



Successful Youth • Strong Leaders • Safer Communities

MARYLAND
Department of
Juvenile Services

POLICY

SUBJECT: Youth Access to Telephone Calls, Mail, Legal Counsel, and Notification of Family Death or Illness

NUMBER: RF-728-17

APPLICABLE TO: Residential Facility Staff

APPROVED: _____ /s/ signature on original

Sam Abed, Secretary

DATE: _____ 1/22/18

I. POLICY

The Department of Juvenile Services (DJS) establishes this policy to ensure that youth under the custody and care of DJS are protected and treated fairly regarding telephone calls, mail, access to legal counsel, and notification of family death or illness.

The guiding principles of this policy are as follows:

- A. To ensure youth are able to communicate through telephone calls and mail with family members, legal counsel, and other individuals subject to the limitations necessary to maintain order and security of the facility.
- B. To ensure youth are able to contact and engage in confidential communications with their legal counsel.
- C. To ensure youth are notified in a timely manner when an immediate family member has a critical illness or a verifiable death.

II. AUTHORITY

- A. Md. Code Ann., Hum. Servs., §§ 9-203, 9-204 and 9-227
- B. Md. Code Ann., Cts. & Jud. Proc., § 3-8A-20
- C. American Correctional Association Standards for Juvenile Detention Facilities, 3-JDF-3D-02, 3-JDF-5A-11, 3-JDF-5G-11, and 3-JTS-4B-07 through 3-JTS-4B-15
- D. American Correctional Association Standards for Juvenile Correctional Facilities, 4th Edition, 4-JCF-3A-01, 4-JCF-3A-07, 4-JCF-3A-08, 4-JCF-3A-09 through 4-JCF-3A-12, 4-JCF-3A-16, and 4-JCF-3A-17

III. DIRECTIVES/POLICIES RESCINDED

- A. Youth Rights - Access to Legal Counsel Policy, RF-01-05
- B. Youth Rights - Telephone Calls Policy, RF-10-05

IV. FAILURE TO COMPLY

Failure to comply with Policy and Standard Operating Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

| DESCRIPTION OF REVISION | DATE OF REVISION |
|---|------------------|
| New Policy - combined Youth Rights- Access to Legal and Youth Rights - Telephone Calls policies into one policy. Added Mail and Notice of family death or illness. | 1/22/18 |



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PROCEDURES

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APPROVED: _____ /s/ signature on original

Linda McWilliams, Deputy Secretary

DATE: _____ 12/5/17

I. PURPOSE

The purpose of these procedures is to provide guidelines for youth access to telephone calls, mail, legal counsel, and to receive notification of family death or illness while in the custody and care of DJS.

II. DEFINITIONS

Contraband means any item, material, or substance that is not authorized for possession within a facility. Contraband also includes excess quantities of approved items.

Immediate family members are the parents, step-parents, legal guardians, siblings and step-siblings, maternal and paternal grandparents of a youth in DJS custody.

Legal counsel means the attorney for the youth and their authorized representatives including social workers, case workers, evaluators, law clerks and other persons who have a legitimate connection with the legal issue being pursued.

Reinforcer refers to a tangible item or activity that a youth can purchase using points earned in the behavior management program.

III. PROCEDURES

A. Telephone Calls

1. Upon admission to a facility, each youth shall have access to a Youth Handbook that shall provide written guidelines for making and receiving phone calls and youth shall also receive verbal instructions.
2. Each youth shall be allowed a minimum of two (2) telephone calls of ten (10) minutes each in duration per week. These telephone calls shall

not be denied for disciplinary reasons. Youth may choose additional phone calls as a reinforcer offered in the behavior management program.

3. Youth and their families will not incur any costs for phone calls; phone calls are funded by DJS.
4. The Facility Case Management Specialist (CMS) shall enter approved telephone numbers into each youth's call list through the department's phone system. The department's phone system provides for restricted calls to the following:
 - a. parents, step-parents, legal guardians;
 - b. siblings and step-siblings;
 - c. maternal and paternal grandparents;
 - d. case worker and social worker; and
 - e. legal counsel.
5. The telephone call schedule shall not interrupt facility activities including, but not limited to, education, counseling, meals, medical services and programming.
6. Youth shall be afforded a reasonable amount of privacy while making and receiving calls.
7. The staff supervising youth telephone calls has the authority to terminate the call if the youth becomes distraught, abusive or uses excessive profanity during a call, or refuses to terminate a call after being advised the allotted time limit is up.

B. Record Keeping

1. The Facility CMS shall establish and maintain a record of all outgoing and incoming calls for youth in the unit telephone log.
2. Youth shall acknowledge receiving telephone privileges by signing the unit telephone log each time a call is made or received.

