

CHAPTER 63D-12
NON-RESIDENTIAL FACILITIES

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63D-12.001 Purpose and Scope.

~~This rule establishes the standards and procedures for the provision of facility-based non-residential services to youth on probation, conditional release (CR), and post-commitment probation (PCP), as well as those committed to a minimum-risk non-residential facility. These facilities are designed to serve youth who present a minimum risk to public safety in the least restrictive environment, allowing the youth to live at home and receive interventions focusing on delinquent behaviors. Non-residential facilities are also subject to Chapters 63D-9 and 63D-10, F.A.C., relative to the provision of assessment and intervention services.~~

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS.

History—New 9-20-10, Repealed.

63D-12.001 Purpose and Scope.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS.

History—New 9-20-10, Repealed.

63D-12.002 Safety and Administration.

- ~~(1) Safety and welfare standards of facilities shall incorporate the following:~~
- ~~(a) The physical plant of facilities shall meet the following standards:~~
- ~~1. All indoor areas and attached buildings shall be clean, neat, and well maintained. No graffiti shall be allowed to remain on walls, doors, or windows.~~
 - ~~2. Weekly sanitation and safety inspections of all internal and external areas and equipment shall be conducted to ensure that the facility is clean and in good repair. Inspections shall be documented in writing.~~

3. To help ensure that the facility is clean and in good repair a maintenance and housekeeping plan shall be developed and employed.

4. For facilities that operate during evening hours, the facility perimeter and grounds shall be lit.

5. Separate bathroom facilities shall be provided for males and females. For every 30 males, and for every 30 females, there shall be at least one operable toilet and washbasin with hot and cold running water and antibacterial soap.

6. Space shall be available for private counseling, group meetings, and classrooms.

(b) Facilities shall have a comprehensive safety regimen that includes:

1. Fire prevention.

2. Smoking shall not be permitted in the facility. Any designated smoking areas shall be outside of the facility and clearly marked.

3. A fire alarm and automatic detection system is required. All facility staff and youth shall be trained in the operation of the alarm system.

4. Fire protection equipment shall be available at strategic locations throughout the facility, and shall be checked quarterly. All facility staff and youth shall be trained in the proper operation and use of available equipment.

5. Fire drill procedures shall include the following:

a. Unannounced fire drills conducted at least monthly.

b. Drills shall be conducted under varied conditions and across all shifts.

c. All fire drills shall be documented in the Fire Safety Log.

6. A Fire Safety Log shall be kept in the facility, and shall contain a record of annual fire safety inspections, a summary of all deficiencies found by fire officials, a record of corrections, and the results of periodic fire safety inspections and equipment checks.

(c) An evacuation plan shall specify routes of evacuation and provisions for medical care or hospital transportation for youth and facility staff.

1. The evacuation plan shall provide that the facility director or designee in charge shall make the decision to evacuate the facility, and the notice to evacuate shall be clearly communicated.

2. Facility staff in each area shall help control the exit of youth and visitors in an orderly manner.

3. Facility staff shall be alerted to the location of available alarm boxes and outside telephones.
4. A written emergency disaster plan shall be reviewed annually, updated as needed, and detail the procedures for fire, severe weather, hurricane and tornado warnings, flooding, youth riots, hostage taking, chemical spills and bomb threats.
5. A current listing of telephone numbers for local emergency departments shall be posted next to every facility telephone.
6. Facilities that allow youth to participate in water related recreational activities shall have a water safety plan. The facility shall provide one certified lifeguard for every eight participating youth. Youth shall take a swim test prior to any swimming activities.
 - (d) The facility shall provide for the prompt notification of a youth's parent or guardian in cases of serious illness, injury, or death.
 - (e) Facilities providing meals shall comply with the following requirements:
 1. The food service and dining area shall be clean and well maintained.
 2. The facility must provide youth special diets when prescribed for health reasons or to accommodate religious beliefs.
 3. There shall be a single menu for facility staff and youth.
 4. The facility must not withhold food as a disciplinary measure.
 - (f) Facilities shall provide daily transportation to and from the facility, or shall arrange for such transportation.
 1. All facility vehicles that transport youth shall be kept in safe and sound condition.
 2. Facility staff transporting youth shall have current, valid driver's licenses.
 3. Facility vehicles shall have current insurance and automobile registration.
 4. A youth cannot be denied services or penalized because of the lack of transportation.
 5. All vehicles shall be locked when not in use.
 6. Youth and staff shall wear seat belts while the vehicle is in operation.
- (2) Facilities shall meet the following standards of administration and operation:
 - (a) The facility director is responsible for maintaining information on the facility and reporting to the department.
 - (b) Monthly reports shall be submitted to the department detailing incidents, and population data.

