

ALABAMA DEPARTMENT OF YOUTH SERVICES ADMINISTRATIVE DIVISION
ADMINISTRATIVE CODE

CHAPTER 950-1-3
APPROVAL FOR SERVICE PROVIDERS WHO PROVIDE TREATMENT TO CRIMINAL
JUVENILE SEX OFFENDERS

TABLE OF CONTENTS

950-1-3-.01	Introduction
950-1-3-.02	Statutory Authority
950-1-3-.03	Glossary
950-1-3-.04	Administration
950-1-3-.05	Qualifications Of Therapists
950-1-3-.06	Professional Fees And Charges
950-1-3-.07	Intake Policy And Procedures
950-1-3-.08	Assessment And Individual Treatment Plan
950-1-3-.09	Maintenance Of Records
950-1-3-.10	Ethical Standards
950-1-3-.11	Conducting The Risk Assessment
950-1-3-.12	The Use Of Physiological Measurements
950-1-3-.13	Aversive Techniques
950-1-3-.14	Research Involving Juvenile Sex Offender Programs
950-1-3-.15	Application For Approval
950-1-3-.16	Complaints
950-1-3-.17	Revocation Of Approval
950-1-3-.18	Appeal For A Fair Hearing
950-1-3-.19	Effective Date

950-1-3-.01 Introduction.

(1) The Department has statutory responsibility to approve Treatment Providers who work with "Juvenile criminal sex offenders", (sometimes referred to herein as "youth with illegal sexual behavior problems"), as provided by the Community Notification Act of 1999. The Act mandates that Juveniles who commit criminal sexual offenses receive treatment. Individuals who provide treatment services to these Juveniles are required to be approved by the Department.

(2) The Director of the Department appointed a "panel of experts" to develop a set of standards that could be used in the approval process. The Department's Board initially approved these recommended standards on September 28, 2001. The rules presented herein incorporate those standards, as amended, into administrative procedures as required by Alabama statute.

(3) The rules presented herein are applicable to persons who provide treatment services to "Juvenile criminal sex offenders" as defined by Alabama statute. Said individuals who are or in the future believe they will be providing treatment services to this population are required to follow these rules.

Author: Department of Youth Services

Statutory Authority: Code of Ala. 1975, Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.02 Statutory Authority.

(1) The Department is vested with authority to make and enforce all rules and regulations which are necessary and appropriate to the proper accomplishment of the duties and functions vested in the Department by law with respect to youth services. Among the functions of the Department is the authority to license facilities for delinquent youth and authority to approve providers of sex offender treatment for youth who are adjudicated delinquent for a Sex Offense.

(2) Juveniles who are found to be delinquent for a Juvenile Criminal Sex Offense are required to receive sex offender treatment by an approved sex offender Treatment Provider (§15-20A-26). A written report on the assessment of risk for sexually re-offending shall be prepared by a Treatment Provider approved by the Department (§15-20A-26).

(3) Definitions (§13A-6-60) that apply to this rule are:

(a) Sexual Intercourse - such term has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

(b) Deviate Sexual Intercourse - any act of sexual gratification between persons not married to each other involving the sex organs of one person and the mouth or anus of another.

(c) Sexual Contact - any touching of the sexual or other intimate parts of a person not married to the actor, done for the purpose of gratifying the sexual desire of either party.

(d) Mentally Defective - such term means that a person suffers from a mental disease or defect, which renders him [or her] incapable of appraising the nature of his [or her] conduct.

(e) Mentally Incapacitated - such term means that a person is rendered temporarily incapable of appraising or controlling

his [or her] conduct owing to the influence of a narcotic or intoxicating substance administered to him [or her] without his [or her] consent, or to any other incapacitating act committed upon him [or her] without his [or her] consent.

(f) Physically Helpless - such term means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(g) Forcible Compulsion- physical force that overcomes earnest resistance or a threat, express or implied, that places a person in fear of immediate death or serious physical injury to himself [or herself] or another person.

(4) Criminal Sex Offenses referred to in this rule are as defined under § 15-20A-5, Code of Alabama, 1975, as amended:

(a) Rape in the first degree or second degree.

1. A person commits the crime of rape in the first degree (§13A-6-61) if:

(i) He [or she] engages in Sexual Intercourse with a member of the opposite sex by Forcible Compulsion; or

(ii) He [or she] engages in Sexual Intercourse with a member of the opposite sex who is incapable of consent by reason of being Physically Helpless or Mentally Incapacitated; or

(iii) He [or she], being sixteen (16) years or older, engages in Sexual Intercourse with a member of the opposite sex who is less than twelve (12) years old.

2. Rape in the first degree is a Class A felony.

3. A person commits the crime of rape in the second degree (§13A-6-62) if:

(i) Being sixteen (16) years old or older, he [or she] engages in Sexual Intercourse with a member of the opposite sex less than sixteen (16) and more than twelve (12) years old; provided, however, the actor is at least two (2) years older than the member of the opposite sex;

(ii) He [or she] engages in Sexual Intercourse with a member of the opposite sex who is incapable of consent by reason of being Mentally Defective;

4. Rape in the second degree is a Class B felony.

(b) Sodomy in the first degree or second degree (§§13A-6-63 and 13A-6-64).

1. A person commits the crime of Sodomy in the first degree if:

(i) He [or she] engages in Deviate Sexual Intercourse with another person by Forcible Compulsion; or

(ii) He [or she] engages in Deviate Sexual Intercourse with a person who is incapable of consent by reason of being Physically Helpless or Mentally Incapacitated; or

(iii) He [or she], being sixteen (16) years old or older, engages in Deviate Sexual Intercourse with a person who is less than twelve (12) years old.

2. Sodomy in the first degree is a Class A felony.

3. A person commits the crime of Sodomy in the second degree if:

(i) He [or she], being sixteen (16) years old or older, engages in Deviate Sexual Intercourse with another person less than sixteen (16) and more than twelve (12) years old;

(ii) He [or she] engages in Deviate Sexual Intercourse with a person who is incapable of consent by reason of being Mentally Defective.

4. Sodomy in the second degree is a Class B felony.

(c) Sexual misconduct, Section 13A-6-65

1. On a first conviction or Adjudication a Juvenile Criminal Sex Offender is only subject to Registration and verification pursuant to Section 15-20A-1, et seq., Code of Ala. 1975, as amended, (the Alabama Sex Offender Registration and Community Notification Act).

2. On a second or subsequent conviction or Adjudication of a sex offense, if the second or subsequent conviction or Adjudication does not arise out of the same set of facts and circumstances as the first conviction or Adjudication of a sex offense, the Juvenile Criminal Sex Offender shall comply with all requirements of the Alabama Sex Offender Registration and Community Notification Act.

3. The Sentencing Court may exempt a Juvenile adjudicated delinquent of sexual misconduct from some or all

requirements of the Alabama Sex Offender Registration and Community Act.

(d) Sexual torture (§13A-6-65.1).

1. A person commits the crime of sexual torture:

(i) By penetrating the vagina or anus or mouth of another person with an inanimate object by Forcible Compulsion with the intent to sexually torture or to sexually abuse;

(ii) By penetrating the vagina or anus or mouth of a person who is incapable of consent by reason of physical helplessness or mental incapacity with an inanimate object, with the intent to sexually torture or to sexually abuse;

(iii) By penetrating the vagina or anus or mouth of a person who is less than twelve (12) years old with an inanimate object, by a person who is sixteen (16) years old or older with the intent to sexually torture or to sexually abuse.

2. The crime of sexual torture is a Class A felony.

(e) Sexual abuse in the first degree and second degree (§§13A-6-66 and 13A-6-67).

1. A person commits the crime of sexual abuse in the first degree if:

(i) He [or she] subjects another person to Sexual Contact by Forcible Compulsion;

(ii) He [or she] subjects another person to Sexual Contact who is incapable of consent by reason of being Physically Helpless or Mentally Incapacitated;

(iii) He [or she], being sixteen (16) years old or older, subjects another person to Sexual Contact who is less than twelve (12) years old.

2. Sexual abuse in the first degree is a Class C felony.

3. A person commits the crime of sexual abuse in the second degree if:

(i) He [or she] subjects another person to Sexual Contact who is incapable of consent by reason of some factor other than being less than sixteen (16) years old;

(ii) He [or she], being nineteen (19) years old or older, subjects another person to Sexual Contact who is less than sixteen (16) years old, but more than twelve (12) years old;

(iii) Sexual abuse in the second degree is a Class A misdemeanor, except that if a person commits a second or subsequent offense of sexual abuse in the second degree within one (1) year of another sexual offense, the offense is a Class C felony.

