Plaintiffs' counsel and their experts must treat minors and staff with courtesy and dignity and must not disrupt the normal functioning of the facility.

EXHIBIT 3

Contingency Plan

In the event of an emergency or influx that prevents the prompt placement of minors in licensed programs with which the Community Relations Service has contracted, INS policy is to make all reasonable efforts to place minors in programs licensed by an appropriate state agency as expeditiously as possible. An "emergency" is an act or event, such as a natural disaster (e.g., earthquake, fire, hurricane), facility disturbance, or medical emergency (e.g., a chicken pox epidemic among a group of minors) that prevents the prompt placement of minors in licensed facilities. An "influx" is defined as any situation in which there are more than 130 minors in the custody of the INS who are eligible for placement in licensed programs.

1. The Juvenile Coordinator will establish and maintain an Emergency Placement List of at least 80 licensed programs licensed by an appropriate state agency that are potentially available to accept placements. These 80 placements would supplement the 130 placements that the INS normally has and whenever possible, would meet all standards applicable to juvenile placements the INS normally has. The Juvenile Coordinator may consult with child welfare specialists, group home operators, and other licensed providers in developing the List. The Emergency Placement List will include the facility name; the number of placements potentially available at the facility; the name and telephone number of contact persons; the telephone number of contact persons for nights, holidays, and weekends if different; any restrictions on the number of minors accepted (e.g., age); and any special services that are available.

2. The Juvenile Coordinator will maintain a list of minors affected by the emergency or influx, including the minor's name, (2) date and country of birth, (3) date placed in INS custody, and (4) placement and current placement.

3. Within one business day of the emergency or influx the Juvenile Coordinator or his or her designee will contact the programs on the Emergency Placement List to determine available placements. As soon as available placements are identified, the Juvenile Coordinator will advise appropriate INS staff of the availability. To the extent practicable, the INS will attempt to locate emergency placements in areas where culturally and linguistically appropriate community services are available.

4. In the event that the number of minors needing emergency placement exceeds the available placements on the Emergency Placement List, the Juvenile Coordinator will work with the Community Relations Service to locate additional placements through licensed programs, county social service departments, and foster family agencies.

5. Each year the INS will reevaluate the number of regular placements needed for detained minors and determine whether the number of regular placements should be adjusted to accommodate an increased or decreased number of minors eligible for placement in licensed programs. However, any decision to increase or decrease the number of placements available shall be subject to the availability of INS resources. The Juvenile Coordinator shall promptly provide Plaintiffs' counsel with any reevaluation made by INS pursuant to this paragraph.

6. The Juvenile Coordinator shall provide to Plaintiffs' counsel copies of the Emergency Placement List within six months after the court's final approval of the Settlement Agreement.

EXHIBIT 4

Agreement Concerning Facility Visits Under Paragraph 33

The purpose of facility visits under paragraph 33 is to interview class members and staff and conditions at the facility. Visits under paragraph 33 shall be conducted in accordance with the applicable policies and procedures of the facility to the extent that those policies and procedures are consistent with this Exhibit.

Visits authorized under paragraph 33 shall be scheduled no less than seven (7) business days in advance. The names, positions, credentials, and professional association (e.g., Center for Human Rights and Constitutional Law) of the visitors will be provided at that time.

All visits with class members shall take place during normal business hours.

No video recording equipment or cameras of any type shall be permitted. Audio recording equipment shall be limited to hand-held tape recorders.

The number of visitors will not exceed six (6) or, in the case of a family foster home, four (4) interpreters, in any instance. Up to two (2) of the visitors may be non-attorney experts in juvenile justice and/or child welfare.

No visit will extend beyond three (3) hours per day in length. Visits shall minimize disruption to the daily lives of that minors and staff follow.

EXHIBIT 5

List of Organizations to Receive Information re: Settlement Agreement

Eric Cohen, Immig. Legal Resource Center, 1663 Mission St. Suite 602, San Francisco, CA 94103

Cecilia Munoz, Nat'l Council Of La Raza, 810 1st St. NE Suite 300, Washington, D.C. 20002

Susan Alva, Immig. & Citiz. Proj Director, Coalition For Humane Immig. Rights of LA, 1521 Wilshire Blvd, Los Angeles, CA 90017

Angela Cornell, Albuquerque Border Cities Proj., Box 35895, Albuquerque, NM 87176-5895

Beth Persky, Executive Director, Centro De Asuntos Migratorios, 1446 Front Street, Suite 305, San Francisco, CA 94101

Dan, Kesselbrenner, , National Lawyers Guild, National Immigration Project, 14 Beacon St., #501, Boston, MA 02108

Lynn Marcus, SWRRP, 64 E. Broadway, Tucson, AZ 85701-1720

Maria Jimenez, American Friends Service Cmte., ILEMP, 3522 Polk Street, Houston, TX 77003-4800

Wendy Young, U.S. Cath. Conf., 3211 4th St. NE, Washington, DC, 20017-1194

Miriam Hayward, International Institute Of The East Bay, 297 Lee Street, Oakland, CA 94610

Emily Goldfarb, Coalition For Immigrant & Refugee Rights, 995 Market Street, Suite 1108, San Francisco, CA 94103

Jose De La Paz, Director, California Immigrant Workers Association, 515 S. Shatto Place, Los Angeles, CA 90020

Annie Wilson, LIRS, 390 Park Avenue South, First Asylum Concerns, New York, NY 10016

Stewart Kwoh, Asian Pacific American Legal Center, 1010 S. Flower St., Suite 302, Los Angeles, CA 90017

Warren Leiden, Executive Director, AILA, 1400 Eye St., N.W., Ste. 1200, Washington, DC, 20005

Frank Sharry, Nat'l Immig. Ref. & Citiz. Forum, 220 I Street N.E., Ste. 220, Washington, D.C. 20002

Reynaldo Guerrero, Executive Director, Center For Immigrant's Rights, 48 St. Marks Place, New York, NY 10003

Charles Wheeler, National Immigration Law Center, 1102 S. Crenshaw Blvd., Suite 101, Los Angeles, CA 90019

Deborah A. Sanders, Asylum & Ref. Rts. Law Project, Washington Lawyers Comm., 1300 19th Street, Suite 500, Washington, D.C. 20036

Stanley Mark, Asian American Legal Def. & Ed. Fund, 99 Hudson St., 12th Floor, New York, NY 10013

Sid Mohn, Executive Director, Travelers & Immigrants Aid, 327 S. LaSalle Street, Suite 1500, Chicago, IL 60604

Bruce Goldstein, Attorney At Law, Farmworker Justice Fund, Inc., 2001 S Street, N.W., Washington, DC 20009

Ninfa Krueger, Director, BARCA, 1701 N. 8th Street, Suite B-28, McAllen, TX 78501

John Goldstein, Proyecto San Pablo, PO Box 4596, Yuma, AZ 85364

Valerie Hink, Attorney At Law, Tucson Ecumenical Legal Assistance, P.O. Box 3007, Tucson, AZ 85702

Pamela Mohr, Executive Director, Alliance For Children's Rights, 3708 Wilshire Blvd., Suite 720, Los Angeles, CA 90010

Pamela Day, Child Welfare League Of America, 440 1st St. N.W., Washington, DC 20001

Susan Lydon, Esq., Immigrant Legal Resource Center, 1663 Mission St., Ste 602, San Francisco, CA 94103

