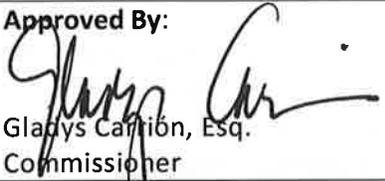
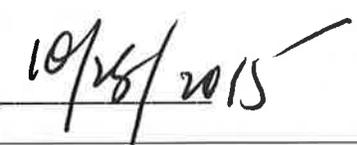


**Visiting Youth in Juvenile Justice Placement Facilities**

<b>Approved By:</b>  Gladys Carrion, Esq. Commissioner	<b>Date Issued:</b> 	<b>Number of Pages:</b> 8	<b>Number of Attachments:</b> 0
<b>Related Laws:</b> N/A	<b>ACS Divisions/Provider Agencies:</b> Youth and Family Justice; juvenile justice placement provider agencies	<b>Contact Office/Unit:</b> John Dixon Associate Commissioner Close to Home <a href="mailto:john.dixon@acs.nyc.gov">john.dixon@acs.nyc.gov</a>	
<b>Supporting Regulations:</b> 18 NYCRR §§ 428.6, 430.12 and 431.14	<b>Supporting Case Law:</b> N/A	<b>Bulletins &amp; Directives:</b> N/A	
<b>Related Policies:</b> <ul style="list-style-type: none"> <li>• Contraband Policy for Juvenile Justice Placement</li> <li>• Searches of Non-Secure and Limited Secure Juvenile Justice Placement Facilities</li> <li>• Required Log Books and Paper Files for Juvenile Justice Placement Facilities</li> <li>• Access to Religious Services and Practice for Youth in Non-Secure and Limited Secure Juvenile Justice Placement</li> <li>• Access to Counsel for Youth in Juvenile Justice Placement</li> <li>• Limited Secure Placement Personal Youth Search Policy</li> <li>• Juvenile Justice Limited Secure Placement Quality Assurance Standards</li> <li>• Juvenile Justice Non-Secure Placement Quality Assurance Standards</li> <li>• Policy &amp; Procedure #2012/07 - Determining the Least Restrictive Level of Supervision Needed During Visits for Families with Children in Foster Care</li> <li>• Room Isolation in Limited Secure Juvenile Justice Placement</li> </ul>		<b>Key Words:</b> visits, family visit, juvenile justice, placement, LSP, NSP, limited secure, non-secure, contraband, visitor, log	
<b>Related Forms:</b> N/A			
<b>SUMMARY:</b> Regular visiting between youth in juvenile justice placement facilities and their families and other important people in their lives is critical for sustaining and strengthening those positive relationships necessary to support youths' rehabilitation, well-being, and development into adulthood. It is the responsibility of juvenile justice placement provider agencies (provider agencies) to arrange and facilitate agency visits between a youth and his or her parents/guardians, siblings, half-siblings, children, extended family or other discharge resources, and other persons of significance to the youth as long as such visits are not prohibited or restricted by court order and would not compromise the safety of youth, staff, visitors or security of the facility.			
<b>SCOPE:</b> This policy applies to all juvenile justice placement facilities having care and custody of youth placed with the Administration for Children's Services (ACS) pursuant to Article 3 of the Family Court Act.			

## **I. INTRODUCTION**

The following policy was developed for use in the juvenile justice placement system of the New York City Administration for Children's Services (ACS), the spirit of which rests firmly on the premise that youth placed in residential settings shall be placed in programs as close to home as possible, and for only as long as is necessary to maintain public safety and impart the skills and tools each youth needs to succeed in the community. All non-secure placement (NSP) and limited secure placement (LSP) settings are to prioritize youth-centered programming and strive to provide youth with the full range of individual supports they need to achieve their treatment goals. Like the youth in NSP and LSP programs, families are to be treated with utmost dignity and respect, and shall be integrated into programming and treatment as full partners throughout the period of each youth's placement and aftercare. Communities and the natural resources they possess are to be valued and relied upon as part of the formula for success in each case. The primary responsibility of all those associated with the juvenile justice placement system is to protect the safety and security of communities and the safety and security of the youth in placement.

