

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-.03
Rule Title: Glossary
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

Thursday, October 17, 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-.03 Glossary

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Department of Youth Services proposes to amend Rule 950-1-4.03 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)

950-1-4-.03 Glossary.

Introduction - Various terms are used within the rules in this Chapter and in Chapters 950-1-5, 950-1-6, 950-1-7, 950-1-10, 950-1-12, and 950-1-13 governing each Program licensed by the Department of Youth Services. Therefore, the reader should refer to materials identified within each chapter to follow for a review and description of appropriate terms as they are generally applied to each type of Program and services described.

~~(1)~~ -

1. Admission - The process of entry into a Program. During Admission processing the juvenile offender receives an orientation to Program goals, rules, and regulations. Assignment to living quarters and to appropriate staff also is completed at this time.

~~(2)~~

2. Adventure - An undertaking of a hazardous nature; a risky enterprise an unusual experience or course of events marked by excitement and suspense.

~~(3)~~

3. Agency - The unit of a Governing Authority that has direct responsibility for the operations of a corrections Program, including the implementation of Policy as set by the Governing Authority.

~~(4)~~

4. Audit - An examination of Agency or Facility Records or accounts to check their accuracy. It is conducted by a person or persons not directly involved in the creation and maintenance of these Records or accounts. An independent Audit results in an opinion that either affirms or disaffirms the accuracy of Records or accounts. An operational or internal Audit usually results in a report to management that is not shared with those outside the Agency.

~~(5)~~

5. Chemical Agent - An active substance, such as tear gas, used to defer activities that might cause personal injury or property damage.

~~(6)~~

6. Classification - A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and Programs according to their needs and existing resources.

~~(7)~~

7. Code of Ethics - A set of rules describing acceptable Standards of conduct for all employees.

~~(8)~~

8. Committing Authority - The Agency or Court responsible for placing a Youth in a Program.

~~(9)~~

9. Community Resources - Human services agencies, service clubs, citizen interest groups, self-help groups, and individual citizen volunteers that offer services, facilities, or other functions that can meet the needs of the Facility of have the potential to assist residents. These various resources may assist with material and financial support, guidance, Counseling, and supportive services.

~~(10)~~

10. Comprehensive Youth Services Centers- A comprehensive Program for the treatment of delinquent behaviors in a non-residential site with or without an in-house educational component, established by any person, group of persons, Agency, association, or organization, whether established for profit or otherwise, who or which receives Youths for care and treatment.

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~~(11)~~

11. Contraband - Any item possessed by a confined juvenile offender or found within the Facility that is illegal by law or expressly prohibited by those legally charged with the administration and operation of the Facility or Program.

~~(12)~~

12. Counseling - Planned use of interpersonal relationships to promote social adjustments. Counseling Programs provide opportunities to express feelings verbally with the goal of resolving the individual's problems. At least three types of Counseling may be provided: individual, a one to one relationship; small group Counseling; and large group Counseling in a living unit.

~~(13)~~

13. Court - The Juvenile Court.

~~(14)~~

14. Court Intake - The process whereby an officer of the Court receives a verified complaint alleging delinquency, and determines further appropriate action.

~~(15)~~

15. Delinquent Youth - A Youth who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

~~(16)~~

16. Department-- The Alabama Department of Youth Services.

~~(17)~~

17. Disciplinary Hearing - A non-judicial administrative Procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

~~(18)~~

18. Education Program - A program of formal academic education or a vocational Training activity designed to improve employment capability.

~~(19)~~

19. Facility - A place, institution, building (or part thereof, set of buildings, or area (whether or not enclosing a building or set of buildings) that is used for the lawful custody and/or treatment of individuals. It may be owned and/or operated by public or private agencies and includes the staff and services as well as the buildings and grounds.

~~(20)~~

20. First Aid - Care for a condition that required immediate assistance from an individual trained in First Aid care and the use of the Facility's First Aid kit.

~~(21)~~

21. Governing Authority - In public/governmental agencies, the administrative Department or division to which the Agency reports; the Policy-setting body. In private agencies, this may be an administrative headquarters, central unit, or the board of directors or trustees.

