

CR 81-141

CERTIFICATE

STATE OF WISCONSIN)
)
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to furlough, offgrounds, and trial visits for youth from correctional institutions were duly approved and adopted by this department on August 24, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 24th day of August, A.D. 1982.



Donald E. Percy, Secretary
Department of Health and Social Services

SEAL:



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ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING RULES

To create HSS 341, relating to furlough, offgrounds, and trial visits for youth from correctional institutions.

Analysis prepared by the Department of Health and Social Services

The rules contained in this chapter detail three ways a youth may be temporarily released from an institution either under escort or not under escort. Furlough and offgrounds are authorized absences from an institution designed to promote treatment and reintegration by giving youth the opportunity to experience life outside the institution. Trial visits allow the Division to release youth who are difficult to place to an alternate care facility, own home, or independent site for a period not to exceed 30 days.

Pursuant to the authority vested in the Department of Health and Social Services under s. 227.014(2), Stats., the Department hereby adopts rules interpreting s. 46.03 (1) and (6) and ch. 48, Stats., as follows:

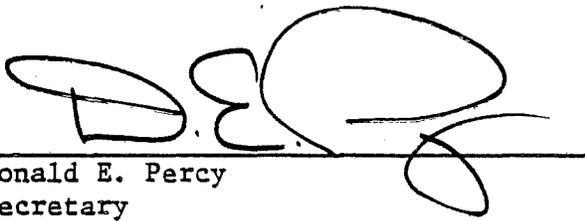
SECTION 1. Chapter HSS 341 of the Wisconsin Administrative Code is created to read:

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Stats.

Dated: 8-24-82

Department of Health and Social Services

By:



Donald E. Percy
Secretary

SEAL:

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF CORRECTIONS

ADMINISTRATIVE RULES

CHAPTER HSS 341

Furlough, Offgrounds, and Trial Visits for
Youth in Correctional Institutions

August, 1982

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HSS 341.01 APPLICABILITY AND DEFINITIONS.

- (1) AUTHORITY. This chapter applies to the department of health and social services and to all youth under its legal custody for correctional purposes. It interprets ch. 48, Stats.
- (2) DEFINITIONS. The definitions under s. HSS 333.02, Wis. Adm. Code, apply to this chapter. In addition:
 - (a) "Agent" is defined under ch. HSS 345, Wis. Adm. Code.
 - (b) "Furlough" means an approved unescorted leave for a youth from a correctional institution not to exceed 10 days.
 - (c) "Offgrounds" means an approved escorted or unescorted leave for a youth from a correctional institution for a brief period of time not to exceed 24 hours.
 - (d) "Trial visit" means an approved leave of a youth from a correctional institution for a tentative placement not to exceed 30 days.

HSS 341.02 PURPOSE.

- (1) GENERAL PURPOSE. Furlough, offgrounds, and trial visit programs operated by the division of corrections are intended to promote the rehabilitative treatment and community reintegration of youth by permitting qualified youth to experience an authorized absence from an institution with or without direct staff supervision.

- (2) REASONS FOR FURLOUGH OR OFFGROUNDS. Furloughs and offgrounds may be granted for the following reasons:
 - (a) To reward a youth for positive adjustment at an institution;

 - (b) To fulfill treatment goals;

 - (c) To respond to emergency need when necessary for the best interests of the youth;

 - (d) To allow a youth to visit his or her home;

 - (e) To use resources outside the institution for educational, recreational, work, or other rehabilitative purposes;

 - (f) To permit a youth to visit a seriously ill close family member or attend the funeral of a close family member; and

(g) For any reason consistent with the planning criteria under ss. HSS 331.09, 331.11, and 331.15, Wis. Adm. Code.

(3) A youth who intentionally runs away from custody while on furlough may be disciplined as a runaway.

NOTE: The furlough and offgrounds programs allow qualified youth an opportunity to visit home or participate in other activities or visits that further treatment objectives. Time away from an institution can be a valuable opportunity for youth to experience life outside the institution in preparation for eventual release and reintegration. It also provides incentives for good behavior in institutions.

