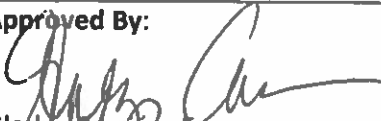


Personal Property of Youth in Juvenile Justice Placement

Approved By:  Gladys Carrion, Esq. Commissioner	Date Issued: <u>2/1/2017</u>	Number of Pages: 10	Number of Attachments: 2
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Supporting Regulations: 18 NYCRR § 441.12	Supporting Case Law: NA	Bulletins & Directives: NA	
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Supersedes: NA			
Related Forms: Personal Property Inventory Form (Attachment A) Receipt for Youth Property (Attachment B)			
SUMMARY: This policy is intended to guide non-secure placement (NSP) and limited secure placement (LSP) juvenile justice provider agencies on the process for inventorying, storing, releasing, and disposing of the personal property of youth placed with the Administration for Children's Services (ACS) pursuant to Article 3 of the Family Court Act.			
SCOPE: This policy applies to all youth in NSP and LSP facilities, ACS staff, and NSP and LSP providers.			

I. Purpose

It is the policy of the Administration for Children's Services (ACS) that all of a youth's personal property such as clothing, valuables, and money shall be appropriately secured while a youth is in non-secure placement (NSP) or limited secure placement (LSP). This policy is intended to guide NSP and LSP juvenile justice provider agencies on the process to inventory, store, release, and dispose of the personal property of youth who have been placed with ACS pursuant to Article 3 of the Family Court Act.

II. Terms

- A. Permissible Personal Property – Items which the facility permits youth to keep in their rooms or on their person after they have been properly inventoried.
- B. Personal Property – Items which belong to a youth including, but not limited to, clothing, money, jewelry, keys, identification, and personal care items. Personal property includes both permissible items and items that are unauthorized for use in the facility and considered contraband.
- C. Authorized Person – Any individual authorized to receive a youth's inventoried personal property including, but not limited to, parents/guardians, discharge resources, siblings, half-siblings, potential permanency resources, and/or any other persons of significance to the youth.

III. Facility Handbook or Resident Manual

- A. Each provider agency shall develop a listing of permissible items which must be approved by ACS. Variations which depend on the youth's level of care, progress in the program, or other factors must also be provided to ACS.
- B. Facility Handbooks or Resident Manuals provided to youth, parents/guardians, or other persons of significance to the youth shall include the following information:
 - 1. A clear statement of the youth's right to personal property;
 - 2. A list of permissible and unauthorized personal property;
 - 3. Information about how personal property is inventoried and stored;
 - 4. The process by which a youth's parent/guardian or other authorized person may retrieve personal property; and
 - 5. A sample Personal Property Inventory Form (Attachment A).

IV. Procedure

- A. At intake, a designated provider agency staff person shall meet with each youth to explain which personal property items are permissible at the facility and which are not. The staff person must explain which items are permissible and may be kept in the youth's room, on his or her person, or stored by the facility, and which are considered contraband and must be stored, disposed of, or retrieved by a parent/guardian or other authorized person.
- B. The youth shall be informed that property exceeding \$75 in value is not allowed in the program without prior approval from the facility director or designee.¹
- C. This staff person shall then review the youth's personal property with the youth and complete a Personal Property Inventory Form (Attachment A) while adhering to the following:
 1. The staff person shall list each item separately on the inventory form, provide a brief, but detailed description of each item, and note whether the item is permissible or considered contraband.
 2. The staff person shall ask the youth to name the person authorized to retrieve the youth's property and that person's relationship to the youth. The youth may at any time notify staff if he or she would like to update the name of the designated person.
 3. If the youth is keeping any permissible personal property items in his or her room or on his or her person, the staff person shall explain that the youth is responsible for the property, but that the youth may request that it be stored in a secure on-site location or retrieved by a parent/guardian or other authorized person at any time during the youth's residential placement. Provider agency staff shall assist in making arrangements for pick up.
 4. Any money a youth has at the time of admission shall be receipt recorded and stored in a secure on-site storage space as designated by the individual provider agency. Pursuant to the ACS Policy and Procedure #2016/01, *Allowances and Financial Literacy Training for Youth in Juvenile Justice Placement*, provider agency staff shall not disburse allowances, financial incentives, or other personal monies directly to any youth until the youth is either leaving the facility, being transported

¹ For example, sneakers, clothing, or a personal cell phone exceeding \$75 in value may be authorized for storage in the facility if a youth has not identified an authorized person to retrieve the items.

for a home visit, or is actually ready to pay for a non-contraband, facility-approved item.