(f) Indecent exposure (§13A-6-68)

1. On a first conviction or Adjudication of a sex offense, the youth with illegal sexual behavior problems is only subject to Registration and verification.

2. On a second or subsequent conviction or Adjudication of a sex offense, if the second or subsequent conviction or Adjudication does not arise out of the same set of facts and circumstances as the first conviction or Adjudication, the Juvenile Criminal Sex Offender shall comply with all requirements of the Alabama Sex Offender Registration and Community Act.

3. The Sentencing Court may exempt a Juvenile adjudicated delinquent of indecent exposure from some or all requirements of the Alabama Sex Offender Registration and Community Act.

(g) Enticing a child to enter a vehicle, room, house, office, or other place for immoral purposes (§13A-6-69).

1. It shall be unlawful for any person with lascivious intent to entice, allure, persuade or invite, or attempt to entice, allure, persuade or invite, any child under sixteen (16) years of age to enter any vehicle, room, house, office or other place for the purpose of proposing to such child the performance of an act of Sexual Intercourse or an act which constitutes the offense of Sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person. Any person violating the provisions of this section shall, for the first violation, be punished by a fine not to exceed \$5,000.00 or by confinement for a term not to exceed five (5) years, or by both fine and imprisonment; and any person who shall be convicted for the second violation of this section shall be punished by confinement in the penitentiary for not less than two (2) nor more than

ten (10) years, and such person shall not be eligible for probation.

(h) Promoting prostitution in the first degree or second degree (§§13A-12-111 and 13A-12-112).

1. A person commits the crime of promoting prostitution in the first degree if he [or she] knowingly:

(i) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or

(ii) Advances or profits from prostitution of a person less than sixteen (16) years of age.

2. Promoting prostitution in the first degree is a Class B felony.

3. A person commits the crime of promoting prostitution in the second degree if he [or she] knowingly:

(i) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two (2) or more prostitutes other than the defendant; or

(ii) Advances or profits from prostitution of a person less than eighteen (18) years of age.

4. Promoting prostitution in the second degree is a Class C felony.

(i) Violation of the Alabama Child Pornography Act.

1. Dissemination or display of obscene matter (§13A-12-191).

(i) Any person who shall knowingly disseminate or display publicly any obscene matter containing a visual reproduction of a person under the age of seventeen (17) years engaged in any act of sadomasochistic abuse, Sexual Intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class B felony.

2. Possession of obscene matter (§13A-12-192).

(i) Any person who knowingly possesses with intent to disseminate any obscene matter containing a visual

reproduction of a person under the age of seventeen (17) years engaged in any act of sadomasochistic abuse, Sexual Intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class B felony. Possession of three (3) or more copies of the same obscene material is prima facie evidence of possession with intent to disseminate the same.

(ii) Any person who knowingly possesses any obscene matter containing a visual reproduction of a person under the age of seventeen (17) years engaged in any act of sadomasochistic abuse, Sexual Intercourse, sexual excitement, masturbation, genital nudity, or other sexual conduct shall be guilty of a Class C felony.

(j) Unlawful imprisonment in the first or second degree.
(§13A-6-41 and § 13A-6-42)

1.(i) A person commits the crime of unlawful imprisonment in the first degree if he restrains another person under circumstances which expose the latter to a risk of serious physical injury.

(ii) Unlawful imprisonment in the first degree is a Class A misdemeanor.

2. A person commits the crime of unlawful imprisonment in the second degree if he restrains another person.

(i) A person does not commit a crime under this section if:

(I) The person restrained is a child less than 18 years old, and

(II) The actor is a relative of the child, and

(III) The actor's sole purpose is to assume lawful control of the child.

(ii) Unlawful imprisonment in the second degree is a Class C misdemeanor.

(k) Kidnapping in the first degree, as provided by subdivision (4) of subsection (a) of Section 13A-6-43, if the intent of the abduction is to violate or abuse the victim sexually.

1. A person commits the crime of kidnapping in the first degree as provided by subdivision (4) of subsection (a) of Section 13A-6-43 if he abducts another person with

intent to inflict physical injury upon him, or to violate or abuse him sexually

(1) Kidnapping of a minor, except by a parent in the first or second degree (§§13A-6-43 and 13A-6-44).

1. A person commits the crime of kidnapping of a minor in the first degree if abducts another person with intent to:

(i) Hold him [or her] for ransom or reward; or

(ii) Use him [or her] as a shield or hostage; or

(iii) Accomplish or aid the commission of any felony or flight there from; or

(iv) Inflict physical injury upon him [or her], or to violate or abuse him [or her] sexually; or

(v) Terrorize him [or her] or a third person; or

(vi) Interfere with the performance of any governmental or political function.

2. A person does not commit the crime of kidnapping in the first degree if he [or she] voluntarily releases the victim alive, and not suffering from serious physical injury, in a safe place prior to apprehension. The burden of injecting the issue of voluntary safe release is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for or preclude a conviction of kidnapping in the second degree or any other crime.

3. Kidnapping in the first degree is a Class A felony.

4. A person commits the crime of kidnapping in the second degree if he [or she] abducts another person.

5. A person does not commit a crime under this section if:

(i) The abduction is not coupled with intent to use or to threaten to use deadly force;

(ii) The actor is a relative of the person abducted; and

(iii) The actor's sole purpose is to assume lawful control of that person. The burden of injecting the issue of defense under this subsection is on the

defendant, but this does not shift the burden of proof.

6. Kidnapping in the second degree is a Class B felony.

(m) Incest (§13A-13-3).

1. A person commits incest if he [or she] marries or engages in Sexual Intercourse with a person he [or she] knows to be, either legitimately or illegitimately:

(i) His [or her] ancestor or descendant by blood or adoption; or

(ii) His [or her] brother or sister of the whole or half-blood or by adoption; or

(iii) His [or her] stepchild or stepparent, while the marriage creating the relationship exists; or

(iv) His [or her] aunt, uncle, nephew or niece of the whole or half-blood.

2. A person shall not be convicted of Incest or of an attempt to commit Incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.

3. Incest is a Class C felony.

(n) Transmitting obscene material to a child by computer (§13A-6-111).

1. A person is guilty of transmitting obscene material to a child if the person transmits, by means of any computer communication system allowing the input, output, examination, or transfer of computer programs from one computer to another, material which, in whole or in part, depicts actual or simulated nudity, sexual conduct, or sadomasochistic abuse, for the purpose of initiating or engaging in sexual acts with the child.

2. For purposes of determining jurisdiction, the offense is committed in this state if the transmission that constitutes the offense either originates in this state or is received in this state.

3. A person charged under this section shall be tried as an adult and the record of the proceeding shall not be sealed nor subject to expungement.

4. Transmitting obscene material of engaging in Sexual Intercourse, Sodomy, or to engage in a sexual

performance, obscene sexual performance, or sexual conduct for his [or her] benefit to a child is a Class B felony.

(o) School employee engaging in a sex act or deviant Sexual Intercourse with a student under 19 years. (§13A-6-81)

1. A person commits the crime of a school employee engaging in a sex act with a student under the age of 19 years if he or she:

(i). Is a school employee and engages in Sexual Intercourse as defined by Section 13A-6-60(1) or deviant Sexual Intercourse as defined by 13A-6-60(2) with a student, regardless of whether the student is male or female.

2. Consent is not a defense to a charge under this section

3. The crime of a school employee engaging in a sex act with a student is a Class B felony.

(p) School employee having Sexual Contact with a student under the age of 19 years. (§13A-6-82a)

1. A person commits the crime of a school employee having Sexual Contact with a student under the age of 19 years if he or she

(i) is a school employee and

(ii) engages in Sexual Contact, as defined by Section 13A-6-60(3), with a student, regardless of whether the student is male or female.

2. Consent is not a defense to a charge under this section.

3. The crime of a school employee having Sexual Contact with a student is a Class C felony.

(q) School employee soliciting a sex act with a student under the age of 19 (§13A-6-82b).

1. A person commits the crime of a school employee soliciting a sex act with a student under the age of 19 years if he or she

(i) is a school employee and

(ii) solicits, persuades, encourages, harasses, or entices a student to engage in a sex act including, but not limited to,

(I) Sexual Intercourse, as defined by Section 13A-6-30(1),

(II) Deviate Sexual Intercourse, as defined by Section 13A-6-30(2), or

(III) Sexual Contact, as defined by Section 13A-6-30(3).