Furlough and offgrounds programs are considered essential by American Correctional Association's Manual of Standards for Juvenile Training Schools and Services (1979) (hereinafter "ACA Juvenile Standards"), standard 9442.

This section recognizes that there are community resources available that may be beneficial for youth. Participation in programs outside the institution can provide valuable reintegration resources that the division could not develop by itself. Examples of current programs for which offgrounds activities are used are educational, religious, and athletic programs.

One purpose of both furlough and offgrounds is to permit a youth to visit a seriously ill close family member or attend the funeral of a close family member. Experience has shown that it is desirable for a youth to have this opportunity to maintain family ties. It allows the youth the company of the

family during those difficult periods and helps the youth work through feelings of pain and sorrow. This exposure to the family also assists in adjustment at the institution.

Offgrounds may be used in a variety of ways to reward progress and adjustment. It also provides a means of enabling youth who are eligible for a furlough, but cannot be processed in sufficient time, to leave the institution. A youth on offgrounds may be accompanied by a staff escort or a responsible adult.

Offgrounds may sometimes be used in emergencies. For example, sections HSS 341.02 and 341.04 provide institution authorities with sufficient flexibility to respond to requests from law enforcement agencies and courts or to temporarily remove a youth for medical treatment.

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HSS 341.03 FURLOUGH.

- (1) (a) A furlough may be recommended by the joint planning and review committee (JPRC) under s. HSS 331.08, Wis. Adm. Code, or institution staff under HSS 331.13, Wis. Adm. Code, and granted by the superintendent or by anyone designated by the administrator. A youth may request a furlough. If a procedure other than that under s. HSS 331.12, Wis. Adm. Code, is used, the institution shall make available to youth a specific written procedure for furlough requests with a requirement for timely response.
 - (b) A youth granted a furlough shall be released to the supervision of a responsible adult. The agent or county worker and local law enforcement authorities shall be notified. On the youth's first furlough the agent or county worker may inform the superintendent of any disagreement the agent or county worker has and the director of the bureau of juvenile services shall resolve conflicts. All subsequent furloughs require only notification of the agent or county worker.
 - (c) The authority granting a furlough may impose any conditions deemed appropriate for individual youth.
 - (d) Every decision to grant or deny a furlough shall be communicated to the youth and shall include the reasons for the decision.
- (2) A furlough may be cancelled at any time by the superintendent or his or her designee for violation of a condition under sub. (1)(c) or if the person to whom the youth has been released requests it. The reason shall be written together with underlying facts in the

HSS 341.04 OFFGROUNDS.

- (1) Each institution shall make available to youth a specific written procedure under which a youth may request offgrounds under this chapter and receive a timely response to his or her requests.
- (2) Offgrounds may be ordered only by the superintendent or designee of the institution using the criteria under s. HSS 341.02(2).
- (3) The superintendent may authorize offgrounds for a period of time up to 24 hours from the time it is ordered and upon any conditions he or she determines appropriate. The superintendent shall specify whether a staff member or another designated person is to accompany the youth on the offgrounds, whether the youth is required to assume any of the cost, and any other conditions.
- (4) A youth may be required to assume all or part of the cost of an offgrounds the youth requests under this chapter, if the youth has the ability pay for all or part of the cost of the activity. Any costs the youth is required to assume shall be specified as a condition under sub. (3).
- (5) Offgrounds activity may be under the supervision of staff or others designated by the superintendent. The level of supervision shall be specified under sub. (3).