Patrick Maher, Juvenile Project, Centro De Asuntos Migratorios, 1446 Front Street, # 305, San Francisco, CA 92101

Lorena Munoz, Staff Attorney, Legal Aid Foundation of LA-IRO, 1102 Crenshaw Blvd., Los Angeles, CA 90019

Christina Zawisza, Staff Attorney, Legal Services of Greater Miami, 225 N.E. 34th Street, Suite 300, Miami, FL 33137

FL 33137

Miriam Wright Edelman, Executive Director, Children's Defense Fund, 122 C Street N.W., Washington, DC 20001

Rogelio Nunez, Executive Director, Proyecto Libertad, 113 N. First St., Harlingen, TX 78550

EXHIBIT 6

Notice of Right to Judicial Review

"The INS usually houses persons under the age of 18 in an open setting, such as a foster or group not in detention facilities. If you believe that you have not been properly placed or that you have been placed improperly, you may ask a federal judge to review your case. You may call a lawyer to help you do so. If you cannot afford a lawyer, you may call one from the list of free legal services given to you with this for

Attachment 2 Perez-Funez Rights Advisal

Perez-Funez Rights Advisal

JOSE ANTONIO PEREZ-FUNEZ V. INS, ET AL.

GENERAL ADVISAL

The following is to be given orally in English or Spanish or any other language understood by the detainee.

You are being detained by the United States Immigration and Naturalization Service. I am handing you a written notice that describes your rights. Please read this notice carefully before deciding whether you agree to be removed from the United States voluntarily, demand a removal hearing, request political asylum, or apply for any other available form or relief. You must sign a copy of the notice to show that you have received it. If you cannot read, please tell me and I will read the notice to you.

NOTICE OF RIGHTS

[To be printed in English and Spanish]

This is an advisal of your legal rights and alternatives. Do not sign any waiver of your rights until you have either read this notice, or have had this notice read to you, and until you understand your rights.

1. Right To Be Represented by an Attorney

You have the right to be represented by an attorney of your choice at your own expense. If you cannot afford an attorney, you may request the assistance of an attorney who will provide free legal services. If you wish to contact an attorney, you should so inform me after you have had read to you, this notice.

2. Right to a Removal Hearing

You have the right to a removal hearing to determine whether you are lawfully in the United States. If you are not lawfully in the United States, you can be deported. If you request a removal hearing, you may be represented at the hearing by an attorney of your choice at your own expense. You may be eligible to be released on bail until the time of the removal hearing. If you are released on bail and then appear at the hearing as ordered, the money you have paid in as bail will be returned to you. If you wish to have a removal hearing, you should so inform me after you have had read to you, this notice.

3. Right to Apply for Political Asylum

You may be eligible for political asylum if you have reason to believe that you would be persecuted or harmed because of your race, religion, nationality, membership in a particular social group, or political opinion if you were deported from the United States. If you wish to apply for political asylum, you should so inform me after you have read, or have had read to you, this notice.

4. Right to Request Voluntary Departure

If you wish to be removed immediately from the United States, you may ask to be allowed to

depart. By agreeing to voluntarily depart, you give up your right to a removal hearing and your right for political asylum. If you wish to apply for voluntary departure, you should so inform me after you or have had read to you, this notice.

I acknowledge that I have read, or have had read to me, a copy of the above notice or rights, and that the available free services has been provided to me.

Signature of Juvenile: _____

Signature of INS Official: _____

Date, Time, and Location: _____

Attachment 3 Special Use Forms

Special Use Forms

Attachment 3a: Referral for Home Assessment Form

Attachment 3b: Notice of Placement in Secure Juvenile Detention Facility

Attachment 3a Referral for Home Assessment Form

Referral for Home Assessment Form

MEMORANDUM U. S. DEPARTMENT OF JUSTICE
IMMIGRATION & NATURALIZATION SERVICE

SUBJECT

Referral for Home Assessment

DATE TO FROM

Office of International Affairs
Humanitarian Affairs Branch

This is to request that a home assessment be conducted on the following juvenile currently held at: _____

Name of Juvenile: _____ DOB: _____

Alien #: _____ MALE ___ FEMALE ___

Relatives in U. S. (if available):

Name: _____

Address: _____

Telephone #: _____ Home

_____ Work

Relationship to juvenile: _____

For additional information on the juvenile or to speak with him or her, please contact the following p

Name and Title: _____ Telephone #: _____

Attachment 3b Notice of Placement in Secure Juvenile Detention Facility

Notice of Placement in Secure Juvenile Detention Facility

Date: _____

RE: Placement in a secure or medium-secure detention facility by INS

Dear _____:
[juvenile's name]

Reference is made to your detention by the United States Immigration and Naturalization Service. The Service treats those individuals who are under eighteen years of age as juveniles. Pursuant to the *Flores v. Reno* Settlement Agreement, the Service will not detain a juvenile in a secure or medium-secure juvenile detention facility if there are less restrictive alternatives available. However, under certain conditions, the Service may detain juveniles in a secure or medium-secure juvenile detention facility. If, for one or more of the following reason(s), you are being placed in a secure or medium-secure juvenile facility, the reasons are (as many as apply):

- 1. You are considered to be an escape risk (previous escape or attempt, final order, failure to appear, etc...)
- 2. The Service believes you are an adult.
- 3. There is an emergency influx of minors into the U.S.
- 4. You speak an unusual language and the Service is attempting to locate an interpreter.
- 5. You are being transported from a remote area.
- 6. The Service is concerned about your safety.
- 7. There are no alternative placement options at this time.
- 8. You have been convicted of a crime as an adult.
- 9. You have been adjudicated a delinquent.
- 10. You have engaged in disruptive behavior while in a licensed program.
- 11. You are chargeable with a crime or delinquent offense.
- 12. You are in criminal or delinquency proceedings.
- 13. You have committed or threatened to commit a violent or malicious act toward yourself or others.

___14. Per the *Orantes* decision, all Salvadoran juveniles must remain in the district where apprehended for a minimum of 7 days.

Sincerely,

Name and Title of Placing Official

Appendix 11-4 Footnotes

- FN 1 In the early stages of this litigation, the Federal court in the Central District of California found in favor of the plaintiffs on two claims; in 1993, however, the United States Supreme Court ruled in favor of INS on other claims. Since that decision, the parties have negotiated a settlement of the issues, which was signed by the INS Commissioner, approved by the Federal court, and is now in effect.
- FN 2 The individual may be required to submit to a medical or dental examination (medical professional and other appropriate procedures to verify age. If determined to be a juvenile, s/he will be treated for all purposes.
- FN 3 For INS purposes, a conservator is the person with physical custody of the juvenile. For juveniles 13 years old or under, all documents must be signed by a conservator.
- FN 4 A juvenile brought to the United States by a smuggler is to be considered "unaccompanied" if the smuggler is not an adult relative (parent, brother, sister, aunt, uncle, or grandparent) or legal guardian. If the smuggler is not a relative or guardian, he or she should not be consulted concerning the disposition of the juvenile's case.
- FN 5 In this case, the "conservator" has physical custody, while the INS maintains legal custody. Remember, all documents served on or completed for juveniles who are 13 years old or under must be signed by a conservator.
- FN 6 This general release policy does not apply to juveniles in mandatory detention.
- FN 7 In order to avert potential liability when a Notice to Appear is issued and an unaccompanied juvenile is ordered released, the District Director should contact the U.S. Attorney's Office and an Assistant U.S. Attorney petition the court to appoint a guardian. This situation is envisioned in the policy.
- FN 8 "Chargeable" means that the INS has probable cause to believe that the individual has committed a specific offense.
- FN 9 A rare exception may apply if a medical professional determines that the juvenile presents a danger to him- or herself or to others.
- FN 10 U.S. Public Health Service authorities have advised that a surgical mask is considered appropriate for these purposes. A HEPA mask is not necessary.