2. The crime of soliciting a student to perform a sex act is a Class A misdemeanor.

(r) Facilitating solicitation of unlawful sexual conduct with a child. (§13A-6-121).

1. A person is guilty of facilitating solicitation of unlawful sexual conduct with a child who:

(i) knowingly compiles, enters into, or transmits by use of computer or otherwise; makes, prints, publishes, or reproduces by computerized or other means; knowingly causes or allows to be entered into or transmitted by use of computer or otherwise; or buys, sells, receives, exchanges, or disseminates any notice, statement, or advertisement of any child's name, telephone number, place of residence, other geographical location, physical characteristics, or other descriptive or identifying information

(ii) for the purpose of facilitating, encouraging, offering, or soliciting unlawful sexual conduct of or with any child,

(iii) or the visual depiction of such conduct,

2. Any person who facilitates solicitation of unlawful sexual conduct with a child commits a Class C felony.

(s) Electronic solicitation of a child (§13A-6-122).

1. A person is guilty of electronic solicitation of a child who:

(i) In addition to the provisions of Section 13A-6-69,

(ii) knowingly, entices, induces, persuades, seduces, prevails, advises, coerces, lures, or orders, or attempts to entice, induce, persuade, seduce,

prevail, advise, coerce, lure, or order, by means of a computer, on-line service, Internet service, Internet bulletin board service, weblog, cellular phone, video game system, personal data assistant, telephone, facsimile machine, camera, universal serial bus drive, writable compact disc, magnetic storage device, floppy disk, or any other electronic communication or storage device, a child who is at least three years younger than the defendant, or another person believed by the defendant to be a child at least three years younger than the defendant to meet with the defendant or any other person for the purpose of engaging in Sexual Intercourse, Deviate Sexual Intercourse, Sexual Contact, sexual performance, obscene sexual performance, sexual conduct, or genital mutilation or directs a child to engage in Sexual Intercourse, Deviate Sexual Intercourse Sexual Contact, sexual performance, obscene sexual performance, sexual conduct, or genital mutilation.

2. Any person who violates this section commits a Class B felony.

(t) Facilitating the on-line solicitation of a child (§13A-6-123)

1. Any owner or operator of a computer on-line service, weblog, Internet service, or Internet bulletin board service, is guilty of is guilty of facilitating the on-line solicitation of a child:

(i) who knowingly aids and abets another person or who, with the purpose of facilitating or encouraging the on-line solicitation of the child, permits any person to use the service to commit a violation of this article.

2. Any person who violates this section commits a Class B felony.

(u) Traveling to meet a child for an unlawful sex act (§13A-6-124).

1. Any person shall be guilty of traveling to meet a child for an unlawful sex act who

(i) travels either within this state, to this state, or from this state by any means,

(ii) attempts to do so, or

(iii) knowingly causes another to do so or to attempt to do so:

(iv) for the purpose of engaging in any unlawful sex act with a child, including Sexual Intercourse, Sodomy, a sexual performance, obscene sexual performance, or other sexual conduct for his or her benefit or for the benefit of another.

2. Any person who violates this section commits a Class A felony.

(v) Facilitating the travel of a child for an unlawful sex act (§13A-6-125).

1. Any person shall be guilty of facilitating the transport of a child for an unlawful sex act who:

(i) facilitates, arranges, provides, or pays for the transport of a child

(ii) for the purposes of engaging in an unlawful sex act with a child, including Sexual Intercourse, Sodomy, a sexual performance, obscene sexual performance, or other sexual conduct

(iii) for his or her benefit or for the benefit of another.

2. Any person who violates this section commits a Class A felony.

(w) Human trafficking in the first degree, (13A-6-152, provided that the offense involves sexual servitude)

1. A person commits the crime of human trafficking in the first degree if:

(i) He or she knowingly subjects another person to labor servitude or sexual servitude through use of Coercion or deception.

(ii) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude.

2. It is not required that the defendant have knowledge of a minor victim's age, nor is reasonable mistake of age a defense to liability.

3. Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class C felony.

4. Human trafficking in the first degree is a Class A felony.

(x) Human trafficking in the second degree, (§13A-6-153, provided that the offense involves sexual servitude)

1. A person commits the crime of human trafficking in the second degree if:

(i) A person knowingly benefits, financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.

(ii) A person knowingly recruits, entices, solicits, induces, harbors, transports, holds, restrains, provides, maintains, subjects, or obtains by any means another person for the purpose of labor servitude or sexual servitude.

(iii) Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class A misdemeanor.

2. Human trafficking in the second degree is a Class B felony.

(y) Custodial sexual misconduct (§14-11-31)

1. It shall be unlawful for any employee to engage in sexual conduct with a person who is in the custody of the Department of Corrections, the Department of Youth Services, a sheriff, a county, or a municipality.

2. It shall be unlawful for any probation or parole officer to engage in sexual conduct with a person who is under the supervisory, disciplinary, or custodial authority of the officer engaging in the sexual conduct with the person.

3. Any person violating subsection (1.) or (2.) shall, upon conviction, be guilty of custodial sexual misconduct.

4. Custodial sexual misconduct is a Class C felony.

5. For purposes of this article, the consent of the person in custody of the Department of Corrections, the

Department, a sheriff, a county, or a municipality, or a person who is on probation or on parole, shall not be a defense to a prosecution under this article.

(z) Sexual extortion (§13A-6-241)

1. A person commits the crime of sexual extortion if

(i) he or she knowingly causes another person to engage in Sexual Intercourse, Deviate Sexual Intercourse, Sexual Contact, or in a sexual act or to produce any photograph, digital image, video, film, or other recording of any person, whether recognizable or not, engaged in any act of sadomasochistic abuse, Sexual Intercourse, Deviate Sexual Intercourse sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct by transmitting any communication containing any threat to injure the body, property, or reputation of any person.

2. Sexual extortion is a Class B felony.

(aa) Directing a child to engage in a sex act (§ 13A-6-243).

1. A person commits the crime of directing a child to engage in Sexual Intercourse or Deviate Sexual Intercourse if :

(i) he or she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 to engage in Sexual Intercourse or Deviate Sexual Intercourse with another person under the age of 12.

2. Directing a child to engage in Sexual Intercourse or Deviate Sexual Intercourse is a Class A felony.

3. A person commits the crime of directing a child to engage in Sexual Contact if

(i) he or she knowingly entices, allures, persuades, induces, or directs any person under the age of 12 to engage in Sexual Contact with another person under the age of 12.

(bb) A violation of this section is a Class C felony.

(cc) Any solicitation, attempt, or conspiracy to commit any of the offenses listed as Criminal Sex Offenses (§15-20-21).

(dd) Any crime committed in any state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state under the current provisions of

law, would constitute an offense if listed in paragraphs (a) to (k), inclusive (§15-20-21).

Author: Department of Youth Services

Statutory Authority: Code of Ala. 1975, §44-1-24; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.03 Glossary.

(1) Adjudication - the process of rendering a judicial decision as to whether the facts alleged in a petition or other pleading are true; an adjudicatory hearing is that court proceeding in which it is determined whether the allegations of the petition are supported by legally-admissible evidence.

(2) Aftercare - a legal status created by order of the committing court at the time of Release from a state training school whereby a youth is permitted to return to the community subject to supervision by the court or any agency designated by the court and subject to return to the court at any time during the Aftercare period. A committed youth shall be released into Aftercare when the Department determines that said youth is no longer in need of the services of the state training schools and can function within open society under the supervision of a probation officer in accordance with terms and conditions as established by the committing court.

(3) Ancillary Services - Ancillary Services can be provided by individuals who have neither a license nor the necessary experience to meet the standards for independent practice with his [or her] population. Any such services provided should be in conjunction with and under the supervision of approved service providers. Services can include case management and assisting an approved therapist in group activities and other related services to clients while under direct supervision.

(4) Autoeroticism - self-stimulation/masturbation.

(5) Coercion - the use of tricks, bribes, force, threats or intimidation to get someone to go along with what you want to do. Coercion is the tool used to get victims to comply or cooperate.

(6) Community Notification Laws - laws which allow or mandate that law enforcement, criminal justice, or corrections agencies give citizens access to relevant information about certain convicted Juvenile Criminal Sex Offenders living in their communities.

(7) Criminal Sex Offense - a crime of a sexual nature described in Section 950-1-3-.02, which would be a crime if committed by an

adult, when made the basis of an Adjudication of delinquency in any Juvenile court in Alabama.