- (6) Youth on offgrounds remain in the custody of the department and shall abide by all statutes, rules of the division and conditions of the offgrounds. A youth who intentionally runs away from custody while on offgrounds may be disciplined as a runaway.
- (7) A youth shall obey all lawful directives made by the staff member or other designated escort who may accompany him or her on the offgrounds.
- (8) (a) The superintendent may cancel an offgrounds authorization at any time he or she no longer considers offgrounds in the best interests of the youth.
- (b) Any cancellation order shall contain the reasons for the cancellation, together with the underlying facts upon which the decision was based.
- (9) (a) The following information shall be maintained for all offgrounds:
1. The name of the youth;
 2. The name of the person accompanying the youth, if any;
 3. The date and time of departure and return to the institution;
 4. The criteria in s. HSS 341.02 under which the offgrounds was ordered, and the underlying facts upon which the order was made; and
 5. The conditions imposed under sub. (3).

- (b) If the person accompanying the youth is not a staff member, he or she shall be advised in writing of the conditions of the offgrounds and shall sign an agreement to abide by conditions of the offgrounds.

NOTE: Specific procedure for offgrounds varies among institutions so this section does not specify a general procedure to be used. Any specific institution procedure implementing this section must facilitate timely action on youth requests. Obviously, any request made within a reasonable time prior to the requested time of offgrounds must be acted on prior to that time.

The conditions imposed by the superintendent under sub. (3) provide guidance to the accompanying designated escort and notice to the youth of some of the limitations of the offgrounds. The conditions will vary depending upon the purpose of the offgrounds and the security risk the youth poses. Conditions imposed under this section must be written under sub. (9)(a)5.

Direct supervision is sometimes desirable but not required for offgrounds. Subsection (5) recognizes that different levels of supervision may be necessary and sub. (9) requires the superintendent to specify the conditions of supervision.

While youth leaving an institution under the authority of a furlough do not ordinarily require direct supervision, when these same youth leave under the authority of offgrounds, direct supervision may be required.

Subsection (5) authorizes the superintendent to designate persons other than staff members to supervise youth on offgrounds. Oftentimes, the institution will approve a program run by non-institution staff for participation by youth. The supervisors of such programs may be designated as the escort for the youth that participate. Obviously, only approved program sponsors should be so designated. This section is not intended to authorize appointment of youths' attorneys or friends as escorts, for example.

Since a youth is in the custody of the department while on offgrounds, the youth is deemed to be under the care and control of the institution under subsection (6).

The authority of the escort to issue lawful directives is necessary because the varying circumstances of individual cases make it impossible for the superintendent to specify all permissible conduct as conditions of offgrounds. Subsection (7) provides this authority.

Subsection (8)(b) requires the superintendent to write reasons for cancellation of the order and the facts upon which the decision was based. This is important. If the cancellation was for misconduct by a youth while on offgrounds, it is documented. It is also extremely important from the youth's perspective if the offgrounds was not cancelled for misconduct by the youth. The record can be used to assure that negative inferences are not drawn as a result of cancellation.

HSS 341.05 TRIAL VISIT

- (1) The purpose of a trial visit is to place a youth in an alternate care facility, own home, or other living situation to enable the persons in charge of the facility and the youth to determine if permanent placement is to be made.
- (2) A trial visit may not exceed 30 days. At the end of the 30 day period or upon the youth's return to the institution, JORP shall review the case and, depending on the outcome of the trial visit, cancel the alternate care designation, review the alternate care designation and seek a different placement, or release the youth to aftercare.
- (3) A trial visit requires recommendation of the JPRC under s. HSS 331.08 or 331.14, Wis. Adm. Code, and approval of the superintendent using the criteria under ss. HSS 331.09, 331.11, and 331.15(3), Wis. Adm. Code.
- (4) Every decision to grant a trial placement shall be in writing with the reasons for it.
- (5) The institution shall make available to youth a specific written procedure under which they may request trial visits, receive a response, and the conditions under which a trial visit may be terminated.

NOTE: A trial visit is a means by which a youth may be placed in an alternate care facility, own home, or independent site for a period of up to 30 days. Its purpose is to provide both the youth and the facility the opportunity to see if a permanent placement would be workable. Trial visit differs from a furlough in that its only purpose is to determine whether a specific placement is workable. The time period for a trial placement is no longer than 30 days while a furlough may be granted for no longer than 10 days.

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