FN 11 Escapes from a contract guard or contract facility may be determined to be a breach of the contract. If that finding is made, the COTR or Investigating Officer will prepare a separate report for the appropriate contracting office, with a recommendation as to whether a deduction should be imposed, if applicable. Copies should be included with the escape analysis forwarded to the Juvenile Coordinator or his/her designee in DDP.

Appendix 11-4 Endnotes

- a This statement is from an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal" to Management Team, Regional Directors, District Directors, Officers in Charge, Chief Patrol Agents, Asylum Office Directors, Port Directors, Director of Policy and Procedure, ODTF Glynco, and ODTF Artesia.
- b These procedures are from an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal" to Management Team, Regional Directors, District Directors, Officers in Charge, Chief Patrol Agents, Asylum Office Directors, Port Directors, Director of Policy and Procedure, ODTF Glynco, and ODTF Artesia.
- c From an 8/21/97 memo from Office of Programs on "unaccompanied minors subject to expedited removal."
- d Information in 2.1.5 is from a memo dated 10/4/95 to all Regional Directors, RODIR, Operations Liaison Officers (ROOPS) (RODDP); all DIDIRS (X-Foreign); all CPAs; INS Training FLETC, GLYNCO, GA; INS Director of Training FLETC, Artesia, NM. From Joe J. J. Assistant Commissioner of Detention and Deportation.
- e This section is from a 12/4/95 memo to Regional and District Directors from the Office of the Commissioner on "Instructions for the Detention, Placement, and Release of Chinese Juveniles."
- f From 12/8/97 memo, "Review of Cases of Chinese Juveniles Upon Reaching the Age of 18."
- g This section was drawn from the following memo: a 12/8/97 memo, "Review of Cases of Chinese Juveniles Upon Reaching the Age of 18." This memo updates and expands upon the 9/28/94 ("Chinese Juveniles Reaching Majority While in Foster Care") and 12/4/95 ("Instructions for the Detention, Placement, and Release of Chinese Juveniles." A memo dated 11/1/95 "Chinese Juveniles in Foster Homes," was also used as an information source, along with a 12/15/97 "Project Locate Update" to Regional Directors, Eastern, Central, Western.
- h From 12/8/97 memo (see endnote j above).
- i From 9/28/94 memo (see endnote j above).
- j From 12/8/97 memo (see endnote j above).
- k Information in 4.1.1 and 4.1.2 from 10/31/97 memo, "Juvenile Bedspace," from Office of Operations.
- l Permission requirement from 12-13-91 memo, "National Policy Regarding Detention and Release of Unaccompanied Alien Minors."
- m Juvenile bedspace requirements (4.1.4, 4.1.5, and 4.1.6) are taken from the 10/31/97 memo (see endnote o below).

- n From 12/13/91 memo, "National Policy Regarding Detention and Release of Unaccompanied Minors," from the Office of the Commissioner.
- o Taken from Enforcement Standard, "Escorts," VI E-F, 2/5/98.
- p Memo from William R. Yates, Eastern Regional Director, on "Escape Reporting Procedures," 8
- q This information on required report content is taken from a 5/25/82 memo from J.F. Salgado Commissioner, Enforcement, on "Escape Analysis and Reporting Procedures."
- r From a 12/4/95 memo, "Instructions for the Detention, Placement, and Release of Chinese Juvenile Regional and District Directors, from the Office of Deputy Commissioner.
- s From a 10/4/95 telegraphic message from Joan Higgins, Assistant Commissioner, Detention and Deportation.

Appendix 11-4.1 JUVENILE CASE ACTION WORKSHEET

Appendix 11-14.2 JUVENILE CASE SPONSOR WORKSHEET

Appendix 11-4.3 INS Juvenile Shelter Care Standards Checklist

INS Juvenile Shelter Care Standards Checklist	Rating 1-5:			
	1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed			
A. Administration and Management (Part I of JCRF manual)¹¹	2	3	4	5
1. Written policy provides that the facility and its programs are managed by a single administrative officer (3-JCRF-1A-06).				
2. Facility administrator qualifications include a bachelor's degree in a related discipline and demonstrated ability and leadership (3-JCRF-1A-07).				
3. Written policy provides that new or revised policies and procedures are disseminated to designated staff and volunteers (3-JCRF-1A-13).				
4. Written policy provides for regular meetings, at least monthly, between the administrator and key staff members (3-JCRF-1A-14).				
5. Written policy provides that firearms are not permitted in the facility (3-JCRF-1A-22).				

6. The facility has written fiscal policies and procedures adopted by the governing authority that meet minimum requirements (3-JCRF-1B-02).					
7. Written policy provides that any financial transactions between juveniles, staff, and others are approved by the administrator (3-JCRF-1B-17).					
8. Written policy prohibits sexual harassment (3-JCRF-1C-04).					

(table continued on next page)

Go to the N

Immigration Information

onlineplus

TEXT ONLY HOME WHAT'S NEW PAGE SEARCH GLOSSARY FEEDBACK TRANSLATE PRINTPAGE

CONTENTS PREVIOUS NEXT QUERY QUERY HELP CLEAR SEARCH HIT LIST PREVIOUS HIT NEXT HIT LAWS

INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population/Table of Contents (9 of 11)

(table continued from previous page)

9.	Written policy specifies support for a drug-free workplace for all employees and includes certain minimum principles (3-JCRF-1C-05).				
10.	Written policy provides that there are written job descriptions and qualifications for all positions in the facility (3-JCRF-1C-06).				
11.	A criminal record check is conducted on all new employees, according to state and federal statutes (3-JCRF-1C-10).				
12.	Written policy provides that employees who work with juveniles receive a physical examination (3-JCRF-1C-11).				
13.	Written policy provides that all personnel working with juveniles are informed and agree in writing to confidentiality policies (3-JCRF-1C-17).				
14.	The facility provides initial orientation for all new employees during their first week of employment (3-JCRF-1D-03).				
15.	Written policy provides that all training programs are conducted by qualified trainers in that particular area (3-JCRF-1D-05).				
16.	Written policy provides that administrative, managerial, and professional specialist staff receive 40 hours of training (beyond orientation) during their 1st year and 40 hours a year thereafter (3-JCRF-1D-09).				
17.	Written policy provides that all juvenile careworkers receive an additional 120 hours of training during their 1st year and 40 hours a year thereafter (3-JCRF-1D-10).				
18.	Written policy provides that all support employees with regular or daily contact with juveniles receive 40 hours of training (beyond orientation) during their 1st year and 40 hours a year thereafter (3-JCRF-1D-11).				
19.	All part-time staff, volunteers, and contractors receive formal orientation appropriate to their assignments, with training as needed (3-JCRF-1D-13).				
20.	Written policy governs case record management, to include several minimum areas (3-JCRF-1E-01).				
21.	Written policy provides that a record is maintained for each juvenile that includes several minimum components (3-JCRF-1E-02).				