~~(22)~~

22. Health Authority - The physical health administrator, or Agency responsible for the provision of Health Care services at an institution or system of institutions; the Responsible Physician may be the Health Authority.

~~(23)~~

23. Health Care - The sum of all action taken, preventative and therapeutic, to provide for the physical and mental well-being of a population. Includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

~~(24)~~

24. Health Care Personnel - Individuals whose primary duty is to provide health services to residents in keeping with their respective levels of Health Care Training or experience.

~~(25)~~

25. Hearing - A proceeding to determine a course of action, ~~such as for example~~ - the placement of a juvenile or adult offender, ~~or~~ to determine guilt or innocence in a disciplinary matter, whether a license should be granted, renewed, suspended or revoked, or sanctions initiated against a licensee. Argument, witnesses, or evidence are heard by a judicial officer or administrative body in making the determination.

~~(26)~~

26. Informed Consent - The agreement by a patient to a treatment, examination, or Procedure after the patient receives the material facts regarding the nature, consequences, Risks, and alternatives concerning the proposed treatment, examination, or Procedure.

~~(27)~~

27. Medical Screening - A system of structured observation/ initial health assessment to identify newly arrived juvenile offenders, and their ability to participate in the Program, pose a health threat or safety threat to themselves or others.

~~(28)~~

28. Petition - A written verified charge in compliance with Title 12, ~~Code of Alabama~~ Code of Ala. 1975, as amended, (the Juvenile Justice Code), whereby a Youth is brought within the jurisdiction of the Juvenile Court.

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~~(29)~~

29. Physical Examination - A thorough evaluation of a resident's current physical condition and medical history, conducted by or under the supervision of a licensed professional.

~~(30)~~

30. Plan of Action - A description of action steps designed to correct a condition that has caused a determination of noncompliance with a Standard.

~~(31)~~

31. Policy - A course or line of action adopted and pursued by an Agency that guides present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. They are statements of guiding principles that should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with Standards and compliance with the overall goals of the Agency or system.

~~(32)~~

32. Procedure - The detailed and sequential actions to implement Policy. It guides performance an operation or Procedure on a course of action. It differs from a Policy in that it provides specific guidance for action in particular situations for the performance of specific tasks within the parameters of Policy.

~~(33)~~

33. Program - The plan or system through which a correctional Agency works to meet its goals; often this Program requires a distinct physical setting, such as an institution, community residential Facility, group home, or foster home.

~~(34)~~

34. Records - Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to

commitment papers, Court orders, detainers, personal property receipts, visitors' lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

~~(35)~~

35. Releasing Authority - The decision-making body and/or individual that has the responsibility to grant, deny, and revoke release from a juvenile Program of supervision.

~~(36)~~

36. Responsible Physician - An individual licensed to practice medicine and provide health services to the resident population of the Facility and/or the physician at an institution with final responsibility for decisions related to medical judgments.

~~(37)~~

37. Right to Counsel The right accorded to any Youth to be presented by legal counsel at any stage of the juvenile process.

~~(38)~~ _

38. Risk - The possibility or probability that loss can occur.

~~(39)~~

39. Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained individuals. Also included are electronic monitoring equipment, security alarm systems, security lights, auxiliary power supplies, and other equipment used to maintain Facility security.

~~(40)~~

40. Standard - A statement that defines a required or essential condition to be achieved or maintained. Standards may include, for example federal regulations promulgated under the Prison Rape Elimination Act (PREA), Standards

promulgated under the American Correctional Association (ACA), or licensure Standards under this Chapter.

~~(41)~~

41. Time-Out Area - Any area used to separate a Youth from other program participants.

~~(42)~~

42. Training - An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or Training center, an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job Training. It includes a formal agenda and instruction by a teacher, manager, or official; physical Training/ or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion. Meetings of professional associations are considered Training where there is clear evidence of this.

~~(43)~~

43. Youth - Includes any of the following:

(a) Any person under the age of eighteen years; or

(b) Any person under the age of nineteen who has been charged with committing an act of delinquency; or

(c) Any person under the age of twenty-one who is on probation, aftercare, or in the legal custody of 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

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