(8) Department - The Department of Youth Services established in Chapter 1 of Title 44 Code of Ala. 1975, as amended.

(9) Discharge Readiness - the point at which it appears to a multi-disciplinary team working with the offending youth that he [or she] has completed and internalized the techniques learned in their residential treatment program and are able to implement their relapse prevention plan. The professional staff has completed the Risk Assessment report, prepared the report for the Juvenile court judge and is prepared to testify in court to the treatment outcome. The professional is also prepared to give recommendation(s) regarding after care. The judge determines a Risk Level the youth presents to the community and, if a less restrictive setting is indicated, the judge will discharge the youth from the Department facility.

(10) Grooming - the process of manipulation often utilized by child molesters, intended to reduce a victim's or potential victim's resistance to sexual abuse. Typical Grooming activities include gaining the child victim's trust or gradually escalating boundary violations of the child's body in order to desensitize the victim to further abuse.

(11) Incest - sexual relations between close relatives, such as father and daughter, mother and son, sister and brother. This also includes other relatives, step children, and children of common-law marriages.

(12) Informed Consent Statement - a clinical document signed by a sexually abusive youth, which becomes part of the treatment record and may be admissible in court. It implies that the sexually abusive youth understands the benefits and risks of a particular treatment procedure and may voluntarily withdraw from the procedure without consequence (often applies to the use of aversive therapy). Document may also contain statements regarding the type of information that will not remain confidential.

(13) Individualized Service Plan (ISP) - a document outlining the essential treatment issues which must be addressed by the youth with illegal sexual behavior problems. Treatment plans often consist of core problem areas to be addressed in treatment such as cognitive restructuring, emotional development, social and interpersonal skills enhancement, lowering of deviant sexual arousal, anger management, empathy development, understanding of the sexual abuse cycle, and the formulation and implementation of a relapse prevention plan. These plans also include the strengths of the offender that can be built on in the course of treatment. These plans will include:

(a) Strengths;

- (b) Problem(s) to be addressed;
- (c) Treatment proposed;
- (d) Goals of treatment (short and long term goals);
- (e) Who is responsible for what steps in the plan; and
- (f) Time frame to meet goals.

(14) Juvenile - an individual under the age of eighteen (18), or under nineteen (19) years of age and before the Juvenile court for a matter arising before that individual's eighteenth (18th) birthday.

(15) Juvenile Criminal Sex Offender - a child adjudicated delinquent of a Criminal Sex Offense as defined by the statute.

(16) Least Restrictive Environment - the environment in which a youth with illegal sexual behavior problems lives that decreases security offered by the physical structure (e.g., increased number of roommates), reduces the level/intensity of supervision, allows greater access to unsupervised leisure time activities, and permits community or family visits. The Least Restrictive Environment is usually the result of significant treatment progress or compliance with the treatment program and environment.

(17) Limited Confidentiality - a restriction on repeating communications to a third party. Some things cannot remain confidential such as: acts or behaviors that would be injurious to oneself or others; things against the law; and other things that are explained prior to beginning treatment.

(18) Megan's law - the first amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act. This was passed in October 1996 and requires states to allow public access to information about sex offenders in the community. This federal mandate was named after Megan Kanka, a seven-year old girl who was raped and murdered by a twice-convicted child molester in her New Jersey neighborhood.

(19) Notification-Notification is notice to the public. The Legislature has determined that the public may be entitled to Notification of the identity of a Juvenile adjudicated delinquent for a Juvenile Criminal Sex Offense. Such Notification is given at the time the adjudicated Juvenile has unsupervised access to the public. The Sentencing Court is required to determine whether to apply Notification, and if so, who shall receive it:

- (a) In determining whether to apply Notification requirements to a Juvenile Criminal Sex Offender, the Sentencing Court shall consider any of the following factors relevant to the risk of re-offense:

1. Conditions of Release that minimize the risk of re-offense, including, but not limited to, whether the Juvenile Criminal Sex Offender is under supervision of probation, parole, or Aftercare; receiving counseling, therapy, or treatment; or residing in a home situation that provides guidance and supervision.

2. Physical conditions that minimize the risk of re-offense, including, but not limited to, advanced age or debilitating illness.

3. Criminal history factors indicative of high risk of re-offense, including whether the conduct of the Juvenile Criminal Sex Offender was found to be characterized by repetitive and compulsive behavior.

4. Whether psychological or psychiatric profiles indicate a risk of Recidivism.

5. The relationship between the Juvenile Criminal Sex Offender and the victim.

6. Recent behavior, including behavior while confined or while under supervision in the community.

7. Recent threats against persons or expressions of intent to commit additional crimes.

8. The protection of society.

9. Any other factors deemed relevant by the court.

(b) If the Sentencing Court determines that the Juvenile Criminal Sex Offender shall be subject to Notification, the level of Notification shall be applied as follows:

1. If the risk of re-offense is low, Notification that the Juvenile Criminal Sex Offender will be establishing or has established a fixed residence shall be provided by local law enforcement to the principal of the public or nonpublic school where the Juvenile Criminal Sex Offender will attend after Release and, if a public school, to the local superintendent of education with jurisdiction over that school. This Notification shall include the name, actual living address, date of birth of the Juvenile Criminal Sex Offender, and a statement of the sex offense for which he or she has been adjudicated delinquent, including the age and gender of the victim. This information shall be considered confidential by the school and the local superintendent of education and be shared only with the teachers and staff with supervision over the Juvenile Criminal Sex Offender. Whoever, except as specifically provided herein, directly or indirectly

discloses or makes use of or knowingly permits the use of information concerning a Juvenile Criminal Sex Offender described in this section, upon conviction thereof, shall be guilty of a Class C felony within the jurisdiction of the Juvenile court.

2. If the risk of re-offense is moderate, Notification that the Juvenile Criminal Sex Offender will be establishing, or has established, a fixed residence shall be provided by local law enforcement to all schools and childcare facilities within three miles of the declared fixed residence of the Juvenile Criminal Sex Offender. A community Notification flyer shall be mailed by regular mail or hand delivered to all schools or childcare facilities as required by this subsection. No other method may be used to disseminate this information.

3. If the risk of re-offense is high, the public shall receive Notification as though the Juvenile Criminal Sex Offender were an adult sex offender in accordance with Section 15-20A-21.

(c) The Sentencing Court shall enter an order stating whether the Juvenile Criminal Sex Offender shall be subject to Notification and the level of Notification that shall be applied. The court shall provide a copy of the order to the prosecuting attorney and to the Alabama State Law Enforcement Agency.

(d) The determination of Notification by the Sentencing Court shall not be subject to appeal.

(20) Paraphilia - a psychosexual disorder that includes recurrent, intense, sexually arousing fantasies, urges, and/or thoughts that usually involve humans, but may also include non-human objects. Suffering of one's self or partner, children, or non-consenting persons is common. A deviation in normal sexual interests and behavior that may include:

(a) Bestiality (Zoophilia) - sexual interest or arousal to animals.

(b) Coprophilia - sexual interest or arousal to feces.

(c) Exhibitionism - exposing one's genitalia to others for purposes of sexual arousal.

(d) Frottage - touching or rubbing against a non-consenting person.

(e) Fetishism - use of nonliving objects (e.g., shoes, undergarments, etc.) for sexual arousal that often involves masturbation.

- (f) Hebophilia - sexual interest in, or arousal to, teens/post-pubescent children.
- (g) Klismophilia - sexual arousal from enemas.
- (h) Necrophilia - sexual interest in, or arousal, to corpses.
- (i) Pedophilia - an unnatural attraction to prepubescent children (generally age thirteen (13) years or younger) including recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving sexual activity.
- (j) Pederasty - sexual interest in, or arousal to, adolescents.
- (k) Sexual Masochism - sexual arousal/excitement from being humiliated, beaten, bound, or made to suffer.
- (l) Sexual Sadism - sexual arousal/excitement from psychological or physical suffering of another.
- (m) Telephone Scatologia - engaging in uninvited, sexually explicit talk with another person via the telephone. This is often referred to as "obscene phone calling".

(21) Registration - (Registration is sometimes referred to herein as "Registration and notification.") The Alabama Sex Offender Registration and Community Act requires law enforcement to maintain an electronic database of information relating to criminal sex offenders, including Juveniles. Immediately upon Release or immediately upon Adjudication of delinquency if the Juvenile Criminal Sex Offender is not committed, the following Registration requirements must be met:

(a) The Juvenile Criminal Sex Offender and the parent, custodian, or guardian shall register all Required Registration Information with local law enforcement in each county in which the Juvenile Criminal Sex Offender resides or intends to reside.

