

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 950

Department or Agency: Alabama Department of Youth Services Administrative Division

Rule No.: 950-1-4-.02

Rule Title: Statutory Authority

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

T. Dudley Perry, Jr.
Dudley Perry

Date

Wednesday, October 16, 2024

REC'D & FILED
OCT 17, 2024
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF YOUTH SERVICES ADMINISTRATIVE DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Youth Services

RULE NO. & TITLE: 950-1-4-.02 Statutory Authority

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Department of Youth Services proposes to amend Rule 950-1-4.02 of the Administrative Code.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing during regular business hours to the ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057, or orally at the ADYS Legal office after December 5, 2024, and before January 29, 2025, located at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, January 29, 2025

CONTACT PERSON AT AGENCY:

T. Dudley Perry, Jr. (334)
215-3803

T. Dudley Perry, Jr.

Dudley Perry

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

(1) §44-1-27(a) - "The Department of Youth Services is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of detention facilities, Programs for the prevention and correction of Youth delinquency, and subsidies to local delinquency projects. The Standards shall include, but not be limited to, reasonable minimum Standards for detention facilities, foster care facilities (licensed under Community Residential Standards), group homes, and correctional institutions.";

(2) §44-1-27(b)- "No county, city, public or private Agency, group, corporation, partnership, or individual shall establish, maintain, or operate any detention Facility or any foster care Facility for Youths found delinquent or in need of supervision by a juvenile Court without a license from the Department. A license shall be required on an annual basis or as determined by the Department. The Department shall revoke the license of any city, county, or public or private Agency, group, corporation, or individual conducting, operating or acting as a detention Facility or foster care Facility caring for children and Youths alleged or adjudged to be delinquent or in need of supervision that fails to meet the Standards prescribed by the Department. The Department may visit and inspect any public or voluntary detention Facility, foster care Facility, or group home as it deems necessary..."

(3) §44-1-24 - The Department of Youth Services shall perform the following: (4) "License and subsidize foster care facilities or group homes for Youths alleged to be delinquent pending Hearing before a juvenile Court or adjudged delinquent following Hearing, including detention, examination, study, care, treatment, and Training." (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."

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a)(b); 44-1-24(4)(6); 38-13-4.

History: **New Rule:** Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 21, 2018. **Amended:** Published October 31, 2023; effective December 15, 2023. **Amended:** Published ; effective