INS Juvenile Shelter Care Standards

Rating 1-5:

1=in compliance; 2=not in compliance;

Checklist	3= exception noted; 4=staff information; 5=confirmed				
A. Administration and Management—Cont.	1	2	3	4	5
22. Written policy provides for the auditing of juvenile records at least monthly (3-JCRF-1E-03).					
23. Written policy provides that appropriate safeguards exist to minimize the possibility of theft, loss, or destruction of records (3-JCRF-1E-05).					
24. Written policy provides that an updated case file is transferred along with a juvenile either simultaneously or within 72 hours (3-JCRF-1E-06).					
25. Written policy provides that records are safeguarded from unauthorized or improper disclosure (3-JCRF-1E-07).					
26. Written policy governs the voluntary participation of juveniles in non-medical, nonpharmaceutical, and noncosmetic research (3-JCRF-1F-09).					
27. A staff member is responsible for supervising citizen involvement and volunteer service programs that benefit juveniles (3-JCRF-1G-01).					
28. Volunteers agree in writing to honor facility policies, particularly those relating to the security and confidentiality of information (3-JCRF-1G-05).					
29. Written policy provides that all volunteers complete an appropriate, orientation and/or training program before being assigned (3-JCRF-1G-07).					
30. Written policy specifies that volunteers may perform professional services only when they are certified or licensed to do so (3-JCRF-1G-08).					
B. Physical Plant (Part II of JCRF manual)	1	2	3	4	5
31. The facility conforms to all applicable state and local building codes (3-JCRF-2A-01).					
32. Exits in the facility comply with state or local fire authorities or the authority having jurisdiction (3-JCRF-2A-03).					
33. The number of juveniles does not exceed the facility's rated bed capacity (3-JCRF-2B-03).					
34. Each sleeping room complies with minimum requirements for privacy, comfort, light, space, and temperature (3-JCRF-2C-01).					
35. Living rooms with space for varied activities are available (3-JCRF-2C-02).					
36. Written policy provides that the facility permits juveniles to decorate their living and sleeping quarters with personal possessions (3-JCRF-2C-03).					
37. The facility has, at minimum, one operable toilet for every eight					

juveniles (3-JCRF-2C-04).					
38. The facility has, at minimum, one operable shower or bathing facility with hot and cold running water for every eight juveniles (3-JCRF-2C-05).					
39. The facility has, at minimum, one operable wash basin with hot and cold running water for every eight juveniles (3-JCRF-2C-06).					
40. Written policy provides that juveniles with disabilities are housed in a safe and secure manner (3-JCRF-2C-08).					
41. Written policy provides that all sleeping quarters in the facility are well-lighted and properly ventilated (3-JCRF-2D-01).					
42. Temperatures in indoor living and work areas are appropriate to summer and winter comfort zones (3-JCRF-2D-02).					
43. Adequate space and furnishings to accommodate activities, such as group meetings of the juveniles, are provided in the facility (3-JCRF-2E-01).					
44. The facility provides adequate private counseling space (3-JCRF-2E-02).					
45. Written policy provides for adequate and appropriate areas for visitation and for recreation programs (3-JCRF-2E-03).					
46. Adequate dining space is provided for the juveniles (3-JCRF-2E-04).					

<p>INS Juvenile Shelter Care Standards Checklist</p>	<p>Rating 1-5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed</p>
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B. Physical Plant—Cont. (Part II of JCRF manual)	1	2	3	4	5
47. When the facility has a kitchen, the kitchen, dining, and food storage areas are properly ventilated, furnished, and cleaned (3-JCRF-2E-05).					
48. The facility has adequate space for janitorial supplies (3-JCRF-2E-07).					
49. Space is provided to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations (3-JCRF-2E-08).					
50. Adequate space is provided for storing the personal property of juveniles (3-JCRF-2E-09).					
51. The facility has controls to keep juveniles safely within the facility and to prevent unauthorized access by the general public (3-JCRF-2G-01).					
C. Facility Operations (part III of JCRF manual)	1	2	3	4	5

52. Written policy limits physical force to self-protection, protection of juvenile or others, and prevention of property damage and escape (3-JCRF-3A-02).					
53. Written policy provides that at least one staff person is readily available 24 hours a day, and is responsive to juveniles' needs (3-JCRF-3A-03).					
54. Written policy provides that the staffing pattern concentrates staff when most juveniles are in the facility (3-JCRF-3A-04).					
55. Written policy provides that no juvenile or group of juveniles is in a position of control or authority over other juveniles (3-JCRF-3A-05).					
56. Written policy requires staff to keep a permanent log and to prepare shift reports that record both routine and unusual occurrences (3-JCRF-3A-06).					
57. Written policy provides for the detection and reporting of absconders (3-JCRF-3A-08).					
58. Written policy provides that staff monitor the movement of juveniles into and out of the facility (3-JCRF-3A-09).					
59. Written policy provides that juveniles and adults not share sleeping rooms (3-JCRF-3A-10).					
60. Written policy provides that male and female juveniles do not occupy the same sleeping rooms (3-JCRF-3A-11).					
61. Written policy provides for searches to control contraband and its disposition at a level keeping with security needs (3-JCRF-3A-12).					
62. Written policy governs the control and use of tools, equipment, and keys (3-JCRF-3A-13).					
63. The facility complies with the regulations of the state or local fire safety authority, whichever has primary jurisdiction (3-JCRF-3B-01).					
64. Written policy specifies fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors (3-JCRF-3B-02).					
65. Written policy provides that the specifications for selecting and purchasing facility furnishings meet fire safety requirements (3-JCRF-3B-03).					
66. Written policy provides that where smoking is permitted, noncombustible receptacles are available throughout living quarters (3-JCRF-3B-04).					
67. Written policy governs the control and use of all flammable, toxic, and caustic materials (3-JCRF-3B-05).					
68. The facility has a written evacuation plan for fire or major emergency that is certified by an independent outside fire safety inspector (3-JCRF-3B-06).					
69. Written policy provides that fire drills are conducted at least					

monthly (3-JCRF-3B-07).					
70. Written emergency plans are disseminated to appropriate local authorities (3-JCRF-3B-08).					

<p>INS Juvenile Shelter Care Standards Checklist</p>	<p>Rating 1-5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed</p>
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C. Facility Operations—Cont. (Part III of JCRF manual)	1	2	3	4	5
71. Written policy provides that all facility personnel are trained in implementing written emergency plans (3-JCRF-3B-09).					
72. The facility has a fire alarm system and an automatic detection system approved by the authority having jurisdiction (3-JCRF-3B-10).					
73. For programs providing mass-transport vehicles, written policy requires a safety inspection, at least annually, by qualified persons (3-JCRF-3B-11).					
74. A written plan provides for continuous facility operation in the event of employee work stoppage or other job action (3-JCRF-3B-12).					
75. Written policy provides that there is a written set of disciplinary regulations governing juvenile rule violations (3-JCRF-3C-01).					
76. Written policy provides that all program rules and regulations are posted in an obvious place or are readily accessible in a handbook (3-JCRF-3C-02).					
77. Written policy ensures that room restriction does not exceed 8 hours without review and administrative authorization (3-JCRF-3C-11).					
78. Written policy ensures that the reasons for imposing restrictions or suspending privileges are discussed with the juvenile, who is given a chance to explain (3-JCRF-3C-12).					
79. Written policy provides that staff make visual and verbal contact with room-restricted juveniles at least every 30 minutes (3-JCRF-3C-13).					
80. Written policy provides that staff record, date, and sign all instances of room and facility restriction and privilege suspension (3-JCRF-3C-14).					
81. Written policy ensures a juvenile's right to court access (3-JCRF-3D-01).					
82. Written policy ensures and assists juvenile access to counsel and their authorized representatives (3-JCRF-3D-02).					
83. Written policy provides that decisions about program access, work assignments, etc., disregard race, religion, national origin, sex (3-JCRF-3D-03).					

