

ALABAMA DEPARTMENT OF YOUTH SERVICES  
ADMINISTRATIVE CODECHAPTER 950-4-7  
COMMUNITY SERVICES DIVISION DYS COMMUNITY SERVICES DIVERSION  
PROGRAM

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950-4-7-.01      Introduction.

(1) These guidelines of the Department of Youth Services Community Services Division were developed by departmental staff and approved by the Youth Services Board on March 22, 1985, as the "Community Subsidy Plan". They were revised July 15, 1985 with recommendations from Department of Youth Services licensed facility directors. On July \_\_\_\_, 2018 with recommendations from Department of Youth Services staff they were revised and renamed "Community Services Diversion Program".

(2) The Department of Youth Services is committed to the concept of effective rehabilitation of delinquent youth through the development and utilization of community based and community operated programs and facilities.

(3) The Department recognizes the need for financial assistance to community based programs to bring about well planned, coordinated and cooperative county-state efforts to improve outcomes for youth.

(4) These guidelines for the community diversion programs were developed to insure uniform opportunity for all counties to apply for any available funds and to establish standard criteria to be used to evaluate applications and to justify the allocations recommended for each applicant.

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975, §44-1-24 (7), §44-1-28.

**History:** Adopted June 29, 1984; filed July 10, 1984. Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule (same title) in lieu

thereof March 22, 1985; filed Supp. September 30, 1985, May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.

#### 950-4-7-.02      Glossary.

"Diversion Funds" means those state funds available through the Department of Youth Services to provide financial assistance to eligible programs or facilities.

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975, §44-1-24 (7), §44-1-28.

**History:** Adopted June 29, 1984; filed July 10, 1984 entitled "Statutory Authority." Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule entitled "Glossary" in lieu thereof March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.

#### 950-4-7-.03      Statutory Authority.

The Department of Youth Services has the power and duty to:

(1) 44-1-24 (4) - "...subsidize foster care facilities or group homes for youths alleged to be delinquent following such hearing, including detention, examination, study, care, treatment, and training;"

(2) 44-1-24 (6) "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 and which do not conflict with or exceed the provisions of law vesting the duties and functions in the department."

(3) 44-1-24 (7) "Enter into contracts with any other state or federal agency or with any private person, organization, or group capable of contracting, if the department finds the action to be in the public interest."

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975. §44-1-24 (7), §44-1-28.

**History:** Adopted June 29, 1984; filed July 10, 1984 entitled "Background." Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule entitled "Statutory Authority" in lieu thereof March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.

#### 950-4-7-.04      Background.

Those drafting the Youth Services Act were concerned that the responsibility for developing and maintaining a comprehensive service and treatment system for delinquency programs should reflect a state-local partnership approach. This philosophy is woven through the law, suggesting a cooperative approach to deal with programs in a mutually supportive way, yet leaving local control and continued financial responsibility with the county/ counties acting together as long as minimum standards are complied with as set by the state. (44-1-1)

In keeping with this philosophy, it is proposed that a community diversion program be implemented whereby any Department of Youth Services' licensed local program or facility, or a local program authorized and approved by the county, may apply to the Department of Youth Services for Diversion Funds to assist in their overall operational costs.

Data indicates that outcomes for youth are improved when families and local resources are utilized. The intent of the diversion program is therefore to assist in developing stable funding for community-based programs and to help establish them in the community as a viable and valuable community asset.

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975. §44-1-24 (7), §44-1-28.

**History:** Adopted June 29, 1984; filed July 10, 1984 entitled "Purpose." Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule entitled "Background" in lieu thereof March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.

**950-4-7-.05      Purpose.**

(1) To approach the distribution of available state Diversion Funds to community-based alternatives from a data driven position of overall effectiveness to reduce delinquency and commitments to the department through standardized procedures and applications.

(2) To maximize the utilization of available funds for subsidies to community-based alternatives.

(3) To allocate available funds based on documented need of at-risk youth for community-based alternatives.

(4) To assist in the coordination of any and all existing resources available to support these programs.

(5) To provide financial assistance to Community Services Diversion Programs in need of subsidy.

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975, §§44-1-24 (7), 44-1-28.

**History:** Adopted June 29, 1984; filed July 10, 1984 entitled "Procedures." Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule entitled "Purpose" in lieu thereof March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.

**950-4-7-.06      Procedures.**

(1) From data and information received from the applicants and compiled by the department, the Department will periodically develop a standard Request for Proposal.

(2) Applications will be submitted to the department by counties wishing to participate, using a standard Request for Proposal format provided by the department.

(3) Criteria for consideration of each application for Diversion Funds will be in accordance with the Request for Proposal.

**Author:** Patrick J. Pendergast, Deputy Director for Community Services.

**Statutory Authority:** Title 44, Code of Ala. 1975, §§44-1-24 (7), 44-1-28.

**History:** Emergency Adoption March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Adoption July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 21, 2018.