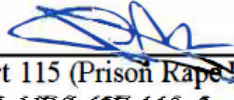


Out-of-State Placement of Youth

	DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY
SUBJECT:	● Out-of-State Placement of Youth
POLICY NUMBER:	DCFS/JJS 600.05
EFFECTIVE DATE:	February 1, 2022
APPROVED BY:	Domonique Rice, Deputy Administrator – Division of Child and Family Services
DATE:	1/31/2022
SUPERSEDES:	New Policy
APPROVED BY:	Cindy Pitlock, Interim Administrator – Division of Child and Family Services
DATE:	1/31/2022 
REFERENCES:	28 C.F.R. Part 115 (Prison Rape Elimination Act) NRS 62B.212; NRS 62E.110, 3 and 4; NRS 62E.520; NRS 63.410; NRS 63.440; NRS 432.0177
ATTACHMENTS:	No Attachments

I. SUMMARY

The Division of Child and Family Services (DCFS) shall make every effort to place youth committed to its care in an in-state residential placement as close as possible to their families, guardians, and home communities. If this cannot be achieved due to the treatment and rehabilitation needs of the youth, the youth may be placed in an out-of-state public or private institution or agency.

II. PURPOSE

To set forth requirements which must be met when placing a youth in an out-of-state public or private institution or agency.

III. DEFINITIONS

- A. Family: A youth's family is the group of individuals who support a youth emotionally, physically, and/or financially. A family is defined by its members and each family defines itself. A family can include individuals of various ages who are biologically related, related by marriage, or not related at all.
- B. Funding Source: The source paying for a youth placement which may be private insurance, Medicaid, or the Youth Parole Bureau.
- C. Interstate Compact on the Placement of Children (ICPC): A program administered by each state, the District of Columbia, and the U.S. Virgin Islands in which each entity works with one another when placing children across state lines in placements, including residential treatment facilities and institutions.

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- D. Private Institution or Agency: A secure or non-secure juvenile residential treatment facility which is privately owned.
- E. Public Institution or Agency: A secure or non-secure juvenile residential treatment which is publicly owned.
- F. Quality Assurance Specialist: A DCFS staff member responsible for quality assurance reviews and inspections of out-of-state facilities.

IV. REQUIREMENTS

- A. The Youth Parole Bureau (YPB) shall create a process to determine if a youth committed to or under the supervision of DCFS requires placement in an out-of-state residential institution or agency which may be based on a failure of placement in an in-state residential facility or the needs of the youth.
 - 1. This can be considered a diversion from placement in a state juvenile facility.
- B. If an out-of-state facility may be the best fit, the YPB shall:
 - 1. Determine there are no in state placements which can meet the youth's needs; and
 - 2. Determine there is an out-of-state placement which can meet the needs of the youth.

Note: This may require contact with potential out-of-state providers to determine availability and if youth meet eligibility criteria.
- C. If the YPB determines the best placement for the youth is a residential institution or agency, the Youth Parole Counselor (YPC) shall present this to the juvenile court. The juvenile court shall make the final determination.
- D. The YPB shall consider the needs of the youth when making a recommendation to the juvenile court and may use the following as part of the determination:
 - 1. The juvenile court's documents
 - 2. The State of Nevada DCFS identified risk and needs assessment
 - 3. Any other assessment, evaluation, or modification of placement conducted on the youth
 - 4. Availability in-state
 - 5. Family/guardian considerations, as appropriate
- E. Once the YPB determines the best placement for a youth is an out-of-state residential institution or agency, the YPC shall provide the recommendation to the juvenile court, with documented evidence. The juvenile court shall issue the following finding (NRS 62E.110.3 & 4):
 - 1. No public or private institution or agency in this State meets the needs of the youth or such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and
 - 2. Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and those efforts had failed.