84. Written policy protects juveniles from corporal or other punishment that humiliates, abuses, or interrupts daily living functions (3-JCRF-3D-04).					
85. Written policy provides for the reporting of all instances of child abuse or neglect consistent with appropriate state or local laws (3-JCRF-3D-05).					
86. Written policy specifies the personal property that juveniles can keep in their possession and governs its control and safeguarding (3-JCRF-3D-06).					
87. Written policy provides for a grievance and appeal process (3-JCRF-3D-07).					
D. Facility Services (Part IV of JCRF manual)	1	2	3	4	5
88. A nutritionist, dietitian, or physician approves the menu and annually approves the nutritional value of the food served (3-JCRF-4A-02).					
89. Written policy provides that food service staff plan menus that they largely follow, giving attention to appearance and palatability (3-JCRF-4A-03).					
90. There is a single menu for staff and juveniles (3-JCRF-4A-04).					
91. Written policy provides for special diets as prescribed by appropriate medical or dental personnel (3-JCRF-4A-05).					
92. Written policy provides for special diets for juveniles whose religious beliefs require adherence to religious dietary laws (3-JCRF-4A-06).					
93. Food service staff complies with all sanitation and health codes enacted by state or local authorities (3-JCRF-4A-07).					
94. Written policy provides for weekly inspections of food service areas, sanitary food storage, and daily temperature checks (3-JCRF-4A-08).					

<p>INS Juvenile Shelter Care Standards Checklist</p>	<p>Rating 1-5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed</p>
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D. Facility Services—Cont. (Part IV of JCRF manual)	1	2	3	4	5
95. Written policy provides that staff members supervise juveniles during meals (3-JCRF-4A-09).					
96. Written policy requires that at least three meals (of which two are hot) be served at regular meal times during each 24-hour period, with no more than 14 hours between the evening meal and breakfast (3-JCRF-4A-10).					
97. The facility complies with the sanitation and health codes of the local and/or state jurisdiction (3-JCRF-4B-02).					

98.	Written policy provides for vermin and pest control and trash and garbage removal (3-JCRF-4B-03).				
99.	An independent, outside source has approved the institution's potable water source and supply (3-JCRF-4B-04).				
100.	Written policy provides that a housekeeping and maintenance plan is in effect to ensure a clean facility that is in good repair (3-JCRF-4B-05).				
101.	Juveniles are given the opportunity to have clean clothing (3-JCRF-4B-06).				
102.	The facility provides for the thorough cleaning and disinfecting of juvenile personal clothing before storage or wear (3-JCRF-4B-07).				
103.	Written policy provides for the issue of suitable clean bedding and linen, including sheets, pillow cases, mattress, and blankets (3-JCRF-4B-08).				
104.	Written policy requires the ready availability to juveniles of articles necessary for proper personal hygiene (3-JCRF-4B-09).				
105.	Written policy provides that the facility has a formal agreement with a designated health authority to provide health care services (3-JCRF-4C-01).				
106.	Written policy provides for access to health care and for a system for processing complaints regarding health care (3-JCRF-4C-02).				
107.	Appropriate state and federal licensure and other requirements/restrictions apply to providers of health care services to juveniles (3-JCRF-4C-03).				
108.	Written policy provides that treatment by nontraditional health care personnel is performed under authorized order or standing (3-JCRF-4C-04).				
109.	Written policy specifies the provision of mental health services to juveniles (3-JCRF-4C-05).				
110.	A suicide prevention/intervention program is reviewed and approved by a qualified medical or mental health professional (3-JCRF-4C-06).				
111.	When facilities do not have full-time, qualified, health personnel, a health-trained staff member coordinates health services delivery (3-JCRF-4C-07).				
112.	Written policy provides that the program's health care plan adheres to state and federal rules for storage and distribution of medicines (3-JCRF-4C-08).				
113.	Written policy requires medical, dental, and mental health screening by qualified health care personnel on all juveniles (3-JCRF-4C-09).				
114.	Written policy provides for the collection, recording, and review of health appraisal data to identify each juvenile's health care needs (3-JCRF-4C-11).				

115. Written policy provides for medical examination of any employee or juvenile suspected of having a communicable disease (3-JCRF-4C-12).					
116. Dental care is provided to each juvenile under the direction and supervision of a dentist licensed in the state (3-JCRF-4C-13).					
117. Written policy provides for 24-hour emergency medical, dental, and mental health care services as outlined in a detailed written plan (3-JCRF-4C-14).					
118. Written policy provides that careworker staff and other personnel are trained to respond to health emergencies within 4 minutes (3-JCRF-4C-15).					

INS Juvenile Shelter Care Standards Checklist

Rating 1-5:
 1=in compliance; 2=not in compliance;
 3= exception noted; 4=staff information;
 5=confirmed

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CONTENTS PREVIOUS NEXT QUERY QUERY HELP CLEAR SEARCH HIT LIST PREVIOUS HIT NEXT HIT LAWS

INSERTS PLUS/Juvenile Protocol Manual/Juvenile Aliens: A Special Population/Table of Contents (10 of 11)

D. Facility Services—Cont. (Part IV of JCRF manual)	1	2	3	4	5
119. The facility has authoritatively approved first aid equipment available at all times (3-JCRF-4C-16).					
120. Written policy provides that persons injured in an incident receive immediate medical examination and treatment (3-JCRF-4C-17).					
121. Written policy addresses the management of serious and infectious diseases (3-JCRF-4C-21).					
122. Written policy specifies approved employee actions with regard to juveniles diagnosed with HIV (3-JCRF-4C-22).					
123. Written policy prohibits the use of juveniles for medical, pharmaceutical, or cosmetic experiments (3-JCRF-4C-26).					
124. Written policy provides that juveniles' parents/guardians are promptly notified in case of serious illness, surgery, injury, or death (3-JCRF-4C-27).					
125. Juveniles' health record files contain the required forms and information (3-JCRF-4C-28).					
126. For transferred juveniles, summaries or copies of the medical history record are forwarded to the receiving facility prior to or at arrival (3-JCRF-4C-29).					
E. Juvenile Services (Part V of JCRF Manual)	1	2	3	4	5
127. The facility has clearly defined written policies, procedures, and practices governing admission (3-JCRF-5A-01).					
128. The agency records basic information, as outlined, on each juvenile to be admitted (3-JCRF-5A-03).					
129. Written policy provides that the facility inform a referring facility as to why a prospective juvenile is not accepted into the program (3-JCRF-5A-05).					
130. Upon admission, staff discuss with the juvenile program goals, available services, rules, and possible disciplinary actions (3-JCRF-5A-07).					
131. Written policy provides that the facility not discriminate on the basis of race, religion, national origin, gender, or disability (3-JCRF-5A-09).					
132. The facility provides or arranges for a variety of services, such as food, education, counseling, recreation, transportation, etc. (3-JCRF-5A-12).					
133. Written policy provides that new juveniles receive written					

