


## **POLICY**

**SUBJECT:** Youth Access to Telephone Calls, Mail, Legal Counsel, and Notification of Family Death or Illness  
**NUMBER:** RF-749-21  
**APPLICABLE TO:** Residential Facility Staff

**APPROVED:**   
**DATE:** 3/29/2021  
**Sam Abed, Secretary**

### **I. POLICY**

The Department of Juvenile Services (DJS) ensures all youth under its custody and care have access to family engagement strategies through increasing and encouraging telephone calls and mail correspondence, have confidential communications with their legal counsel, and are notified in a timely manner of an immediate family member's critical illness or 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, 4<sup>th</sup> 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 DIRECTIVES/POLICIES RESCINDED**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 Access to Telephone Calls, Mail, Legal Counsel and Notification of Family Death or Illness, RF-728-17

### **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
<p>Old Policy rescinded (RF-728-17) and new policy issued (RF-749-21)</p> <p>Revised:</p> <ul style="list-style-type: none"> <li>• Policy statement</li> <li>• Increased phone calls to include a minimum of five per week</li> <li>• Increased mail correspondence from two to four per week</li> </ul> <p>Added:</p> <ul style="list-style-type: none"> <li>• new procedure to include Significant Person to a youth's call list who is verified by the facility CMS with the parent/ guardian/custodian</li> <li>• new Telephone Log form to track youth phone calls.</li> </ul>	3/9/21

# PROCEDURES

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

**NUMBER:** RF-749-21

**APPLICABLE TO:** Residential Facility Staff

**APPROVED:** \_\_\_\_\_



**Wallis Norman, Deputy Secretary**

**DATE:** 3/9/2021

## **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.

*Family members* means the mother, father, legal guardians, maternal and paternal grandparents, stepparents, siblings and stepsiblings, spouse or child (offspring) of youth in DJS care, or other relative(s) administratively approved.

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

*Significant Person* means an individual identified by the youth who plays a supportive role in the youth's life. This could include a coach, mentor, teacher, or an additional family member, etc.

### 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 five (5) telephone calls per week between the department's phone system, virtual video and through facility case management.
3. These telephone calls shall not be denied for disciplinary reasons.
4. Youth and their families will not incur any costs for phone calls; phone calls are funded by DJS.
5. The Facility 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. significant persons;
  - e. case worker and social worker; and
  - f. legal counsel.
6. The Facility CMS shall verify the significant person with the parent/guardian/custodian before entering the information into the youth's call list.
7. The telephone call schedule shall not interrupt facility activities including, but not limited to, education, meals, medical services, treatment, and programming.
8. Youth shall be afforded a reasonable amount of privacy while making and receiving calls.
9. 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 on the **Telephone Log (Appendix 1)**.
2. Youth shall acknowledge receiving telephone privileges by signing the **Telephone Log** each time a call is made or received.
3. The **Telephone Log** must be placed in the youth's base file upon release from a facility.

#### 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 four (4) letters/correspondences 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**

Yes

**VIII. DIRECTIVES/POLICIES REFERENCED**

None

**IX. APPENDICES**

1. Telephone Log



## **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-749-21**  
**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 ELECTRONICALLY SIGNED COPY TO YOUR SUPERVISOR FOR PLACEMENT IN YOUR PERSONNEL FILE.***



**(INSERT FACILITY NAME) TELEPHONE LOG**

**YOUTH NAME** \_\_\_\_\_ **POD/UNIT** \_\_\_\_\_ **YOUTH PID** \_\_\_\_\_

<b>PARENT/GUARDIAN</b>	<b>TELEPHONE #</b>	<b>PARENT/GUARDIAN EMAIL</b>
<b>PARENT/GUARDIAN</b>	<b>TELEPHONE #</b>	<b>PARENT GUARDIAN EMAIL</b>
<b>COMMUNITY CMS</b>	<b>TELEPHONE #</b>	<b>OTHER (SPECIFY)</b> _____ <b>CONTACT INFO</b> _____
<b>LEGAL CONTACT</b>	<b>TELEPHONE #</b>	<b>OTHER (SPECIFY)</b> _____ <b>CONTACT INFO</b> _____

DATE	START TIME	END TIME	NUMBER CALLED	YOUTH SIGNATURE	CHECK OFF THE TYPE OF CALL THE YOUTH RECEIVED
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE
					<input type="checkbox"/> GTL <input type="checkbox"/> OFFICE <input type="checkbox"/> VIDEO <input type="checkbox"/> LEGAL <input type="checkbox"/> CCMS <input type="checkbox"/> CELL PHONE