C. Telephone Access for Youth with Hearing Impairments

1. Each facility shall provide special devices such as TTY or a telephone that is equipped with volume control mechanisms and is hearing aid compatible for use by youth who are deaf or hearing impaired and who require use of a device for effective communication.
2. Youth who are deaf or hearing impaired shall be afforded access to telephones on the same terms as hearing youth, except to the extent youth telephone calls are subject to time limitations, these limitations will be extended for youth needing a device.
3. Each facility shall post signs identifying the location of special devices for making phone calls.

D. Youth Mail

1. A youth's ability to send and receive correspondence shall be specified in writing, and be made available to all staff, youth, and their families. The facility guidelines shall be mailed to family members **within 24 hours** of the youth's admission.
2. Incoming and outgoing mail shall be distributed to youth within 24 hours of receipt, excluding weekends and holidays. Youth are prohibited from receiving packages.
3. Youth are permitted to mail two (2) letter/correspondence per week to maintain community ties. Postage is paid by DJS. Youth may choose additional postage as a reinforcer offered in the behavior management program. Youth may communicate or correspond with persons and organizations subject only to the limitations necessary to maintain facility safety and security.
4. Youth may send sealed letters to a specified class of persons and organizations, including but not limited to: courts, counsel, DJS Program Administrators or Executive Staff.
5. Youth mail, both incoming and outgoing, may be opened and inspected for contraband by staff. When based on legitimate facility interests of safety and security the Superintendent may authorize mail to be read, censored, or rejected. The youth shall be notified in writing of the reasons for withholding their incoming and outgoing mail in part or in full. The youth shall be provided the opportunity to appeal the decision through the youth grievance process.
6. Each facility shall forward first-class letters and packages received after the youth's transfer or release. If a forwarding address is not available, the facility will return the letter or package to the sender.
7. All monies received through the mail shall be returned to the sender and not distributed to the youth.

E. Access to Legal Counsel- Telephone Communications, Mail, and Visits

1. General

- a. Upon admission to a facility:
 - 1) The Admission's Officer shall inform a youth that they may communicate with their legal counsel by telephone, uncensored mail, and visits.
 - 2) The Facility CMS shall ensure that the name, address and telephone number of the youth's legal counsel is documented in the youth's base file.
- b. Staff shall not offer legal advice to youth regarding the youth's case.
- c. The facility operating procedures may impose limitations to the time and frequency of contact with a youth's legal counsel only to the extent that such limitations do not unfairly restrict a youth's access to legal counsel.
- d. Youth may not be denied access to legal counsel as punishment or as a disciplinary action.

2. Telephone Communications

- a. Youth may make telephone calls to or receive telephone calls from legal counsel at any reasonable time.
- b. Youth may not be denied access to telephone calls with their legal counsel for disciplinary reasons.
- c. Youth may make requests to the Facility CMS to contact legal counsel regarding the best hours and dates legal counsel can be reached.
- d. When a youth is unable or unavailable to receive a telephone call from their legal counsel, staff shall take a message and promptly relay the message to the youth and arrange for the telephone call later.

3. Mail

Incoming and outgoing mail to legal counsel is privileged communication and shall not be opened by staff unless substantial evidence exists of a security threat or contraband. In the event such evidence appears to exist, the mail may be opened. The mail shall be opened only in the presence of the youth from whom or to whom the mail is addressed, along with a second employee as a witness. Staff shall not read the contents of youth mail to or from legal counsel.

4. Visits

- a. A youth's legal counsel shall be permitted to visit a youth during normal facility hours and after hours due to special circumstances. The Facility CMS shall generally assist with making arrangements for visits by counsel.
- b. A youth's legal counsel shall be required to show proof of identification consistent with authenticating information in the youth's base file at the facility.

F. Family Death or Illness

1. Youth shall be informed in a timely manner of a verifiable death or critical illness of an immediate family member. In the case of a critical illness of an immediate family member, the youth shall be allowed, whenever the court approves, to go to the bedside under escort or with a parent under a court order.
2. If a youth needs to be transported, DJS staff shall provide transportation in accordance with the *Transportation of Youth Residential and Community Policy and Procedures*.

IV. INTERPRETATION

All exceptions to these procedures must be approved by the Deputy Secretary for Operations.

V. RESPONSIBILITY

The Superintendent is responsible for implementation and compliance with this procedure.

VII. LOCAL OPERATING PROCEDURES REQUIRED

No

VIII. DIRECTIVES/POLICIES REFERENCED

None

IX. APPENDICES

None



DJS Employee Statement of Receipt and Acknowledgment of Review

SUBJECT: Youth Access to Telephone Calls, Mail, Legal Counsel, and Notification of Family Death or Illness Policy
NUMBER: RF-728-17
APPLICABLE TO: Residential Facility Staff

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.