orientation materials and/or translations in their own languages (3-JCRF-5A-13).					
134. Where a language or literacy problem can cause misunderstanding of rules and reg., staff must provide assistance to the juvenile (3-JCRF-5B-08).					
135. Written policy provides that each juvenile is assigned a facility staff member who meets with and counsels him or her (3-JCRF-5C-02).					
136. Written policy provides that staff members are available to counsel juveniles at their request, with provision for emergencies (3-JCRF-5C-03).					
137. Written policy provides for coordination and continuity between educational, vocational, and work programs (3-JCRF-5D-01).					
138. Special education programs are available to meet the needs of special education students as defined in public law (3-JCRF-5D-02).					
139. Written policy shows compliance with laws pertaining to individual special education plans before juveniles are placed or removed (3-JCRF-5D-03).					
140. Written policy provides that educational, vocational, work, and treatment program credits are accepted by community agencies (3-JCRF-5D-04).					
141. Written policy provides that the use of work does not interfere with educational and treatment programs (3-JCRF-5D-05).					
142. Written policy provides for indoor and outdoor recreational and leisure time needs of juveniles (3-JCRF-5E-01).					

<p>INS Juvenile Shelter Care Standards Checklist</p>	<p>Rating 1-5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed</p>
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E. Juvenile Services—Cont. (Part V of JCRF manual)	1	2	3	4	5
143. Written policy provides that juveniles have the opportunity to participate in practices of their religious faiths (3-JCRF-5F-01).					
144. Written policy provides that indigent juveniles receive a specified postage allowance to maintain community ties (3-JCRF-5G-01).					
145. Written policy governs juvenile access to publications (3-JCRF-5G-02).					
146. Written policy provides that juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband (3-JCRF-5G-03).					
147. Written policy provides for the forwarding of first class letters					

and packages after transfer or release (3-JCRF-5G-04).					
148. Written policy provides for juvenile access to a telephone to make and receive personal calls (3-JCRF-5G-06).					
149. Written policy allows juveniles to receive approved visitors, except where a threat to juvenile safety or program security is evidenced (3-JCRF-5G-06).					
150. Written policy provides for special visits (3-JCRF-5G-07).					
151. Written procedures for releasing juveniles include several verification processes and other checks (3-JDF-5H-02).					
152. Written policy provides for and governs escorted and unescorted day leaves into the community (3-JDF-5H-07).					

Appendix 11-4.4 INS Secure Juvenile Shelter Care Standards Checklist

INS Secure Juvenile Standards Checklist	Rating 1–5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed				
	2	3	4	5	
A. Administration and Management (Part I of JDF manual)¹¹					
1. A criminal record check is performed on all new employees in accordance with state and federal statutes (3-JDF-1C-13).					
2. Written policy governs the management of case records, including all required areas (3-JDF-1E-01).					
3. The facility administration maintains and has available in a master file a detailed record on each juvenile (3-JDF-1E-02).					
4. Written policy provides that an updated case file is transferred within 72 hours of a juvenile's transfer to another facility (3-JDF-1E-04).					
5. Written policy safeguards records from unauthorized and improper disclosure (3-JDF-1E-08).					
B. Physical Plant (Part II of JDF manual)	1	2	3	4	5
6. The facility conforms to all applicable fire safety codes (3-JDF-2A-03).					
7. A qualified source has documented that finishing materials in juvenile living areas comply with recognized codes (3-JDF-2A-04).					
8. Juveniles' rooms and sleeping areas conform with all space					

requirements (3-JDF-2C-02).				
9. Dayrooms for varied juvenile activities are separated from sleeping areas by a floor-to-ceiling wall (3-JDF-2C-04).				
10. There is at least 1 toilet for every 12 male juveniles and 8 female juveniles; and at least 2 toilets in houses with 5 or more juveniles (JDF-2C-06).				
11. Juveniles have access to wash basins with hot and cold running water, at a ratio of 1 basin for every 12 occupants (3-JDF-2C-07).				
12. Juveniles have access to showers with temperature-controlled hot and cold running water, with at least 1 shower for every 8 juveniles (3-JDF-2C-08).				
13. Male and female juveniles do not occupy the same sleeping room (3-JDF-2C-12).				
14. Written policy provides that all housing areas comply with specified lighting and other environmental requirements (3-JDF-2D-01).				
15. Temperatures in indoor living and work areas are appropriate to summer and winter comfort zones (3-JDF-2D-03).				
16. School classroom designs conform with local or state educational requirements (3-JDF-2E-05).				
17. The food preparation area has space appropriate to population size, type of food preparation, and methods of meal service (3-JDF-2E-07).				
18. Provisions exist for adequate storage and loading areas and for garbage disposal facilities (3-JDF-2E-08).				
19. There is space in the facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations (3-JDF-2E-11).				
20. Space is provided for the safe and secure storing of juveniles' personal property (3-JDF-2E-12).				
21. There is space for a 24-hour control center to monitor and coordinate the facility's security, safety, and communications systems (3-JDF-2G-01).				
22. The facility's perimeter is controlled to keep juveniles in and the general public out, unless they have proper authorization (3-JDF-2G-02).				

<h2 style="margin: 0;">INS Secure Juvenile Standards Checklist</h2>	<p>Rating 1-5: 1=in compliance; 2=not in compliance;</p>
	<p>3= exception noted; 4=staff information; 5=confirmed</p>

C. Institutional Operations (part III of JDF manual)	1	2	3	4	5
23. There is a manual containing all procedures for facility security and control, with detailed instructions for implementing them (3-JDF-3A-01).					
24. The facility has a communication system between the control center and juvenile living areas (3-JDF-3A-02).					
25. The facility maintains a daily report on juvenile population movement (3-JDF-3A-03).					
26. Written policy requires that coed facilities have both a male and a female staff member on duty at all times (3-JDF-3A-07).					
27. Written policy requires staff to keep a permanent log and to prepare shift reports that record both routine and unusual occurrences (3-JDF-3A-09).					
28. Written policy requires at least weekly inspection and maintenance of all security devices, with corrective action taken as needed (3-JDF-3A-12).					
29. The facility has a system for physically counting juveniles (3-JDF-3A-13).					
30. Written policy provides that restraint devices are applied only with the facility administrator's approval, and never as punishment (3-JDF-3A-16).					
31. Written policy provides that the facility maintain a written record of routine and emergency distribution of restraint equipment (3-JDF-3A-17).					
32. All special incidents, e.g., hostage taking or use of force, are reported in writing, and dated and signed by the reporting staff person (3-JDF-3A-18).					
33. Written policy provides for searches of facilities and juveniles to control and dispose of contraband (3-JDF-3A-19).					
34. Written policy provides that manual or instrument inspection of body cavities is done only with reason and authorization (3-JDF-3A-20).					
35. Written policy allows visual inspection of juvenile body cavities only when a reasonable belief exists that he/she is carrying contraband (3-JDF-3A-21).					
36. Written policy governs the control and use of keys (3-JDF-3A-22).					
37. Written policy governs the control and use of tools and culinary and medical equipment (3-JDF-3A-23).					
38. Written policy governs the availability, control, and use of chemical agents and related security devices (3-JDF-3A-26).					
39. Written policy requires that personnel using force to control juveniles give a written report to the facility administrator by end of TDY (3-JDF-3A-27).					