(c) Youth listed on the facility roster shall match the census report in the Juvenile Justice Information System (JJIS).

(d) Statistical information shall be maintained, including monthly data on admissions, releases, transfers, absconds, abuse reports, medical and mental health emergencies, incidents, personnel actions, volunteer hours and average length of stay.

(e) The facility shall comply with the department's Central Communications Center (CCC) incident reporting requirements.

(f) A daily facility log shall be maintained for facility staff to record significant facility activities, events, and incidents. Special attention shall be given to entries impacting the safety and security of the facility, which shall be highlighted to ensure attention.

1. The facility director shall review the log on a bi-weekly basis, taking action where appropriate. Any action taken shall be documented in the log.

2. Log entries shall be brief, and legibly written in ink. Recording errors shall be struck through with a single line, with "void" written by the error and the correction initialed by facility staff.

3. Each log entry shall provide the following information:

a. Date and time of incident,

b. Name of the youth and facility staff involved,

c. Brief statement of pertinent information; and,

d. Name of the person making the entry with the date, time of entry and signature.

(g) Facility staff shall comply with the training requirements as outlined in Chapter 63H-1, F.A.C. (Protective Action Response), and Rules 63H-2.004 and 63H-2.006, F.A.C.

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63D-12.002 Safety and Administration.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS.

History—New 9-20-10, Repealed.

63D-12.003 Service Delivery.

(1) Facility orientation shall be conducted within 24 hours of a youth's admission to the facility. The youth's parent(s)/guardian(s) shall be encouraged to attend. Orientation information shall be understandable to the youth.

(a) An orientation handbook or brochure shall be provided containing the following:

1. Program goals and available services,
2. Review of the case planning process,
3. Telephone guidelines,
4. Search policy,
5. Youth rights and grievances,
6. Florida Abuse Hotline telephone number,
7. Advocacy Center for Persons with Disabilities telephone number; and,
8. Facility rules governing youth conduct and consequences for major rule violations.

(b) In addition to the handbook or brochure, the orientation shall also include the following:

1. Introduction to facility staff and a tour of the facility grounds,
2. A review of expectations, rules and the behavior management system,
3. A review of the daily activity schedule governing day-to-day operations,
4. A review of emergency medical and mental health services, emergency safety, and the evacuation procedures for the facility,
5. A list of contraband items and materials, and the consequences for introducing contraband into the facility,
6. A review of the performance planning process,
7. The average anticipated length of stay to successfully complete the program; and,
8. The facility dress code, which shall prohibit pictures, logos, emblems and writing that depict illegal activity, violence, profanity, gang logos, or nudity.

(2) Within seven calendar days of a youth's admission, facility staff shall complete a risk and needs assessment using the Positive Achievement Change Tool (PACT).

(3) Within 14 calendar days of the youth's admission to the facility, the JPO shall complete the Youth-Empowered Success (YES) Plan in accordance with paragraphs 63D-10.003(4)(a)-(g), F.A.C. Monitoring,

modification, and supervisory review of the YES Plan shall also be completed in accordance with subsections 63D-10.003(5)-(8), F.A.C.

(4) In addition to the requirements of Chapters 63D-9 and 63D-10, F.A.C., facilities shall also comply with the following:

(a) Facilities shall have a document containing a mission statement that includes the department's mission to reduce juvenile crime, description of program design, educational goals, and objectives.

(b) Daily activity schedules shall be developed and substantially followed. This shall include structured outdoor/indoor recreational and leisure activities that teach values and encourage sportsmanship.