5. If the youth has no personal property, the staff person shall check the “no” box on the inventory form.
6. The staff person shall ask the youth to sign the inventory form regardless of whether the youth has personal property. If the youth refuses to sign, the staff person shall note this on the form. Upon notification of refusal, the designated staff person and a supervisor must both sign and date the form.
7. The original of the signed inventory form shall be kept in the youth’s case file; it may be scanned and saved in an electronic file. The staff person shall make two (2) copies of the signed inventory form: one to be stored in the Facility Personal Property log and one to be given to the youth. The provider shall also document completion of this procedure in the Facility Activity/Communication Log Book and in the youth’s electronic case record.

D. Facility Storage of Personal Property

1. The staff person shall secure the youth’s personal property in an envelope, bag, or other container which shall be stored in a locked cabinet or locked room accessible only by staff designated by the facility director.
2. The completed Personal Property Inventory Form shall be placed in the Facility Personal Property Log pursuant to the ACS Policy and Procedure, *Required Log Books and Paper Files for Juvenile Justice Placement Facilities*.
3. The facility director or designee shall oversee monthly inventory reviews to confirm that the Facility Personal Property log accurately reflects personal property in storage. Such reviews shall be documented in the Facility Activity/Communication Log Book. In the event a discrepancy is discovered, the facility director or designee shall immediately commence procedures for Claims of Lost or Damaged Property as described in this policy (see section VII. D. below).
4. Provider agencies shall conduct an updated inventory of the youth’s personal property upon return from each home visit or other extended absence from the facility.
 - a. If the youth returns to the facility from a home visit or other extended absence with no additional items other than personal property that has been previously inventoried, completion of an updated Personal Property Inventory Form is not required. The staff person must document the youth’s return and personal

property review in the Facility Activity/Communication Log Book pursuant to ACS Policy and Procedure, *Required Log Books and Paper Files for Juvenile Justice Placement Facilities*.

- b. If the youth returns to the facility from a home visit or other extended absence with property that has been not been previously inventoried, the designated staff person on duty at the time of the youth's return to the facility shall review the youth's personal property pursuant to the procedure described in this policy (see section IV. C. above), and complete a new Personal Property Inventory Form (Attachment A).
 - c. The original of the signed updated inventory form shall be kept in the youth's case file; it may be scanned and saved in an electronic file. The staff person shall make two (2) copies of the signed updated inventory form: one to be stored in the Facility Personal Property log and one to be given to the youth. The provider shall also document completion of this procedure in the Facility Activity/Communication Log Book and in the youth's electronic case record.
5. If any of the youth's personal property is not permissible, the staff person must note this on the inventory form.
- a. The provider must make arrangements for unauthorized property to be retrieved from the facility by the youth's parent/guardian or other authorized person. If exigent circumstances exist and retrieval of these items is not feasible, the provider must make arrangements for the personal property to be delivered to the youth's parent/guardian or other authorized person at an address noted in the youth's case file.
 - b. Staff must dispose of items of negligible value which are unauthorized for use in the facility, such as perishable items. If there are any illegal items, including weapons or drugs, staff must turn them over to law enforcement pursuant to the ACS Policy and Procedure #2015/03, *Contraband Policy for Juvenile Justice Placement*.

E. Access to Stored Personal Property

1. Only staff designated by the facility director shall have access to the stored personal property of youth. Youth shall not be given access to personal property that is not authorized for use in the facility.
2. Any youth going home for a visit may pack his or her items and have them stored in a secure on-site location until he or she returns from the visit. For any youth on

absent without leave (AWOL) status, all personal property shall be packed and stored by the provider in a secure on-site location.

