

**PREFACE TO YOUTH RULES****(Chapters HSS 331 to 341)** 343

The following chapters of administrative rules, HSS 331 to 341, are to guide policy and program staff of the department of health and social services' division of corrections in carrying out dispositional orders of courts concerning adjudicated juveniles whose custody has been transferred to the department. The rules should be implemented in such a way as to protect the public and to provide a safe, human, caring environment, for youth while they are in the legal custody of the department for correctional purposes. Each youth should have the opportunity to receive services which will enable him or her upon release to act as a responsible member of the community.

Five general principles apply to the administration and implementation of these rules:

1. *Control and care.* Programs for youth in the custody of the department for correctional purposes should provide for that degree of control required to protect the public and other youth in the custody of the department while at the same time providing a safe, human, caring environment to promote each youth's normal growth and individual development.

2. *Least possible restriction of liberty.* The liberty of a youth in the custody of the department should be restricted only to the degree necessary to carry out the purpose of the court's dispositional order.

3. *Fairness and legal rights.* Youth in the custody of the department are entitled to fair procedures, conducted without implicit or explicit intimidation, which protect their rights and elicit and respect their points of view.

4. *Positive treatment program.* Positive behavioral changes should be encouraged by a system of positive rewards for desired behavior in preference to a system of negative punishments which may temporarily stop but not remediate undesirable behavior. At all times, the program and program changes are to reflect a bias for overcoming the potential negative effects of institutionalization and for developing positive individual behaviors which will allow the youth to return to his or her community as a responsibly functioning member of society.

5. *Youths and families.* To the extent resources permit, the department in its community human service programs for families, and the division in its care of each youth placed in its custody, should strive to:

a. Encourage and strengthen the capacity of youths and their parents to act in their own behalf and to function effectively in a family;

b. Strive to insure that youths and their families know of and have access to human services to address effectively their unmet needs;

c. Arrange for placement alternatives to institutionalization for youth in the custody of the department for correctional purposes as soon as appropriate and to promote the earliest possible return of each youth to his or her own family and community; and

d. Protect the rights of youth in the department's custody and insure that the conditions of their care promote the development of their full human potential.

The policy objectives of these rules are:

1. To encourage youth to make constructive use of their institutional privileges and responsibilities;
2. To allow those charged with the custody and control of juveniles to reasonably regulate the behavior of those in their charge and to impose disciplinary measures congruent with the willful violation of the applicable regulation;
3. To promote fairness and regularity in the disciplinary system, separate major offenses from minor infractions, and provide a procedural format for the imposition of disciplinary procedures for more serious offenses; and
4. To prohibit cruel and unusual punishment or punishment grossly out of proportion to the severity of the offense, and to insure that a certain baseline of safe, caring and humane treatment is maintained for all residents of an institution.

While resource limitations can affect the *extent* to which each of these goals or policy objectives is attained, they do not excuse a good faith effort by staff to do the very best they can under the circumstances.