(b) Whenever a Juvenile Criminal Sex Offender establishes a new residence, the Juvenile Criminal Sex Offender and the parent, custodian, or guardian of the Juvenile Criminal Sex Offender shall immediately appear in person to register all Required Registration Information with local law enforcement in each county of residence.

(c) If the parent, custodian, or guardian of a Juvenile Criminal Sex Offender transfers or terminates the residence of the Juvenile Criminal Sex Offender, or the custody of the Juvenile Criminal Sex Offender is changed to a different parent, custodian, or guardian resulting in a transfer of residence, the original parent, custodian, or guardian with

custody shall immediately notify local law enforcement in each county of residence.

(d) Whenever a Juvenile Criminal Sex Offender changes any Required Registration Information including, but not limited to, his or her school attendance status, the Juvenile Criminal Sex Offender and the parent, custodian, or guardian of the Juvenile Criminal Sex Offender shall immediately appear in person to update the Required Registration Information with local law enforcement in each county in which the Juvenile Criminal Sex Offender resides.

(e) A Juvenile adjudicated delinquent of any of the following sex offenses, who was 14 or older at the time of the offense, shall be subject to Registration and Notification, if applicable, for life:

1. Rape in the first degree, as provided by Section 13A-6-61.
2. Sodomy in the first degree, as provided by Section 13A-6-63.
3. Sexual abuse in the first degree, as provided by Section 13A-6-66.
4. Sexual torture, as provided by Section 13A-6-65.1.
5. Any offense committed in any other jurisdiction which, if had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (4), inclusive.
6. Any offense, committed in this state or any other jurisdiction, comparable to or more severe than aggravated sexual abuse as described in 18 U.S.C. §2241(a) or (b).
7. Any attempt or conspiracy to commit any of the offenses listed in subdivisions (1) to (6), inclusive.

(f) A Juvenile Criminal Sex Offender required to register for life shall appear in person with his or her parent, custodian, or guardian to verify all Required Registration Information during the birth month of the Juvenile Criminal Sex Offender and every three months thereafter with the local law enforcement in each county of residence unless the Juvenile Criminal Sex Offender has been relieved from Registration requirements pursuant to Section 15-20A-34.

(g) A Juvenile Criminal Sex Offender who is not subject to lifetime Registration shall be subject to the requirements of

the Alabama Sex Offender Registration and Community Act for a period of 10 years from the date of first Registration.

(h) A Juvenile Criminal Sex Offender required to register for 10 years shall appear in person with his or her parent, custodian, or guardian to verify all Required Registration Information during the birth month of the Juvenile Criminal Sex Offender and every year thereafter with local law enforcement in each county of residence unless the Juvenile Criminal Sex Offender has been relieved from Registration requirements pursuant to Section 15-20A-24.

(i) At the time of Registration, the Juvenile Criminal Sex Offender shall be provided a form explaining all duties and any restrictions placed on the Juvenile Criminal Sex Offender. The Juvenile Criminal Sex Offender and the parent, custodian, or guardian of the Juvenile Criminal Sex Offender shall read and sign this form stating that he or she understands the duties and restrictions placed on the Juvenile Criminal Sex Offender and his or her parent, custodian, or guardian.

(j) When a Juvenile Criminal Sex Offender becomes the age of majority, the parent, custodian, or guardian of the Juvenile sex offender shall no longer be subject to the requirements of this section, and the Juvenile Criminal Sex Offender shall instead be solely responsible for the requirements in this section.

(k) A person who knowingly violates the Registration requirements of the Alabama Sex Offender Registration and Community Act shall be guilty of a Class C felony.

(22) Required Registration Information—The following registration information, unless otherwise indicated, shall be provided by the sex offender when registering:

(a) Name, including any aliases, nicknames, ethnic, or tribal names.

(b) Date of birth.

(c) Social Security number.

(d) Address of each residence.

(e) Name and address of any school the sex offender attends or will attend. For purposes of this subdivision, a school includes an educational institution, public or private, including a secondary school, a trade or professional school, or an institution of higher education.

(f) Name and address of any employer where the sex offender works or will work, including any transient or day laborer information.

(g) The license plate number, Registration number or identifier, description, and permanent or frequent location where all vehicles are kept for any vehicle used for work or personal use, including land vehicles, aircraft, and watercraft.

(h) Any telephone number used, including land line and cell phone numbers.

(i) Any email addresses or instant message address or identifiers used, including any designations or monikers used for self-identification in Internet communications or postings other than those used exclusively in connection with a lawful commercial transaction.

(j) A current photograph.

(k) A physical description of the sex offender including physical appearance, physical characteristics, and identifying marks such as scars and tattoos.

(l) Fingerprints and palm prints.

(m) A DNA sample. The DNA sample may be collected by the probation officer, sheriff, chief of police, or other Responsible Agency. Prior to collecting a DNA sample, the Responsible Agency shall determine if a DNA sample has already been collected for the sex offender by checking the Dru Sjodin National Sex Offender Public Registry website, the Alabama Department of Forensic Sciences DNA Tracker site, or with the Alabama State Law Enforcement Agency. If a DNA sample has not been previously collected for the sex offender, the Responsible Agency shall coordinate for the collection of a DNA sample with the sheriff of the county in which the Registration is occurring. The collection of a DNA sample should be performed using materials recommended or provided by the Alabama Department of Forensic Sciences. The DNA sample shall be immediately forwarded by the entity collecting the sample to the Department of Forensic Sciences.

(n) A photocopy of the valid driver license or identification card.

(o) A photocopy of any and all passport and immigration documents.

(p) Any professional licensing information that authorizes the sex offender to engage in an occupation or carry out a trade or business.

(q) A full criminal history of the sex offender, including dates of all arrests and convictions, status of parole, probation, or supervised Release, Registration status, and outstanding arrest warrants.

(r) A list of any and all Internet service providers used by the sex offender.

(s) Any other information deemed necessary by the Secretary of the Alabama State Law Enforcement Agency.

(23) Voyeurism - observing unsuspecting individuals, usually stranger, who are naked, in the act of dressing or undressing, or engaging in sexual activities.

(24) Psychopharmacology - the use of prescribed medications to alter behavior, affect, and/or the cognitive process.

(25) Recidivism - commission of a crime after the individual has been criminally adjudicated for a previous crime after receiving sanctions and/or treatment for such crime.

(26) Release - discharge from the custody of the Department or other Juvenile detention, or placement on probation or parole or Aftercare, or placement into any facility or treatment program that allows the offender to have unsupervised access to the public.

(27) Release of Information - the sharing of information among individuals managing sexually abusive youths (e.g., two-way information Release between Treatment Providers and legal professionals includes the sharing of sexually abusive youth's legal and treatment records and other information necessary for the effective monitoring and supervision).

(28) Re-offend - commit another sexual crime.

(29) Responsible Agency - for a Juvenile Criminal Sex Offender being released from the Department, the Responsible Agency is the Department.

(30) Risk Assessment - a written report on the assessment of risk for sexually re-offending conducted by a treatment provider approved by the Department. The Treatment Provider shall provide a copy of the Risk Assessment to the Sentencing Court, the prosecuting attorney, and the Juvenile probation office not less than 60 days prior to the projected Release of the Juvenile Criminal Sex Offender from a facility where the Juvenile Criminal Sex Offender does not have unsupervised access to the public or immediately upon completion of the Risk Assessment if the Juvenile Criminal Sex Offender is not in a facility where the Juvenile Criminal Sex Offender does not have unsupervised access to the public. The report shall include, but not be limited to, the

following regarding the criminal sex offender: criminal history, mental status, attitude, previous sexual offender treatment and response to treatment, social factors, conditions of Release expected to minimize risk of sexual re-offending and characteristics of the Criminal Sex Offense.

(31) Risk Factors - a set of internal stimuli or external circumstances that threaten sex offender's self-control and thus increases the risk of the youth committing a sexual offense. Characteristics that have been found through scientific study to be associated with increased likelihood of Recidivism for known sex offenders. Risk Factors are typically identified through risk assessment instruments. An example of a sex offender risk factor is a history of molesting boys.