40. Written policy provides that persons injured in an incident receive immediate medical attention (3-JDF-3A-28).					
41. Firearms are not permitted in facilities except in emergency situations (3-JDF-3A-29).					
42. Written policy restricts the use of physical force to justifiable instances only, such as for self defense or protection of others (3-JDF-3A-30).					
43. Written policy specifies the facility's fire prevention regulations and practices (3-JDF-3B-01).					
44. Written policy requires a comprehensive monthly compliance inspection of the facility by a qualified fire and safety officer (3-JDF-3B-02).					
45. Specifications for selecting and purchasing facility furnishings indicate their fire safety performance requirements (3-JDF-3B-03).					
46. Facilities have noncombustible receptacles for smoking materials, and separate containers for other combustible refuse (3-JDF-3B-04).					
47. Written policy governs the control and use of all flammable, toxic, and caustic materials (3-JDF-3B-05).					

<h3>INS Secure Juvenile Standards Checklist</h3>	Rating 1-5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed				

C. Institutional Operations—Cont. (part III of JDF manual)	1	2	3	4	5
48. Written policy requires a communications system within the facility and between it and the community for emergency situations (3-JDF-3B-07).					
49. The facility has a certified evacuation plan for major emergencies (3-JDF-3B-10).					
50. All facility personnel are trained in implementing written emergency plans (3-JDF-3B-11).					
51. Written policy specifies juveniles' immediate release in case of emergency, with a backup system in place (3-JDF-3B-12).					
52. There are written procedures governing escapes that are reviewed at least annually and updated as needed (3-JDF-3B-13).					
53. Written rules of juvenile conduct specify prohibited acts within the facility and penalties for various degrees of violation (3-JDF-3C-02).					

54. A rulebook of all chargeable offenses and consequences is given to each juvenile and staff member, in other languages as necessary (3-JDF-3C-03).					
55. Written policy requires that juveniles are told the reasons behind imposed restrictions, and get an opportunity to explain themselves (3-JDF-3C-06).					
56. During room restriction, staff contact is made with the juvenile at least every 15 minutes, depending on his/her emotional state (3-JDF-3C-07).					
57. Written policy specifies room restriction for minor misbehavior only as a "cooling off" period, to last from 15 to 60 minutes (3-JDF-3C-08).					
58. Written policy provides that juveniles who commit criminal acts are referred to appropriate court or law enforcement officials (3-JDF-3C-09).					
59. A juvenile charged with a major rule violation, e.g., that imperils personal or another's safety, may be confined for up to 24 hours (3-JDF-3C-11).					
60. Written policy ensures the right of juveniles to have access to courts (3-JDF-3D-01).					
61. Written policy ensures and facilitates juvenile access to counsel and assists juveniles in making confidential contact with attorneys (3-JDF-3D-02).					
62. Written policy protects juveniles from abuse, corporeal punishment, personal injury, disease, property damage, and harassment (3-JDF-3D-06).					
63. A written grievance procedure is made available to all juveniles that includes at least one level of appeal (3-JDF-3D-08).					
64. Written policy provides special management for juveniles with serious behavior problems and for those requiring protective care (3-JDF-3E-01).					
65. The facility administrator/shift supervisor can order immediate placement in a special location to protect juveniles from self or others (3-JDF-3E-02).					
66. The facility's sanctioning schedule sets a maximum of 5 days' disciplinary confinement for any offense, unless superseded by law (3-JDF-3E-03).					
67. Juveniles placed in confinement are visually checked by staff every 15 minutes and are visited each day by the appropriate units (3-JDF-3E-04).					
68. Written policy specifies that confined juveniles have living conditions and privileges similar to those for the general population (3-JDF-3E-05).					
D. Facility Services (Part IV of JDF manual)	1	2	3	4	5
69. It is documented that the facility's system of dietary allowances is reviewed at least monthly by a dietitian for proper compliance					

(3-JDF-4A-03).					
70. Written policy requires that food service staff plan out menus and stick to them, taking into account food appearance and palatability (3-JDF-4A-04).					
71. Written policy provides for specially prescribed diets (3-JDF-4A-06).					

<h2>INS Secure Juvenile Standards Checklist</h2>	<p>Rating 1–5: 1=in compliance; 2=not in compliance;</p> <p>3= exception noted; 4=staff information; 5=confirmed</p>
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D. Facility Services—Cont. (Part IV of JDF manual)	1	2	3	4	5
72. Written policy precludes the use of food as a disciplinary measure (3-JDF-4A-07).					
73. Written policy specifies that food services comply with applicable sanitation and health codes (3-JDF-4A-09).					
74. Shelved and refrigerated goods are maintained at the appropriate prescribed temperatures for each (3-JDF-4A-11).					
75. Written policy provides that staff members supervise juveniles during meals (3-JDF-4A-12).					
76. Written policy requires 3 meals a day, 2 of them hot, at regular meal times, with fewer than 14 hours between dinner and breakfast (3-JDF-4A-13).					
77. Written policy provides for adequate health protection for all juveniles and staff in the facility and working in food service (3-JDF-4A-14).					
78. Written policy requires weekly sanitation inspections of all facility areas (3-JDF-4B-01).					
79. The facility administration complies with applicable sanitation codes (3-JDF-4B-02).					
80. An independent, outside source has approved the institution's potable water source and supply (3-JDF-4B-03).					
81. The institution has an approved waste disposal system (3-JDF-4B-04).					
82. Written policy provides for vermin and pest control (3-JDF-4B-05).					
83. Written policy specifies accountability for clothing and bedding issued to juveniles (3-JDF-4B-08).					
84. Juveniles are afforded 3 complete sets of clean clothing per week (3-JDF-4B-10).					
85. Written policy requires the facility to thoroughly clean and					

disinfect, as necessary, juvenile personal clothing being stored or worn (3-JDF-4B-11).					
86. Written policy provides for the issue of complete clean bedding and linen sets, with sufficient blankets for temperature comfort (3-JDF-4B-12).					
87. Written policy provides an approved shower schedule that allows daily showers and showers after strenuous exercise (3-JDF-4B-13).					
88. Written policy requires that all juveniles receive articles necessary for maintaining proper personal hygiene (3-JDF-4B-14).					
89. There are hair care services available to juveniles (3-JDF-4B-15).					
90. Written policy provides that the facility has a contracted health authority with responsibility for health care (3-JDF-4C-01).					
91. Written policy provides that a staff member accompany a juvenile needing hospitalization at least through admission (3-JDF-4C-04).					
92. Adequate space, equipment, and supplies, as determined by the responsible physician, are provided for primary health care delivery (3-JDF-4C-06).					
93. Written policy provides for unimpeded access to health care and for a system for processing health care complaints (3-JDF-4C-07).					
94. When sick call is not conducted by a physician, he/she is available once a week to answer juveniles' health care service complaints (3-JDF-4C-08).					
95. Juveniles' medical complaints are monitored and responded to daily by medically trained personnel (3-JDF-4C-09).					
96. Appropriate state and federal licensure and registration requirements apply to personnel providing health care services to juveniles (3-JDF-4C-10).					