## **II. POLICY**

- A. Regular visits between youth in juvenile justice placement facilities and their families and other important people in their lives are critical for sustaining and strengthening relationships and promoting permanency. Youth in juvenile justice placement facilities shall be afforded visits with their parents/guardians as long as there are no court orders prohibiting contact or their parents' rights have not been terminated. Youth shall also be afforded visits with siblings, half-siblings, children, extended family or other discharge resources, and other persons of significance. Provider agencies shall not withhold visits as a form of discipline or punishment.
- B. Provider agency staff must contact families and other discharge resources to schedule a visit within two (2) business days of a youth's arrival at the facility. Provider agency staff must outline expectations for visitors during this contact and answer any related questions.
- C. Provider agencies must document in CONNECTIONS (CNNX) any reasons why visits with family members are NOT permitted including but not limited to court orders prohibiting such visits, a parent/guardian who appears intoxicated when she or he arrives at a facility, and concerns about contagious diseases (see Section IV (H) below).
- D. As part of the intake process, provider agencies shall inform families and other visiting resources about rules and expectations for visits. Provider agencies shall have a policy for communicating with non-English speaking families. Provider agency staff must

also mail a written copy of the provider agency's rules and expectations for visits to a youth's family within the first seven (7) days of a youth's admission to a facility. A provider agency's rules and expectations for visits must include but are not limited to information about:

1. General visiting days and hours;
2. The process for setting up visitation appointments, including contact persons and appropriate phone numbers;
3. Signing the Youth Visitor Log upon arrival and departure;
4. A listing of permissible items (to be developed by provider agency and approved by ACS) and clear guidance on those items which may not be brought into the facility and/or be given to youth. Such non-permissible items would be considered contraband<sup>1</sup>; and
5. Search requirements for visitors and items/packages where applicable.

### III. VISITING PLAN<sup>2</sup>

- A. Provider agencies must develop visiting plans for youth and their parents, guardians, siblings, half-siblings and other significant family members, potential permanency resources and/or any other persons of significance to youth.<sup>3</sup> Provider agencies must also facilitate visits between youth and their parents, guardians or discharge resources at least once a week.<sup>4</sup> See IV (F) and V (A) below.
- B. Provider agencies shall develop and maintain a family visitation record in each youth's case record, which shall include the visiting plan that outlines the planned frequency of the visits, the names of the individuals who are scheduled to visit the youth, planned and actual visits, and summary comments regarding the outcomes of such activities.

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<sup>1</sup> See *Contraband Policy for Juvenile Justice Placement*.

<sup>2</sup> See 18 NYCRR § 430.12(d)(1)(ii).

<sup>3</sup> See 18 NYCRR § 428.6(a)(2)(viii).

<sup>4</sup> Provider agencies must facilitate these visits unless specifically prohibited by court order, by the transfer of custody agreement, or the youth is placed in a facility operated or supervised by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities or because the chosen placement makes biweekly visitation an impossibility. See 18 NYCRR § 430.11(c)(2)(ii) and 18 NYCRR § 430.12(d)(1).

- C. The record shall also include the extent to which visiting has occurred in accordance with the visiting plan and the follow-up efforts by the provider agency when scheduled visiting has not occurred.
- D. Provider agency staff shall follow up with the parent or relative when scheduled visits do not occur in order to discuss the reasons for missed visits and to make reasonable efforts to prevent similar problems in future visits.
- E. The record must include the grounds for any attempt to limit or terminate visiting rights, including specifying any documents submitted to the court.
- F. Approved and Prohibited Visitors
  - 1. In collaboration with the youth and his or her parent/guardian, provider staff shall develop a list of approved visitors. This listing, as well as a listing of prohibited visitors, shall be maintained in each youth's case file, and provider staff must consult the list prior to each visit. Youth may notify provider staff at any time if modifications need to be made to the visitor list, and provider staff shall document the modifications in the youth's visitor list.
  - 2. No child under 18 may visit a youth in a juvenile justice placement facility unaccompanied by an adult unless prior arrangements have been made and approved by the facility director or his or her designee.
  - 3. Attorneys and clergy shall be allowed access to youth if they schedule appointments in advance, except in instances where the security of the facility may be compromised or when the youth receiving the visit is in room isolation.<sup>5</sup>
  - 4. All visitors age 14 and over shall be required to present valid picture identification upon request.
  - 5. The number of visitors that a youth may receive at any given time may be limited based upon staffing coverage and adequacy of available space.

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<sup>5</sup> See *Access to Counsel for Youth in Juvenile Justice Placement; Access to Religious Services and Practices for Youth in Non-Secure and Limited Secure Juvenile Justice Placement; and Room Isolation for Limited Secure Juvenile Justice Placement*.

#### IV. VISITING PROCEDURE

##### A. Youth Visitor Log<sup>6</sup>

Providers must keep a Youth Visitor Log in the reception area of each facility to note the date and time of the visit, the name of the visitor, the name of the youth being visited, and the visitor's relationship to the youth. The log must include space for visitors to sign in next to the time of arrival at the facility and sign out next to the time of departure. The actual visit start time should also be noted in the Youth Visitor Log.