(c) All instances of time-out, in-facility suspension, and privilege suspension shall be logged, dated, and signed by facility staff implementing the discipline. Supervisory facility staff shall review the log daily.

(d) The facility shall have a behavior management system that provides a system of privileges and consequences to encourage youth to fulfill programmatic expectations. Consequences for violating facility rules shall be fair and have a direct correlation to the inappropriate behavior. The use of facility restriction shall not exceed seven consecutive days.

1. Disciplinary procedures shall be carried out promptly.

2. No youth or group of youth shall be allowed to control, have authority over, or otherwise discipline any other youth. Discipline or authority shall never be delegated to youth.

3. Rules shall be conspicuously posted.

4. All discipline problems shall be clearly documented in the youth's file.

5. "Time out" should only be used to interrupt a specific behavior of an individual or to allow the youth to regain composure by temporarily removing the individual to a separate area or room for a cooling-off period. Youth in time-out shall not be secluded from supervision and must therefore be visually observed by a facility staff member at all times.

6. The use of time-out shall not exceed one hour.

a. Locked time-out rooms are prohibited.

b. Youth in time-out shall not be denied regular meals, healthcare, accommodation of religious needs, or facility staff assistance.

7. Privilege suspension may include denial of participation in recreational activities and other activities outside the facility. Privilege suspension shall not include loss of regular meals, healthcare services, contact with parent(s)/guardian(s), or legal assistance. Prior to privilege suspension, facility staff shall explain to the youth the reason for the restriction, and shall give the youth an opportunity to explain the behavior leading to the suspension.

(5) Mental Health and Substance Abuse Treatment Services. Mental health and substance abuse treatment services shall be provided in accordance with the following provisions:

(a) The non-residential program shall ensure that youth in the program have access to, at a minimum, the following mental health and substance abuse services based upon the identified treatment needs of the youth:

1. Mental health and substance abuse screening,
2. Comprehensive mental health and substance abuse evaluation,
3. Individualized mental health and substance abuse treatment planning and discharge planning,
4. Individual, group and family therapy,
5. Behavioral therapy,
6. Psychosocial skills training,
7. Psychiatric services,
8. Suicide prevention services,
9. Mental health crisis intervention,
10. Emergency mental health and substance abuse services; and,
11. Developmental disability services for youth with a developmental disability.

(b) Screening. Mental health and substance abuse screening that addresses risk factors for suicide, mental disorder and substance abuse shall be conducted upon a youth's admission to a non-residential facility.

(c) Comprehensive Evaluation. Youth who demonstrate behaviors or symptoms indicative of mental disorder or substance abuse during the screening process or after admission to the program shall be referred for a comprehensive mental health or substance abuse evaluation or update to be conducted by a qualified person in accordance with Rule 63E-7.010, F.A.C.

(d) Suicide Prevention Services. Youth who demonstrate suicide risk factors shall be referred for assessment of suicide risk or emergency mental health services if the youth is in crisis. Assessment of Suicide Risk Form (MHSA 004, July 2010) must be utilized when the assessment of suicide risk is conducted in a DJJ facility or program. If the youth is

released to the custody of the parent or legal guardian, the parent/legal guardian must be provided the form entitled Suicide Risk Screening Parent/Guardian Notification (MHSA 003, July 2010). These forms are incorporated, and are available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 1300, Tallahassee, Florida 32399-3100.

(e) When a youth exhibits behaviors that constitute an imminent danger to self or others because of mental illness, the youth shall be referred for emergency mental health services in accordance with the provisions of Section 394.463, F.S.

(f) Treatment Plan Development and Implementation. When a comprehensive mental health or substance abuse evaluation indicates the youth is in need of mental health and/or substance abuse treatment, an individualized mental health and/or substance abuse treatment plan shall be developed, and timely treatment shall be provided based upon the youth's treatment plan. Pending development of an individualized mental health or substance abuse treatment plan, an initial plan is acceptable.

1. The individualized mental health treatment plan shall include the signatures of the youth, the mental health clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. A licensed mental health professional shall review, sign and date the treatment plan within 10 days of completion.