(32) Risk Level - the determination by evaluation of a sex offender's likelihood of re-offense, and, if the offender re-offends, the extent to which the offense is likely to be traumatic to potential victims. In Alabama this judicial determination is based on the Alabama Sex Offender Registration and Community Notification Act. Sexual offenders who exhibit fewer offenses, less violence, less denial, a willingness to engage in treatment, no or few collateral issues (e.g., substance abuse, cognitive deficits, learning disabilities, neurological deficits, and use of weapons) are considered lower risk than those whose profile reflects more offenses, violence, etc. Risk Level is changeable, depending on behaviors exhibited within a treatment program. Disclosures of additional, previously unknown offenses or behaviors may also alter the offender's assessed Risk Level.

(33) Sentencing Court - the court of conviction or the court that determines sentence as a result of conviction or Adjudication.

(34) Sodomy - Deviant Sexual Contact (See legal definitions).

(35) Treatment Providers - persons approved to provide direct treatment services to youth with illegal sexual behavior problems shall have completed a graduate degree at the master's level or above from an accredited university in one of the following recognized mental health professions: psychiatry, psychology, social work, marriage and family counseling, counseling or psychiatric nursing. Persons who possess other graduate degrees in a related field or persons in training at the graduate level in one of the recognized mental health professions can assist in a treatment program as a co-facilitator or case manager. These persons shall be professionally supervised by a trained clinician from one of the above-designated disciplines.

Author: Department of Youth Services

Statutory Authority: Code of Ala. 1975, Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.04 Administration.

(1) The service provider shall have a program document that describes the operation of the juvenile sex offender program. The overview to the program shall describe the theoretical approaches used by the service provider and the manner in which services are delivered. The program description shall be available to the Juvenile courts in the community catchment area served by the Treatment Provider and to the Department.

(a) It is recognized that program material may vary based on the size of the service organization. Sole proprietary type services offered by a single therapist who works with this population shall provide a program manual. Offices with multiple therapists should have a policy and program manual that provides information about how the organization is structured as well as how services are provided which meet the needs of youth with illegal sexual behavior problems.

(2) Oversight is vested in a single person who has overall clinical responsibility for the treatment program.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.05 Qualifications Of Therapists.

(1) Degree Requirements:

(a) Persons who provide direct treatment services to Juvenile sex offenders shall have completed a graduate degree program, designed to prepare practitioners to provide clinical services, at the master's level or above from an accredited university in one of the following recognized mental health professions: psychiatry, psychology, social work, marriage and family therapists, counseling, clinical nursing specializing in mental health, or psychiatric nursing at the practitioner level.

(b) Persons who possess other graduate degrees in a related field or persons in training at the graduate level in one of the recognized mental health professions may provide Ancillary Services in a treatment program as a co-facilitator or case manager. These persons are not certified to practice

independently and shall be professionally supervised by a Treatment Provider approved to provide clinical supervision.

(2) Licensure Requirements:

(a) Practitioners seeking certification for the provision of treatment services for Juvenile Criminal Sex Offender treatment must be licensed to practice independently according to their professional disciplines (e.g., counselors - LPC, social workers - PIP, etc).

(b) Persons who provide direct treatment services to Juvenile Criminal Sex Offenders under the supervision of a certified Treatment Provider shall be licensed to practice in their professional discipline by the appropriate State of Alabama licensing authority. Clinicians shall be certain that they are licensed at the appropriate level for the type of practice in which they are engaged. License eligible providers of direct therapeutic services to this population must be in the process of completing licensing procedures by their respective discipline and must be under the direct supervision of a licensed professional. Persons who are exempted by State statute from the licensure requirements can also practice with this population if they meet the other requirements, as described herein, and if they are supervised by an approved licensed professional.

(c) Students in graduate internships, license eligible professionals working with this population, license exempt State agency staff and residential program staff may work directly with clients, but only if a licensed professional supervises them and signs approval as the final authority on clinical practice and treatment planning.

(3) Experience/Training Requirements:

(a) Persons who provide independent treatment services to this population shall have considerable experience with adolescents who manifest various emotional and social problems. This experience shall be obtained through a system of intensive training and supervision of at least two (2) years duration, with one (1) year focused on the treatment of adolescent sexual offenders. Receipt of certification from a Juvenile Criminal Sex Offender certification program can be substituted for six (6) months of the clinical practice experience requirement, but only if the certification program requires an internship/practice component.

(b) Persons who provide direct treatment services to Juvenile Criminal Sex Offenders within a treatment program shall have a minimum of two (2) years of supervised experience with clinical populations of adolescents. At least one (1) year of that experience must have been with youth that were in

treatment for sex offending behavior. Receipt of certification from a sex offender certification program can be substituted for six (6) months of the clinical practice experience requirement, but only if the certification program requires an internship/practice component. Persons who provide direct services to Juveniles in a treatment program are not required to have the two (2) years of experience if they are directly supervised by a professional who has at least five (5) years of clinical experience with Juveniles and who meets licensure requirements to carry out supervision, or who is certified as a provider by the Department.

(c) Specialized treatment of Juvenile sexual offenders has primarily emerged during the last decade. Treatment specialists were trained to deal with multiple problems which adolescents experience, rather than focusing specifically on sex offending. Therefore, professionals who received their graduate degrees prior to 1990, and who otherwise meet the conditions above, are not required to have one (1) year of their supervised experience to be in the treatment of youth with sexual behavior problems.

(d) Persons who have neither a required level of licensure nor the required experience with this population can work only in ancillary roles with Juvenile sex offenders until they acquire the required professional experience and licensure.

(e) Experienced community providers who intend to provide independent treatment services to this population and do not meet the full criteria outlined in section 950-1-3-.05(3a), specifically the one (1) year training and supervision working with youth with sexual behavior problems, may be approved on a probationary basis upon review and approval of a supervision plan completed in concert with an approved Treatment Provider. The supervisor shall provide sufficient supervision to ensure that the treatment provided meets the standards of care. Ordinarily, this would mean face-to-face supervision of one (1) hour per week, review of records, and written approval of the treatment services. Certification from a sex offender certification program may be substituted for up to six (6) months of the clinical practice experience requirement, but only if the certification program requires an internship/practice component. The remaining six (6) months of training and supervision must be completed with an approved Treatment Provider-supervisor. Under the auspices of the Department, the Alabama Review Panel has established a method for assisting community providers with obtaining the necessary training and supervision required for the certification process. Based on Treatment Providers' prior clinical experience and training with this population, supervision may be provided for six (6) months to one (1) year, or longer as deemed necessary. Supervision plans will be individualized and tailored to meet the training needs of independent providers. Supervision plans

must be submitted within two (2) months of completed supervision.

(4) Providers of direct treatment services to youth with illegal sexual behavior problems, both independent practice and program services, shall be involved in continuing education and professional development activities appropriate to their professional practice.

(a) Approved providers are expected to obtain a minimum of eighteen (18) hours of continuing education hours within the three (3) year certification period. Continuing education must be relevant to the treatment of adolescents and compliant with respective licensing boards. Additionally, at least six (6) hours must be specific to youth with illegal sexual behaviors.

(b) The Alabama Review Panel, under the auspices of the Department, may serve as a resource to identify relevant training topics and coordinate the facilitation of such trainings. The Department may provide state-wide workshops and/or training sessions to aid community providers in meeting the continuing education requirement.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.06

Professional Fees And Charges.

(1) Arrangements for all fees and payment schedules are to be discussed in full with a written contract to be signed by the provider and the client and parent/guardian at the beginning of an assessment or a therapeutic relationship. It is strongly encouraged that this take place at the first meeting and not later than the second meeting. No fee change will be made without a modified written agreement signed by the provider, client, and parent/guardian.

(2) Bartering for services can result in a multiple relationship; therefore, is considered unethical.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002.

950-1-3-.07 Intake Policy And Procedures.

(1) Juveniles included under these rules shall be adjudicated for a sex offense as a "Juvenile Criminal Sex Offender" as defined by Alabama statutes.

(a) These rules establish a recognized quality of care to be provided to any youth with illegal sexual behavior problems. However, the only persons required to receive treatment specifically under these standards are those who have been adjudicated as a Juvenile Criminal Sex Offender. Direct treatment as defined in these rules means intervention related to the Juvenile's adjudicated sex offense(s).

(2) The court that has original jurisdiction of the Juvenile shall mandate Juvenile sex offender treatment by a person approved as a service provider. This treatment can either be provided while incarcerated or through outpatient services while on probation or in pre-commitment or post-commitment treatment / Aftercare, or any combination thereof. Documentation of the court's order shall be incorporated in the individual's treatment file.

