

	<b>JUVENILE JUSTICE SERVICES</b> Client Rights and Services	<b>Effective Date: 6/15/10</b>
		<b>Issue Date: 6/15/10</b>
	<b>Title: Client Rights and Services</b>	
	<b>Procedure #: P.20.8</b>	

1. **ISSUING AGENCY:** Children, Youth and Families Department (CYFD)
2. **SCOPE:** Juvenile Justice Services (JJS)
3. **STATUTORY AUTHORITY:** 8 NMAC 14.5.14
4. **FORMS:** Reserved
5. **APPLICABLE POLICY** 8.14.20 **Client Rights and Services:** To ensure that there are established standards and guidelines for client rights and services.
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7. **DEFINITIONS:** Reserved
8. **CLIENT RIGHTS AND RESPONSIBILITIES**
  - 8.1 All secure and non-secure facilities provide for the safety, security, and constitutional rights of clients, balancing the expression of individual rights and the preservation of facility order.
  - 8.2 Clients are held accountable for their behavior and due process safeguards are provided.
  - 8.3 Clients and their families/guardians are provided a handbook at intake that provides an overview of client rights and responsibilities.
  - 8.4 Client rights and responsibilities are written and posted in client areas.
  - 8.5 Clients are not subjected to discrimination based on race, religion, national origin, gender, physical handicap, sexual orientation or political views in program access, work assignments, administrative decisions and other matters.
9. **CLIENT RIGHT TO SAFETY AND SECURITY**
  - 9.1 CYFD shall endeavor to protect all youth in its custody from harm and eliminate unreasonable threats to the safety of youth in its facilities.
  - 9.2 CYFD shall provide sufficient, properly trained direct care staff in its facilities to keep youth safe from harm and to allow rehabilitative programs to occur successfully.
  - 9.3 Security cameras will be located in all areas of general congregation, such as common areas in every living unit, cafeterias, auditoriums, school buildings, and other locations where youth congregate.

- 9.4 CYFD employs a centralized investigation and review system for all critical safety incidents that is computerized and enables staff to evaluate trends and patterns.
- 9.5 CYFD utilizes a system for reporting to senior CYFD management youth-on-youth violence, uses of force by staff on youth, emergency room visits, investigations by police officials and other critical safety related incidents.
- 9.6 CYFD employs a classification system for housing within institutions and among institutions and programs. This classification system endeavors to house youth in the least restrictive setting appropriate to their needs as determined by the MDT.
- 9.7 All direct care staff, including educational, security, medical, and behavioral health, are trained in:
  - 9.7.1 Behavior Management
  - 9.7.2 De-escalation
  - 9.7.3 Crisis Intervention
  - 9.7.4 Abuse and Neglect Reporting
  - 9.7.5 CYFD approved policies and procedures governing Use of Force and Physical Restraint.
- 9.8 The Office of Quality Assurance (OQA) provides a system for timely, thorough, and independent investigation of alleged mistreatment of youth in CYFD JJS facilities.
- 9.9 CYFD has issued policy and/or procedure which require all employees, contractors and other agents of CYFD to immediately report to the facility superintendent any observation by staff or allegation by a youth that the youth has been the subject of corporal punishment, abused, neglected, injured or otherwise mistreated in a CYFD facility by parents or guardians, JJS staff, detention center employees, law enforcement officers, school officials and other department staff. The policy and/or procedure provide that any violation of the policy or procedure by a CYFD employee may result in termination of the employee.