V. Authorized Persons and Approved Visitors

A. Authorized Persons

1. In collaboration with the youth, provider staff shall develop a list of persons authorized by the youth to retrieve personal property. This listing, as well as a listing of approved and prohibited visitors, shall be maintained in each youth's case record. Youth may notify provider staff at any time if modifications need to be made to the authorized persons list, and provider staff shall document the modifications in the youth's electronic case record.
2. Provider staff must consult the authorized persons list, along with the documented list of approved and prohibited visitors,² prior to making arrangements for pick up and receipt of the youth's personal property.
3. At any time during a youth's residential placement, the youth may authorize release of his or her property to a parent/guardian or other authorized person. Staff shall arrange for the items to be retrieved and shall encourage parents/guardians or other authorized persons to pick up the youth's property as soon as possible.
4. All authorized persons, including attorneys and clergy, shall be allowed to retrieve a youth's personal property, except in instances where the security of the facility may be compromised. No child under 18 may retrieve personal property from a juvenile justice placement facility unaccompanied by an adult unless prior arrangements have been made and approved by the facility director or his or her designee.³

B. Approved Visitors

1. Pursuant to ACS Policy and Procedure #2015/08, *Visiting Youth in Juvenile Justice Placement Facilities*, provider agencies must develop visiting plans for youth and their parents/guardians, siblings, half-siblings and other significant family

² See ACS Policy and Procedure #2015/08, *Visiting Youth in Juvenile Justice Placement Facilities*.

³ See ACS Policy and Procedure #2015/08, *Visiting Youth in Juvenile Justice Placement Facilities*; #2015/05, *Access to Counsel for Youth in Juvenile Justice Placement*; and #2016/04, *Access to Religious Services and Practices for Youth in Non-Secure and Limited Secure Juvenile Justice Placement*.

members, potential permanency resources and/or any other persons of significance to youth.⁴

2. Provider agency staff shall provide clear direction to parents/guardians or other approved visitors about what items youth are permitted to keep in the facility and shall discourage visitors from bringing valuable property to youth. Approved visitors shall be informed that personal property exceeding \$75 in value is not allowed in the program without prior approval from the facility director or designee.

VI. Transfer of Personal Property Between Facilities

A. Sending Facility

1. In the event a youth is transferred between juvenile justice placement facilities, a designated staff person from the sending facility must review the youth's most recent Personal Property Inventory Form prior to transfer. The staff person must sign and date the inventory form as confirmation of the youth's personal property being released to the receiving facility and include the form along with the youth's personal property.
2. If there are any discrepancies, the staff person at the sending facility shall note this on the inventory form and alert the facility director who shall resolve such discrepancies.⁵
3. A copy of the form signed as confirmation of the youth's personal property being released to the receiving facility shall be placed in the Facility Personal Property log. The transfer of personal property must also be documented in the Facility Activity/Communication Log Book and the youth's electronic case record.

B. The Receiving Facility

1. Staff from the receiving facility shall take possession of the youth's personal property and the included Personal Property Inventory Form at the time of the youth's transfer.
2. Upon admission to the receiving facility, a designated staff person shall review the inventory form provided by the sending facility with the youth, and conduct an

⁴ See 18 NYCRR § 428.6(a)(2)(viii).

⁵ The sending facility is responsible for reconciling any discrepancies between the inventory form and the youth's personal property

inventory of the youth's personal property pursuant to the intake procedure described in this policy (see section IV. C. above).

3. The staff person of the receiving facility must note any discrepancies on the inventory form and alert the facility director, who must resolve such discrepancies with the sending facility. All efforts to resolve property discrepancies shall be documented in the youth's electronic case record.