(a) Informed consent/acknowledgment is considered an essential component of the provision of any professional service. At the time of the initial appointment, each client and parent/guardian of a Juvenile shall be informed both verbally and in writing of the types of services proposed and the limits of privilege and confidentiality.

(3) The therapist shall make every effort to receive "discovery material" from the various agencies of the justice system; i.e., police, probation, prosecution, and the court. In addition, the therapist should collect information from clients regarding other psychosocial documents as available from the following:

(a) Medical records;

(b) Psychological/psychiatric reports;

(c) Grievance and disciplinary records;

(d) Referrals to other agencies;

(e) Authorization and agreement forms signed by both the parent/guardian and Juvenile.

(5) A provider shall conduct an administrative meeting covering, both verbally and in writing, the following: treatment program facilitation, fees, acknowledgment, and Limited confidentiality.

It is highly desirable for the parent/guardian to participate in the intake process.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.08 Assessment And Individual Treatment Plan.

(1) The Treatment Provider shall conduct an assessment of the youth with illegal sexual behavior problems during the initial stage of treatment. The intake assessment should ordinarily take ten (10) days from the initial contact with the client and it shall be completed in no longer than twenty-one (21) days. The initial comprehensive assessment shall include but is not limited to a comprehensive developmental history with a parent, legal guardian, or relative who has knowledge of the Juvenile's history, a comprehensive sexual history from multiple data sources including self-report, medical history, family history, social history, educational history, employment history, psychiatric/psychological history, alcohol/drug history, delinquency history to include both sexual and non-sexual activities, review of collateral data as described under rule 950-1-3-.07, a critical professional opinion/evaluation of the above information with implications for treatment.

(a) In order to effectively treat youth with illegal sexual behavior problems it is imperative that a thorough assessment is done to determine the environmental as well as the behavioral, intellectual, and psychosocial factors that may be contributing to the offending behaviors. The initial assessment should be completed with the understanding that assessment is an on-going process and will continue throughout the treatment process. Every reasonable effort should be made to interview parents, legal guardians or relatives as a part of assessment interviewing. If inclusion is not possible the reason(s) should be documented. Relevant, ancillary testing is strongly recommended in conjunction with the psychosocial assessment. These rules are not intended to supersede other mandated timetables or other requirements the provider is required to uphold by other entities.

(2) An individualized treatment plan for youth with illegal sexual behavior problems shall be developed within seven (7) days of completion of the initial intake assessment. The treatment plan shall be monitored and reviewed every thirty (30) days by the provider(s) working with the Juvenile. This plan shall include, but not be limited to:

- (a) Relevant aspects of the initial assessment;
- (b) A statement of the specific strengths, needs and limitations of the Juvenile;
- (c) A description of the intermediate and long range goals with a projected timetable for their attainment;
- (d) A statement and explanation of the approaches and methods to be used;
- (e) A statement of the least restrictive setting and surveillance/monitoring necessary to achieve these goals with care given to ensuring the rights of the Juvenile and the safety of the community-at-large;
- (f) A specification of the professionals and other staff members who are responsible for assisting in the attainment of goals;
- (g) A notation of any therapeutic tasks to be required of the Juvenile;
- (h) A description of any rights or restrictions as determined by the Juvenile's treatment team and/or therapist;
- (i) Criteria for discharge either to a less restrictive setting or from treatment with a projected date for completion of the program.

(3) A therapeutic treatment regimen should take into consideration all aspects of the Juvenile's capabilities including strengths and needs. The treatment regimen should be applicable relative to the Juvenile's development. This determination should be made based on the initial and on-going assessment of the Juvenile in order to provide appropriate and effective intervention. The treatment plan should be relevant, specific, and within the context of the least restrictive setting. However, the treatment plan should demonstrate that consideration was given to the rights of the Juvenile as well as the safety of the youth's victim(s) as well as the community-at-large. The plan shall be developed, implemented, and monitored by qualified professionals and appropriate staff members.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.09 Maintenance Of Records.

(1) A written body of policy and procedures establishes the program's management of case records including, at a minimum, the following areas:

- (a) The establishment, use, confidentiality, and content of Juvenile records;
- (b) The right to privacy;
- (c) Secure placement and preservation of records;
- (d) A schedule for retiring or destroying inactive records.

(2) The program administration maintains a record on each Juvenile in a master file that includes, at a minimum, the following information:

- (a) Initial intake information form;
- (b) Case information from referral source, if available;
- (c) Case history/social history;
- (d) Medical records, when available;
- (e) Psychological/psychiatric reports, if available;
- (f) Individual plan or program;
- (g) Signed Release-of-information forms, when required;
- (h) Evaluation and progress reports;
- (i) Current employment data, if applicable;
- (j) Program rules and disciplinary policy, signed by the Juvenile;
- (k) Documented legal authority to accept the Juvenile;
- (l) Grievance and disciplinary records;
- (m) Referrals to other agencies, if applicable;
- (n) Individual educational plans (IEP), if applicable;
- (o) Pertinent educational information;

- (p) Final discharge or transfer report;
- (q) Vocational plans, if applicable;
- (r) Informed consent/Acknowledgment form.

(3) Each service provider shall follow the standards promulgated by their own professional discipline, as well as relevant State laws, policies, and procedures, regarding maintenance of case records.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.10 Ethical Standards.

(1) The service provider shall follow the ethical standards promulgated by their own professional discipline and by the appropriate State of Alabama licensing authority.

(2) A standard of professional conduct and competence must be upheld by service providers. Services providers must not permit personal feelings related to the client's crimes or behavior interfere with professional judgment. Should a provider be unable to render professional service for a particular client for any reason, he [or she] will make an appropriate referral.

(3) Service providers will deliver services in a manner that maintains the dignity and worth of the client. Furthermore, providers should be knowledgeable about, sensitive to, and competent to practice with diverse ethnic, racial, social, and cultural groups.

(4) Service providers must uphold a high standard in their relationships with clients. Informed consent is an essential component of professional service. However, in the case of Juvenile offenders, the right to freely consent is circumscribed by the nature of the consequences for failing to cooperate. For this reason, it is critical for practitioners to make every effort to gain the client's assent and similarly engage the client's parent or guardian in the therapeutic process. The practitioner must do so while still meeting his [or her] professional responsibility to fully inform the client and the client's parent or guardian, in age-appropriate language, both verbally and in writing, of the following:

- (a) The type and extent of service proposed;

- (b) Alternatives to the type of service proposed;
- (c) Extent to which, if any, client has the right to refuse service;
- (d) Potential risks and benefits involved;
- (e) Limits of privilege and confidentiality;
- (f) Time frame covered by the consent.

(5) Service providers shall inform clients and their guardians of the limits of confidentiality in accordance with professional and legal requirements. In particular service providers shall inform clients and guardians of the provider's responsibility to the larger society or specific legal obligations that may supersede the loyalty owed clients.

(6) Service providers shall not communicate to others, except under those conditions specified below, any information, data or reports on the client without signed authorization from both the Juvenile client and the client's legal guardian.

(7) Service providers may communicate information to others without written permission under the circumstances listed below. In all cases, information disclosed should be the least amount of confidential information necessary to achieve the desired purpose and only information, which is directly relevant to the purpose for which the disclosure is made. These situations include:

- (a) The client presents a clear and immediate danger to another individual; or
- (b) The client is himself [or herself] in clear and immediate danger; or
- (c) There is an obligation to comply with specific statutes requiring reporting of abuse to authorities; or
- (d) There is a court order or legal responsibility to report information in the process of an on-going legal proceeding.

(8) Service providers should inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible, before the disclosure is made. This applies whether the confidential information is disclosed on the basis of a legal requirement or client consent.

(9) Service providers will store client records to ensure both security and confidentiality.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.11 Conducting The Risk Assessment.

(1) Treatment Providers shall conduct a Risk Assessment of youth with illegal sexual behavior problems to provide to the court of original jurisdiction in order to facilitate the court's determination of the risk the Juvenile poses to the community. This Risk Assessment shall follow the guidance provided by the Alabama Sex Offender Registration and Community Notification Act that is applicable to adjudicated Juvenile criminal sex offenders. The Risk Assessment shall be approved and signed by a licensed mental health professional that meets the standards herein.