## **10. CYFD CLIENT RIGHTS**

- 10.1 Clients and families/guardians have a right to be treated with respect and recognition of their dignity and need for privacy.
- 10.2 Clients and families/guardians have a right to participate in decision-making regarding their supervision and treatment plan.
- 10.3 Clients and families/guardians have the right to voice complaints about juvenile justice services, their case manager or the supervision/services provided
- 10.4 Clients and families/guardians may make recommendations regarding juvenile justice services policies on clients' rights and responsibilities.
- 10.5 There is equal access to programs and services for male and female clients in co-ed correctional facilities.
- 10.6 If a client's primary language is a language other than English, the client may speak that language at any time that English is allowed except for classroom or group discussions, group activities, or when speaking with a staff member who does not understand the client's primary language.
- 10.7 JJS staff distribute the policy on clients' rights and responsibilities to clients and families/guardians.
- 10.8 JJS has an established grievance process and forms are available in areas of general congregation, such as living units, cafeterias, auditoriums, school buildings and other locations.
- 10.9 JJS protects the confidentiality of client information and records.
- 10.10 JJS provides information to clients and families/guardians that is comprehensible, readable, easily understood and in the language clients and families/guardians understand.
- 10.11 JJS prohibits corporal or other physical punishment in policy, procedure and practice.
- 10.12 Staff are prohibited from using medical care, religious programming, education, recreation and client communication with parents, guardians or legal counsel as a reward

- or punishment for conduct, but may impose restrictions on these programs and privileges as natural consequences for documented client behavior.
- 10.13 Hearings and other review procedures, which determine client accountability for behavior, are conducted in a fair and impartial manner.
  - 10.14 Juvenile justice clients may access courts, counsel, and advocacy groups. For facility clients, any contact with counsel is confidential and subject only to the limitations necessary to maintain facility order and security. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits. The reasons for any limitations imposed must be documented in the client's master file and in FACTS.
  - 10.15 Juvenile justice clients may communicate with the public media. JJS staff follows JJS policies and procedures for media access, 8.14.1.30 NMAC. For facility clients, media communications are subject to the limitations necessary to maintain facility order and security and protect the clients' rights. The reasons for any limitations imposed are documented. Media requests for interviews and client parent/guardian consents are in writing.
  - 10.16 Juvenile justice clients housed in secure facilities are subject to uniform grooming and dress rules. Juvenile justice clients housed in non-secure facilities have freedom in personal grooming and dress except when a justified interest exists.
  - 10.17 In all facilities, clients are permitted to decorate living and sleeping quarters with personal possessions subject to the limitations necessary to maintain facility order and security, including medical, educational, behavioral health program needs and objectives.
  - 10.18 In non-secure facilities, clients may retain personal property in their possession and controls and safeguards are in place. A written list of personal property is kept in the client's file.

## **11. RELATED FEDERAL RIGHTS**

- 11.1 JJS facility staff complies with all Federal rights, including but not limited to those listed below.
- 11.2 Americans with Disabilities Act (ADA)
  - 11.2.1 Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.
  - 11.2.2 State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings.
  - 11.2.3 They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities.
  - 11.2.4 Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.
- 11.3 Family Educational Rights and Privacy Act (FERPA) FERPA gives students the following rights regarding educational records:
  - 11.3.1 The right to access educational records kept by the school;
  - 11.3.2 The right to demand educational records be disclosed only with student consent;
  - 11.3.3 The right to amend educational records; and
  - 11.3.4 The right to file complaints against the school for disclosing educational records in violation of FERPA.
  - 11.3.5 Educational records are defined by FERPA as that directly relate to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution.

- 11.4 IDEA (Individuals with Disabilities Education Act) IDEA ensures that all children with disabilities have available to them a free appropriate public education.
- 11.5 Health Insurance Portability and Accountability Act (HIPAA) HIPAA assures that an individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being.

**12 CLIENT RESPONSIBILITIES**

- 12.1 Juvenile justice clients are held accountable for their behavior in accordance with legal requirements.
- 12.2 Clients and families/guardians have a responsibility to provide, to the extent possible, information that JJS and providers need to provide services.
- 12.3 Clients and families/guardians have a responsibility to follow the treatment plan and action steps they agree upon with their case managers
- 12.4 Clients and families/guardians have a responsibility to participate, to the degree possible, in understanding their legal and behavioral health problems and developing mutually agreed upon treatment goals.

**13 AUTHORIZED SIGNATURE:**



**APPROVED:**

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**Dorian Dodson, Cabinet Secretary**  
**Children, Youth and Families Department**

**6/15/10**

\_\_\_\_\_  
**Date**