VII. Procedure for Claims of Lost or Damaged Property

- A. Provider agencies shall develop policies and a claims process regarding the replacement of any lost or damaged permissible personal property items, and include them in the Facility Handbook or Resident Manual.⁶ Pursuant to this policy (see section IV. C above), youth are responsible for safeguarding and maintaining any permissible items that they keep in their rooms or on their person according to facility standards.
- B. The youth, parent/guardian, or other person of significance to the youth may file a claim for lost or damaged property as specified in the Facility Handbook or Resident Manual. The youth's assigned Permanency and Placement Specialist (PPS) and/or the ACS Office of Family Engagement and Youth Advocacy shall provide guidance throughout the claims process and assist in completing agency-specific claim forms
- C. Provider agencies shall inform the youth's assigned ACS PPS of all inquiries made by youth, parents/guardians, and/or other persons of significance regarding lost or damaged property. All allegations of lost or damaged property must be documented in the Facility Activity/Communication Log Book and in the youth's electronic case record.
- D. In the event the provider agency is unable to locate property that has been previously inventoried and stored, and a claim for lost or damaged property has been received, staff shall conduct a search of the facility and document the results of the search in the Searches for Contraband log, the Facility Activity/Communication Log Book, and in the youth's electronic case record.⁷
- E. Provider agencies shall provide reimbursement within 2-4 weeks for items that were vouchered and subsequently deemed to be lost or damaged beyond repair. Such

⁶ Provider agencies' personal property replacement policies must be approved by ACS and communicated to youth, parents/guardians, and/or other persons of significance in writing. Provider agencies are strongly encouraged to establish reimbursement/replacement cost limits.

⁷ See ACS Policy and Procedure, *Searches of Juvenile Justice Placement Facilities*.

reimbursement can exceed \$75 if the lost, stolen, or damaged item was approved and allowed in the program by the facility director while the youth was in placement.

- F. Note: The provider agency will be responsible for replacement or reimbursement of permissible property items that the youth keeps in his or her room or on his or her person if the items are lost, stolen, or damaged as a result of inadequate supervision of youth and/or staff misconduct. ACS will not be responsible for replacing lost, stolen, or damaged permissible property items that the youth keeps in his or her room or on his or her person.

VIII. Retrieval of Personal Property/Unclaimed Property

- A. All personal property shall be returned immediately to youth upon their completion of residential placement. If a youth believes that the amounts or items returned are incorrect, the provider agency must advise the youth of any applicable procedures for claims of lost or damaged property.
- B. In the event a youth cannot retrieve all personal property upon release, the provider shall arrange for the youth or other authorized person to pick up the personal property or shall arrange for facility staff to drop off the property at an address noted in the youth's case record.
- C. Staff shall ask the youth or other authorized person to sign and date a Receipt for Youth Property Form (Attachment B). If the youth or other authorized person refuses to sign and date the form, the designated staff person shall note this on the form. Upon notification of refusal, the designated staff person and a supervisor must both sign and date the form.
- D. If the youth's property is not claimed within one (1) week of release, provider agency staff shall make at least three (3) phone calls and send one (1) letter to contact the youth and/or authorized person about picking up the property before disposing of it. Provider agency staff shall seek the assistance of the assigned PPS to contact the youth and/or authorized person for retrieval of all personal property.
- E. Any money left by a youth (e.g., allowance) after the completion of residential placement shall be turned over to the person or agency authorized to act as custodian of such money, or to the youth.
- G. If a youth is AWOL, hospitalized, or remanded to detention or the Department of Corrections, the facility must store the youth's personal property until a new case planning agency is assigned. At that time, the facility shall send the new agency the youth's personal property.

- H. After 180 calendar days, the facility may donate a youth's unclaimed property to charity or dispose of all other unclaimed property. Staff shall document all efforts to contact the youth and/or authorized person and donations or disposals of youth personal property in the youth's electronic case record.

- I. Note: Recognizing that some youth may not have adequate family resources, provider agencies shall develop alternative policies to address the needs of such youth rather than donate or dispose of youth's personal property. Provider agencies shall be mindful of each youth's individual circumstances, especially those youth for whom a 180 calendar day timeframe may not be practical, and continue storing personal property until a new case planning agency is assigned.