2. The individualized substance abuse treatment plan shall include the signatures of the youth, the substance abuse clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. The plan shall be completed by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility so licensed. If a non-licensed substance abuse clinical staff person completes the treatment plan, it shall be reviewed as provided in Chapter 65D-30, F.A.C.

(g) Mental Health and Substance Abuse Treatment. The program shall ensure the delivery of individual, group and family therapy, behavioral therapy, or psychosocial skills training in accordance with a youth's treatment plan. Mental health treatment shall be provided by a licensed mental health professional or a mental health clinical staff person working under the direct supervision of a licensed mental health professional. Substance abuse treatment shall be delivered by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., a substance

~~abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility so licensed.~~

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~~History—New 9-20-10, Repealed _____.~~

63D-12.003 Service Delivery.

~~Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.601 FS.~~

~~History—New 9-20-10, Repealed _____.~~

63D-12.004 Minimum-Risk Commitment.

~~In addition to the requirements of Rule 63D-12.003, F.A.C., the following applies to youth who are court-ordered to the facility under minimum-risk commitment:~~

~~(1) Facility staff shall inspect the commitment packet using the Commitment/Transfer Packet Checklist. With the exception of the commitment order, missing documents are not grounds to reject a youth's admission.~~

~~(a) If a youth arrives at a facility without a copy of the commitment order, facility staff shall immediately contact the JPO or Juvenile Probation Officer Supervisor (JPOS) and request the order be faxed immediately so that the youth can be admitted.~~

~~(b) If documents other than the commitment order are missing from the packet, the youth shall be admitted and facility staff shall immediately notify the Juvenile Probation Officer (JPO) or JPOS to request the missing documents.~~

~~(c) If admitting facility staff discovers conflicts in the commitment order, the assigned JPO or JPOS shall be contacted and informed of the conflict.~~

~~(2) Within 24 hours of a youth's admission to a facility, facility staff shall provide written notification to the youth's parent(s)/guardian(s).~~

~~(a) The notification shall include a brief overview of the program.~~

~~(b) The facility must allow a parent or guardian the opportunity to object to a youth's participation in recreational activities due to a physical or medical problem.~~

~~(3) Within 30 days of admission of a committed youth, the facility director or designee shall provide written documentation to the court, including a copy of the initial YES Plan. The notification shall indicate that the facility~~

will provide quarterly progress reports, unless otherwise ordered by the court. A copy of the notification and the YES Plan shall be sent to the JPO, parent(s)/guardian(s), state attorney, and youth's attorney.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.441, 985.601 FS. History—New 9-20-10, Repealed _____.

63D-12.004 Minimum-Risk Commitment.

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63D-12.005 Progress Reports.

(1) Facility staff shall complete a progress report every 90 days. The progress report is prepared after a review of the YES Plan and documents the youth's progress in the program.

(a) If the youth is on probation, CR, or PCP, the original report shall be sent to the JPO.

(b) If the youth is under minimum-risk commitment, the original report shall be sent to the court, with copies to the JPO, state attorney, youth's attorney, and the youth's parent(s)/guardian(s). Facility staff shall include a cover letter providing a brief description of the youth's overall performance, as well as any extraordinary information about the youth.

(2) Youth shall be given an opportunity to read the progress report and add comments.

(3) The progress report shall be signed and dated by the youth and the facility staff member who prepared it.

(4) The facility director or designee shall review, sign, and date the progress report prior to distribution.

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.455(3), 985.601 FS. History—New 9-20-10, Repealed _____.

63D-12.005 Progress Reports.

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63D-12.006 Release

~~(1) For youth on probation, CR or PCP, the facility and JPO shall work together to facilitate the release of the youth upon completion of the program. The JPO may submit a termination request to the court or transfer the youth to community supervision.~~

~~(2) For youth under minimum-risk commitment, the facility shall follow the procedure outlined in Rule 63D-10.005, F.A.C., to facilitate the release of the youth upon completion of the program.~~

Rulemaking Authority 985.435, 985.601, 985.64 FS. Law Implemented 985.03, 985.433, 985.435, 985.455(3), 985.601 FS. History—New 9-20-10, Repealed.

63D-12.006 Release

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