(a) The Alabama Sex Offender Registration and Community Notification Act requires that Treatment Providers provide information to the committing court, sixty (60) days prior to recommended discharge, levels of risk that the Juvenile poses to the community. In addition, the Risk Assessment should systematically follow a proscribed format. The issues that shall be included in the Risk Assessment include, but are not limited to, the following: criminal history, mental status, attitude, previous sex offender treatment, response to treatment, social factors, conditions of Release expected to minimize risk of sexual re-offending, and characteristics of the Criminal Sex Offense. There is an evolving knowledge base of factors identified as important to completing accurate Risk Assessment or as otherwise provided by law. Other factors such as victim empathy, social skill development, and psychosexual development level, age appropriate behavior, and anger management and control are typically incorporated in model risk assessment tools. The Association for the Treatment of Sexual Abusers (ATSA), an international organization that provides guidance to practitioners responsible for the treatment of youth with illegal sexual behavior problems, regularly disseminates information regarding best practice approaches for this population, including specialized risk assessment instruments. Practitioners providing treatment services to youth with illegal sexual behavior problems shall be familiar with the clinical guidance provided by ATSA, and ensure that this knowledge is continuously based on best practice approaches.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.12 The Use Of Physiological Measurements.

(1) Use of the penile plethysmograph may be permitted, with prior approval, on a case-by-case basis within patient programs providing services to youth with illegal sexual behavior problems. Related state statutes must be considered in the development of a treatment plan that might include the use of the penile plethysmograph.

(2) Although there are no state statutes that specifically deal with the use of the plethysmograph on Juveniles, the State of Alabama does have definitive statutes regarding introduction of sexually provocative material by an adult to a minor. Therefore, the use of this instrumentation is deemed to be a high-risk practice and thus is not recommended for outpatient treatment.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.13 Aversive Techniques.

(1) For adolescents in treatment for sex offenses, non-aversive procedures are always to be the first intervention trial. Only in circumstances in which non-aversive procedures have not been effective in reducing deviant arousal, should aversive procedures be considered. Prior to implementing any aversive control procedure, providers should consult with other providers to obtain verification for the necessity and appropriateness of the planned intervention. In addition, full specific informed written consent should be obtained from both the adolescent and his or her guardian prior to implementing any aversive control procedure. Moreover, only odor aversion and verbal satiation aversive procedures should be used in an outpatient treatment context and these should only be used by providers familiar with the ethical and clinical considerations of their use. If providers have any doubts about the use of these procedures, they should seek additional professional consultation.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002.

950-1-3-.14 Research Involving Juvenile Sex Offender Programs.

(1) All research involving youth with illegal sexual behavior problems must receive approval by an appropriate Institutional Review Board (IRB) using standards set by the U.S. Department of Health and Human Services National Institutes of Health Office for Protection from Research Risks.

(2) Professionals involved in research must obtain voluntary and written informed assents from Juvenile participants and voluntary and written informed consents from parents/ guardians of Juvenile participants. Such consent must be obtained in such a manner so as to avoid real or perceived Coercion to participate. Information must be in language understandable by the participant and his [or her] representative. Since the clients of the Department's Juvenile sex offender treatment programs are especially vulnerable to Coercion and/or influence, appropriate safeguards must be included to protect the rights and welfare of those research participants.

(3) A final report on any research involving clients of a Juvenile sex offender treatment program must be submitted to the Department of Youth Services to be kept on file. Professionals engaged in research activities should carefully consider possible consequences and should follow established guidelines for the protection of evaluation and research participants. These guidelines are available upon request from the Department.

(a) Juvenile sex offender treatment professionals should keep current with emerging research knowledge relevant to Juvenile sex offender treatment. Professionals should be encouraged to contribute to the knowledge base of the field through various research endeavors.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.15 Application For Approval.

(1) Persons who desire to provide therapeutic services to Juvenile Criminal Sex Offenders must submit an application for approval to the Department or designated entity. Application packets may be requested via the Department's website. <http://dys.alabama.gov/contact.html>

(a) Persons who provide direct treatment services to Juvenile Criminal Sex Offenders will provide the necessary personal information required for the Department to conduct or to have conducted an authorized criminal records check and clearance with the Child Abuse/Neglect Central Registry. Persons currently charged with or convicted of an offense involving moral turpitude cannot be engaged in therapeutic practice with Juvenile Criminal Sex Offenders.

(b) Providers working with Juvenile Criminal Sex Offenders must carry adequate liability insurance and provide the Department with written verification that the insurance coverage is in force. The provider must have a minimum of \$1,000,000.00 liability coverage with \$500,000.00 for each occurrence. Verification of coverage should be provided at the time of the application for approval as a provider and annually as requested. A provider must notify the Department immediately upon the cancellation of said liability coverage.

(c) The Department will utilize reviewers from an arranged panel, which includes persons who represent the recognized mental health disciplines to review all applications. The requirements mandated by these rules will be used to evaluate the applications. Panel members will make recommendations regarding practitioner training, treatment practices, and certification for Juvenile sex offender treatment services.

(d) Providers approved for practice with Juvenile Criminal Sex Offenders will be approved for three (3) years. The Legal Division of the Department will provide a list of local approved providers be to Alabama Juvenile courts upon request. The Legal Division of the Department will receive and approve requests for the provider list for purposes outside of Juvenile court.

(e) Approved providers must submit changes in contact information within two (2) weeks of said change. Changes in agency affiliation and/or program services (i.e., treatment practices), must also be submitted within two (2) weeks.

(f) Provisionally approved applicants under the supervision of an approved Treatment Provider-supervisor, will not be included on the provider list until full certification is obtained.

(g) Renewal applications shall be submitted during the third (3rd) year, at least three (3) months prior to certification expiration. Documentation of current professional licensure will be required for the certification renewal process, and a new criminal records check may be completed.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

950-1-3-.16 Complaints.

(1) The Department may receive complaints regarding approved providers and their adherence to Juvenile criminal sex offender treatment practice and standards, including the ethical and professional behavior of the practitioner.

(a) Complaints received will be forwarded to the Alabama Review Panel. The Panel will review all complaints and make recommendations based on the initial complaint and any supplemental materials. Follow-up communications regarding recommendations will be provided to the complainant and practitioner.

(b) Dependent upon the circumstances surrounding the complaint, communication with the provider's professional licensing board may be warranted. The Department will determine if any other communication and notifications are warranted.

(c) The Department may modify, suspend, or revoke a Treatment Providers' approval, as outlined below, or may require additional information, action, and/or training.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: Filed November 6, 2018; effective December 21, 2018.

950-1-3-.17 Revocation Of Approval.

(1) Conditions for revocation of approval of a therapist

(a) The Department may revoke or refuse to renew the approval of a therapist to work with Juvenile criminal sex offenders for the following:

1. Disciplinary action by the licensing authority of the therapist's profession that results in the revocation or suspension of the license by the licensing board.

2. Notification of a charge of, or conviction of, moral turpitude involving a child as defined by Alabama statute.

3. Notification of an allegation of child abuse as reported to the Alabama Department of Human Resources.
4. Failure to provide documentation of liability insurance as required by these rules.
5. Furnish or make any misleading or false statement or report to the Department.
6. Upon review of the recertification application and other pertinent information, the Alabama Review Panel will determine if recertification is recommended to the Department for final approval.

Author: Department of Youth Services

Statutory Authority: Code of Ala. 1975, Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

Ed. Note: Inserted a new rule .16 and original rule .16 was renumbered .17 per certification filed November 6, 2018; effective December 21, 2018.

950-1-3-.18 Appeal For A Fair Hearing.

(1) Procedure for appeal and review

(a) In the event an application for approval is denied, an approval is revoked, or a renewal of an approval is denied, the aggrieved party may appeal to the Department for a fair hearing.

(b) The decision or action of the Department on any fair hearing shall be final and binding.

(c) Any aggrieved party is entitled to a review of the final decision or action by filing a petition for review with the Circuit Court of Montgomery County, Alabama, within thirty (30) days from the date of the final decision or action.

(d) Notice and opportunity for a fair hearing and notice of right to counsel shall be given to the appellant by the Department, along with a copy of the Regulations and Procedures for Hearings.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended:** Filed November 6, 2018; effective December 21, 2018.

Ed. Note: Previous rule .17 was renumbered .18 per certification filed November 6, 2018; effective December 21, 2018.

950-1-3-.19 Effective Date.

Author: Department of Youth Services

Statutory Authority: Title 44; Code of Ala. 1975, §§15-20-1 through 15-20-36; §§13A-6-60 through 13A-6-111.

History: New Rule: August 16, 2002; effective September 20, 2002. **Amended (renumbered rule number only):** Filed November 6, 2018; effective December 21, 2018.

Ed. Note: Previous rule .18 was renumbered .19 per certification filed November 6, 2018; effective December 21, 2018.