**DIVISION OF YOUTH AND FAMILY JUSTICE
CLOSE TO HOME YOUTH PERSONAL PROPERTY FORM**



Instructions: Fill out this form at Intake and any time a youth returns following a home visit or other extended absence (if the youth returns with property that has not been previously inventoried). Provide a brief and detailed description of all items, including permissible property and unauthorized items. For clothing items, please include the quantity, type of clothing item, color, and any other features.

Upon Completion: Sign the form, have the youth sign the form, and make three (3) copies: one for the youth, one for the case file, and one to be placed in the Facility Personal Property File. Use additional sheets as needed. If the youth refuses to sign, note the refusal on the form on the line for "youth signature," and sign and date in the presence of a supervisor. A supervisor must also sign the form.

For Any Items Over \$75: Please note that the facility director or designee, the youth, and the parent/guardian or other authorized person must agree on the value of the item and note the value in the "Type" column of the form.

Youth Name: _____

Date of Birth: _____

Date of Admission: _____

Date of Inventory: _____

Agency Name: _____

Facility Name: _____

Name of Person Authorized to Retrieve Items: _____

Relationship to Youth: _____

Does the youth have personal property? Yes No

**DIVISION OF YOUTH AND FAMILY JUSTICE
CLOSE TO HOME YOUTH PERSONAL PROPERTY FORM**



#	ITEM	QUANTITY	DESCRIPTION	TYPE	STATUS	DATE RETRIEVED/DATE TRANSFERRED
1	Socks	3 pairs	Calvin Klein brand, blue, ankle length	<input checked="" type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input type="checkbox"/> ILLEGAL <input type="checkbox"/> VALUE \$75 + _____	<input type="checkbox"/> YOUTH IS KEEPING <input checked="" type="checkbox"/> STORED BY FACILITY <input type="checkbox"/> RETURN TO AUTHORIZED PERSON <input type="checkbox"/> VOUCHERED/DISPOSED	
				<input type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input type="checkbox"/> ILLEGAL <input type="checkbox"/> VALUE \$75 + _____	<input type="checkbox"/> YOUTH IS KEEPING <input type="checkbox"/> STORED BY FACILITY <input type="checkbox"/> RETURN TO AUTHORIZED PERSON <input type="checkbox"/> VOUCHERED/DISPOSED	
				<input type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input type="checkbox"/> ILLEGAL <input type="checkbox"/> VALUE \$75 + _____	<input type="checkbox"/> YOUTH IS KEEPING <input type="checkbox"/> STORED BY FACILITY <input type="checkbox"/> RETURN TO AUTHORIZED PERSON <input type="checkbox"/> VOUCHERED/DISPOSED	

I have reviewed this inventory form and it is accurate. I am aware that my property must be claimed within 180 calendar days of my release.

Youth Signature

Date

FOR TRANSFERS ONLY:

Staff Signature

Date

Sending Staff Signature

Date

Supervisor Signature

Date

DIVISION OF YOUTH AND FAMILY JUSTICE
 RECEIPT FOR YOUTH PROPERTY RECEIVED BY AUTHORIZED PERSON



I, _____, AM AUTHORIZED BY _____ TO RECEIVE HIS OR HER
AUTHORIZED PERSON YOUTH NAME

PROPERTY FROM _____. THE PERSONAL PROPERTY THAT I AM PICKING UP IS AS FOLLOWS:
FACILITY NAME

#	ITEM	QUANTITY	DESCRIPTION	TYPE	DATE ITEMS RETRIEVED
1	Jewelry	1	14k Gold necklace w/ nameplate	<input type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input checked="" type="checkbox"/> VALUE \$75 + _____	
				<input type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input type="checkbox"/> VALUE \$75 + _____	
				<input type="checkbox"/> PERMISSABLE <input type="checkbox"/> UNAUTHORIZED <input type="checkbox"/> VALUE \$75 + _____	

BY SIGNING THIS FORM, I EXPRESSLY ACKNOWLEDGE RECEIPT OF THE ITEMS LISTED ABOVE.

 Youth/Authorized Person's Signature

 Date

 Designated Staff Member Signature

 Date

 Supervisor Signature

 Date