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- F. The Juvenile Justice Programs Office (JJPO) shall maintain a current list of approved out-of-state facilities, and other potential residential placement providers, including the required funding source(s).
- G. The JJPO shall distribute the approved list of out-of-state facilities to the YPB each time the list is updated.
- H. The YPB shall ensure the youth meets the requirements of the receiving facility through coordination with the receiving facility and their admission process.
- I. All funding options shall be explored.
 - 1. The YPB shall identify the funding source for the out-of-state facility which may be Medicaid, private insurance, or state funding through the YPB.
 - a. If a youth is currently in the custody of a child welfare agency, IV-E funding may be an option.
 - b. If the funding source will be the YPB, the YPB shall ensure:
 - i. A current contract is in place with the provider
 - ii. Funding is available
 - iii. Fiscal staff are notified of placement
- J. Transportation shall be arranged by the YPB in coordination with the placing facility.
 - 1. Individuals from the State Medicaid Agency and the service provider may be involved in the transportation process if the placement is funded by Medicaid or if the youth is Medicaid eligible.
- K. The YPB shall comply with the juvenile court and the Interstate Compact on the Placement of Children (ICPC) concerning the placement.
 - 1. The YPB is responsible for completion of all Interstate Compact documentation.
- L. For youth placed in an out-of-state placement, the YPB shall:
 - 1. Document placement in the DCFS web-based case management system (Placement Screen).
 - 2. Communicate with the youth's out-of-state facility Case Manager monthly and participate in treatment team meetings. Refer to Supervision (DCFS/JJS 600.01) for supervision requirements for youth placed out-of-state.
 - 3. Obtain a copy of the youth's out-of-state facility Case Plan and upload into the DCFS web-based case management system in the youth's current active Case Plan.
 - 4. Notify parents/guardians of incidents and/or issues.
 - 5. Encourage family engagement in the youth's treatment/case planning process.

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6. Communicate with the youth monthly by phone or video conferencing.
7. Begin re-entry planning immediately.

V. INSPECTION OF FACILITIES (NRS 432.0177)

- A. Before or at the time the YPB transfers a youth to a facility located outside of this State, the Quality Assurance Specialist, or designee, shall physically inspect the facility to determine whether the facility:
 1. Provides the services or treatment necessary for the youth.
 2. Is either accredited or licensed and in good standing with the entity which accredits or licenses the facility.
 3. Is subject to health inspections and the results of any such health inspections conducted within the immediately preceding three years.
 4. Meets similar requirements as the State of Nevada in the treatment and care of youth who identify as lesbian, gay, bisexual, transgender, nongender conforming, questioning, or intersex (NRS 62B.212).
- B. The Quality Assurance Specialist shall ensure a facility either has an agreement with the State of Nevada Medicaid Agency, a contract with the YPB, or will accept a youth's private insurance as part of the facility inspection process.
 1. This information shall be provided to the YPB upon return and included on the list of out-of-state providers to assist the YPB in determining the funding mechanism.
- C. The Quality Assurance Specialist shall maintain a list of all youth placed out-of-state facility's, the facility they are placed in, and the dates of onsite visits.
 1. Each youth and facility shall be visited at least one time each year, to ensure the continued appropriateness of the placement.
- D. The Quality Assurance Specialist shall have standardized forms for inspection of facilities, to conduct surveys with youth placed at each facility by the YPB, and to ensure supervision compliance with youth placed out-of-state.
 1. The Quality Assurance Specialist shall keep a record and report of inspections.
- E. The Quality Assurance Specialist shall notify the YPB, the funding agency, and as applicable, out-of-state licensing agencies if any issues are discovered in an out-of-state institution or agency which affects the health, safety, and/or welfare of a youth and/or services which are not being performed based on the youth's treatment plan.
 1. The YPB shall immediately consider this information and decide whether the placement will be continued, modified, or terminated.
- F. If the YPB terminates a placement for any reason, the YPB shall ensure youth are removed as quickly and safely as possible.

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- G. Any new contract or contract renewal shall provide language to ensure the contractor is complying with the Prison Rape Elimination Act (PREA) and Juvenile Facility Standards if the contracted facility's population averages more than fifty percent juvenile justice-involved youth over the last 12-month period. Including PREA language is standard contract practice.

VI. ANNUAL INSPECTIONS

- A. The Quality Assurance Specialist shall visit each facility which currently has one or more youth annually. The Quality Assurance Specialist shall:
 - 1. Physically inspect the facility
 - 2. Review the services being provided to the youth at the facility and any treatment plan(s) established for the youth
 - 3. Review medication log, if applicable
 - 4. Interview the youth, and
 - 5. Verify supervision requirements have been met by the assigned YPC.

VII. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

- A. The YPB shall comply with the Interstate Compact on the Placement of Children (ICPC) when placing a youth in a residential facility out-of-state.
- B. For questions concerning ICPC, contact nvicpc@dcfs.nv.gov, DCFS's ICPC unit.

VIII. STANDARD OPERATING PROCEDURES

- A. The Youth Parole Bureau shall create Standard Operating Procedures consistent with this policy, to include, but not limited to:
 - 1. Process to determine residential placement of youth.
 - 2. Process for completion of Interstate Compact documentation.
 - 3. Process to obtain ICPC, if required.
- B. The Juvenile Justice Programs Office shall create Standard Operating Procedures consistent with this policy, to include, but not limited to:
 - 1. Initial and annual inspections of facilities.
 - 2. Maintenance of a current approved list of contracted out-of-state placement providers, including which require ICPC.