INS Secure Juvenile Standards Checklist	Rating 1–5: 1=in compliance; 2=not in compliance; 3= exception noted; 4=staff information; 5=confirmed				
	D. Facility Services—Cont. (Part IV of JDF manual)	1	2	3	4
97. Written policy provides that treatment by other than licensed health care personnel is performed under a physician's orders (3-JDF-4C-11).					

<p>98. A juvenile's immunization history is obtained when the health appraisal data are collected; immunizations are updated, as required (3-JDF-4C-13).</p>					
<p>99. Obstetrical, gynecological, family planning, and health education services are provided in facilities housing females (3-JDF-4C-14).</p>					
<p>100. Written policy specifies the provision of mental health services for juveniles (3-JDF-4C-16).</p>					
<p>101. When facilities lack full-time, qualified health-trained personnel, a trained staff member coordinates supervised health services (3-JDF-4C-17).</p>					
<p>102. Written policy provides for the proper management of pharmaceuticals (3-JDF-4C-18).</p>					
<p>103. Psychotropic drugs and drugs requiring parenteral administration are prescribed by a physician or provider, following an exam (3-JDF-4C-19).</p>					
<p>104. The person administering medications has training from the responsible physician/official, is accountable for administering medications, and appropriately records their administration (3-JDF-4C-20).</p>					
<p>105. Written policy requires that all juveniles, upon arrival, receive thorough health screenings by qualified personnel (3-JDF-4C-21).</p>					
<p>106. Written policy requires that all juveniles receive thorough health screenings upon their arrival from intrasystem transfers (3-JDF-4C-23).</p>					
<p>107. Written policy provides for the collection and recording of health appraisal data in accordance with prescribed procedures (3-JDF-4C-24).</p>					
<p>108. Written policy provides for 24-hour emergency health care availability as outlined in a detailed written plan (3-JDF-4C-26).</p>					
<p>109. Written policy provides that personnel are trained to respond to health-related situations within 4 minutes (3-JDF-4C-27).</p>					
<p>110. Written policy requires that first aid kits are available (3-JDF-4C-28).</p>					
<p>111. Sick call for nonemergency medical service by a physician or counterpart is available to each juvenile at least 3 times a week (3-JDF-4C-29).</p>					
<p>112. Written policy provides for a special health program for juveniles requiring close medical supervision (3-JDF-4C-30).</p>					
<p>113. Chronic care, convalescent care, and medical preventive maintenance are provided to juveniles when medically indicated (3-JDF-4C-31).</p>					
<p>114. There is a written agreement between the facility and a nearby hospital for all medical services that cannot be provided at the facility (3-JDF-4C-33).</p>					

115. A written suicide and intervention program is reviewed and approved by a qualified medical or mental health professional (3-JDF-4C-35).					
116. Written policy specifies approved actions to be taken by employees concerning juveniles diagnosed as HIV positive (3-JDF-4C-36).					
117. Written policy addresses the management of serious and infectious diseases (3-JDF-4C-37).					
118. Written policy provides for medical examination of any employee or juvenile believed to have a communicable disease (3-JDF-4C-38).					
119. Written policy prohibits using juveniles for medical, pharmaceutical, or cosmetic experiments (3-JDF-4C-43).					
120. Stimulants, tranquilizers, or psychotropic drugs are never used for program management, control, experiment, or research purposes (3-JDF-4C-44).					

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INS Secure Juvenile Standards Checklist	<p>Rating 1–5: 1=in compliance; 2=not in compliance;</p> <p>3= exception noted; 4=staff information; 5=confirmed</p>
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D. Facility Services—Cont. (Part IV of JDF manual)	1	2	3	4	5
121. Written policy provides that juveniles' parents/guardians are promptly notified in case of serious illness, surgery, injury, or death (3-JDF-4C-45).					
122. Juveniles' health record files contain complete and proper records that are maintained in a manner approved by the health authority (3-JDF-4C-46).					
123. Written policy upholds the principle of the health record's confidentiality, and supports particular requirements (3-JDF-4C-47).					
124. Summaries or copies of a juvenile transferee's medical history records are forwarded to the receiving facility before his or her arrival (3-JDF-4C-48).					
E. Juvenile Services (Part V of JDF Manual)	1	2	3	4	5
125. Written procedures for admitting juveniles new to the system include all the required elements and steps (3-JDF-5A-02).					
126. Written policy provides that new juveniles receive written orientation materials and/or translations in their own language (3-JDF-5A-15).					
127. Written policy governs the control and safeguarding of juvenile personal property (3-JDF-5A-16).					
128. Written policy provides that staff members are available to counsel juveniles at their request, even on an emergency basis (3-JDF-5B-04).					
129. Written policy provides for juvenile access to mental health counseling and crisis intervention services, according to need (3-JDF-5B-05).					
130. There is a comprehensive education program for juveniles (3-JDF-5C-01).					
131. The educational program is supported by specialized equipment that meets minimum state education standards (3-JDF-5C-03).					

132. Juveniles are not required to work for free except as part of facility upkeep, personal hygiene, or approved training or service program (3-JDF-5C-05).					
133. Juveniles are not permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor (3-JDF-5C-06).					
134. Library services are provided and available to all juveniles (3-JDF-5D-03).					
135. Written policy provides a recreation-leisure plan that daily allows at least 1 hour each for large muscle and structured leisure activities (3-JDF-5E-04).					
136. Written policy allows juveniles to practice the tenets of their religions, limited only by a documented threat to safety or order (3-JDF-5F-03).					
137. Written policy for juveniles' correspondence is made available to all staff and juveniles, is reviewed annually, and updated as needed (3-JDF-5G-01).					
138. There is no limit on the volume of letters a juvenile may send or receive, when he/she bears the mailing cost (3-JDF-5G-02).					
139. Written policy provides that indigent juveniles, as defined in policy, receive a specified postage allowance to maintain community ties (3-JDF-5G-03).					
140. Written policy specifies that juveniles are permitted to send sealed letters to a specified class of persons and organizations (3-JDF-5G-04).					
141. Written policy grants juveniles the right to communicate/respond freely, limited only by preservation of facility security and order (3-JDF-5G-05).					
142. Written policy provides that all juveniles' mail—incoming and outgoing— may be opened and inspected for contraband (3-JDF-5G-07).					
143. Written policy requires that all cash received in the mail is held for the juvenile under procedures approved by the parent agency (3-JDF-5G-08).					
144. Written policy requires that incoming and outgoing letters are held for no more than 24 hours, and packages no more than 48 hours (3-JDF-5G-09).					

INS Secure Juvenile Standards Checklist

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E. Juvenile Services—Cont. (Part V of JDF manual)	1	2	3	4	5

145. Written policy provides for the forwarding of first class letters and packages after transfer or release (3-JDF-5G-10).					
146. Written policy provides for juvenile access to the telephone to make and receive personal calls (3-JDF-5G-11).					
147. Written policy grants juveniles the right to receive visits, limited only by the need to maintain facility order and security (3-JDF-5G-12).					
148. Written policy provides that juvenile visiting facilities permit informal communication, including opportunity for physical contact (3-JDF-5G-13).					
149. Written policy governs special visits (3-JDF-5G-14).					
150. Written policy specifies that visitors register on entry and states the circumstances governing visitor searches and supervision (3-JDF-5G-15).					
151. Written procedures for releasing juveniles include several verification processes and other checks (3-JDF-5H-02).					
152. Written policy provides for and governs escorted and unescorted day leaves into the community (3-JDF-5H-07).					

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