##### B. Searches of Visitors

1. All visitors shall be subject to search prior to a visit. Any visitor refusing to consent to a search shall be directed to exit the facility and will not be allowed to visit the youth on that day.
2. Designated provider staff shall conduct searches using a hand-held metal detector.
3. A visitor may stop a search at any point prior to completion, with the consequence that the visitor must exit the facility without having the visit.
4. Whenever a visitor refuses a search or the continuation of a search, staff shall note this in the Facility Activity/Communication Log.

##### C. Inspection of Objects and Packages

1. Whenever a visitor brings an item or package for a youth in juvenile justice placement, staff shall inspect/search the object or package for contraband before the youth may receive it.
2. Any contraband discovered shall be handled pursuant to the *Contraband Policy for Juvenile Justice Placement*.

##### D. Storage of Belongings

Provider agencies shall designate a secure space outside of the program area where visitors shall store their belongings (.e.g., handbags, shopping bags, backpacks and other packages) for the duration of the visit.

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<sup>6</sup> See *Required Log Books and Paper Files for Juvenile Justice Placement Facilities*.

E. Visiting Space

1. Each facility is required to have a designated space for family visits.
2. Designated space shall be child-friendly and conducive to parent-child bonding for youth who are parenting.
3. Whenever appropriate and necessary, provider agencies shall accommodate requests for separate visiting space between youth and attorneys and/or clergy to make sure that the visits are confidential.
4. Staff shall inspect the visiting space for contraband before and after each visit and shall document such search in the Facility Activity/Communication Log.

F. Time of Visits

1. Providers shall regularly schedule visits at the facility in the evening hours, on weekends, and holidays to accommodate the schedules of youth and their families or other discharge resources. Although each facility will be responsible for developing its own visitation schedule and procedures (to be approved by ACS), each youth shall have at least two (2) opportunities for visits at the facility each week, and visiting hours shall span at least two (2) hours at a time.
2. Provider agencies shall make all reasonable efforts to accommodate special visitation requests, including off-site visits for NSP youth, whenever appropriate and necessary.
3. If a youth is in room isolation at the time of a scheduled visit, the visit shall not take place unless the youth is calm enough to exit room isolation.<sup>7</sup>

G. Supervision of Visits

All visits between youth and their parents/guardians/discharge resources shall be supervised.

H. Denial, Removal and Suspension of Visitors

1. The facility director or his or her designee may deny entry to or remove any visitor who:

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<sup>7</sup> See *Room Isolation for Limited Secure Juvenile Justice Placement*.

- a. Appears to be under the influence of drugs or alcohol;
  - b. Is restricted by court order;
  - c. Is identified by a youth in a written request as someone the youth does not want visiting;
  - d. Is not on an approved visitors list;
  - e. Does not consent to being searched upon request;
  - f. Appears to be or is known to have a contagious illness or disease; or
  - g. Does not follow facility rules and procedures for visiting.
2. A provider agency must contact the borough Family Court Legal Services (FCLS) Close to Home point person and the ACS placement and permanency specialist (PPS) if the provider agency wants to suspend visits between a youth and the youth's parent, guardian, other family members, or discharge resource. A court order is required before an agency may suspend any court-ordered visits.<sup>8</sup>
  3. Staff must document the reasons for denied entry or removal in the Facility Activity/ Communication Log; documentation of those individuals whose visiting privileges have been suspended must also be maintained in the youth's case file.

## **V. OTHER CONSIDERATIONS**

### **A. Transportation**

1. Provider agencies shall offer or arrange for transportation for families that are unable to travel to NSP or LSP residences.
2. Provider agencies shall provide approved visitors with transportation to and from the facility if the facility is located outside of New York City or the visiting resource demonstrates need.
3. Provider agencies shall transport or cover the cost of transportation for youth to visit their families or other discharge resources.<sup>9</sup>

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<sup>8</sup> See 18 NYCRR § 431.14.

<sup>9</sup> In the event of an out-of-state visit, the provider agency must consult the ACS Executive Director of Residential Placement in advance to arrange and coordinate transportation.

B. Special Circumstances

1. Parents or guardians may request special visits outside of normal visiting hours due to unusual or emergency circumstances, as approved by the facility director or his or her designee.
2. Provider agencies must coordinate visits between youth and their siblings in foster care or juvenile justice placement.
3. If a youth is experiencing a crisis (e.g., hospitalization, death in the family), provider agency staff shall arrange for additional family visits when recommended by a clinician or approved by the facility director or his or her designee.