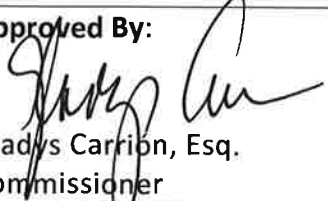


Access to Counsel for Youth in Juvenile Justice Placement

Approved By:  Gladys Carrion, Esq. Commissioner	Date Issued: <u>1/28/2015</u>	Number of Pages: 3	Number of Attachments: 0
Related Laws: N/A	Children's Services Divisions/Provider Agency: Division of Youth and Family Justice/Office of Youth and Family Development; Juvenile Justice Placement Provider Agencies	Contact Office /Unit: Sarah Bass Executive Director Residential Placement sarah.bass@acs.nyc.gov	
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Bulletins & Directives: N/A	Related Policies: N/A	Supersedes: Policy and Procedure #2012/04, Youth Access to Counsel, dated 11/20/12	
Related Forms: N/A			
SUMMARY: All youth placed with Children's Services in non-secure and limited secure juvenile justice placement (NSP and LSP, respectively) have the right to counsel and shall have access to their counsel or authorized legal representatives. Juvenile justice placement provider staff shall facilitate a youth's access to counsel or any other authorized legal representative. Such contact includes, but is not limited to, telephone communications, uncensored correspondence by mail, and visits.			
SCOPE: This policy applies to all youth placed with Children's Services pursuant to Article 3 of the Family Court Act.			

I. Policy

- A. All youth placed with the Administration for Children's Services ("Children's Services" or "ACS") in non-secure and limited secure juvenile justice placement (NSP and LSP, respectively) have the right to counsel and shall have access to their attorney or authorized legal representatives (e.g., investigators, social workers, interns, or paralegals) throughout the period of residential placement.
- B. The name of the youth's attorney and the organization, if any, with which the attorney is affiliated, shall be kept in the youth's case record on the premises of the facility and provided to the youth upon request. If a provider staff person has difficulty determining who a youth's attorney is, that staff person should contact the assigned Placement and Permanency Specialist (PPS) or the Children's Services Confirm Unit at 1-877-KID-CHEK (877-543-2345). Provider staff should bear in mind that a youth's attorney may change over time, that another attorney may provide coverage for the assigned attorney, and that a youth may have more than one attorney (i.e., for a child welfare or criminal justice case).
- C. The juvenile justice placement provider shall facilitate a youth's access to counsel or any other authorized legal representative. Such contact shall include, but not be limited to, telephone communications, uncensored correspondence by mail, and in-person visits. Contact shall not be restricted; and the following guidelines shall apply:
 1. Provider agency staff shall provide a physical space to enhance privacy and confidentiality for phone calls or visits.
 2. Provider agency staff shall arrange appointments for attorneys to visit youth during the hours of 8:00 AM and 8:00 PM and shall make every reasonable effort to facilitate visits. Telephone calls to or from an attorney shall not be counted in the number of calls a youth is allotted during any particular time frame, and there shall be no limitation placed on the duration of any call to or from the attorney or his or her representative.
 3. Letters to and from attorneys may be examined for contraband but only in a manner that keeps their contents confidential (e.g., a letter may be opened by the youth in front of provider staff person) and only when there is reasonable cause to suspect the presence of contraband. Provider agencies shall provide postage stamps to youth who wish to write letters to their attorneys.

II. Procedure

- A. Visits

1. When an attorney or the attorney's representative contacts the provider agency to visit a youth, staff shall arrange for an appointment convenient to all concerned.
2. The person who scheduled the visit shall notify relevant child care staff of the date and time of the appointment, as well as the name of the visitor and the youth, and shall record the information in the youth's case file.
3. Upon arrival, the authorized legal personnel shall sign the Visitor Log and present proper identification. The following identification is acceptable:
 - a. Legal Aid Society identification with a photograph;
 - b. Identification from another law office with a photograph;
 - c. Court-issued identification;
 - d. A letter of introduction from the youth's attorney, as well as work identification with a photograph; or
 - e. Driver's license.
4. Staff shall notify the youth's case planner or the covering supervisor about the visit.
5. In the absence of the case planner and supervisor, staff shall notify the facility director or designee.
6. After informing the youth of the visit, staff shall escort the youth to a meeting space that allows for privacy.
7. A youth may refuse to meet with the attorney or representative of the attorney. If this occurs, the case planner or other child care staff shall obtain such refusal in writing and present it to the attorney at the time of the visit. The staff person shall also note the youth's refusal in the Facility Activity/Communication Log.

B. Telephone Calls

Attorneys are permitted to call a youth between 8:00 AM and 8:00 PM. If an attorney attempts to call a youth, staff must make every effort to allow the youth access to a telephone to receive the call, or obtain and record the number of the attorney so that the youth may return the call as soon as possible.