



ADMINISTRATIVE RULES OF MONTANA



20.9.619 ADMISSION

- (1) The facility shall obtain, in writing, the youth's court order or consent decree for the detention of a youth or a consent adjustment, or a written authorization for the detention of the youth from a law enforcement officer, probation officer (or designee of such probation officer), department representative enforcing a youth parole agreement, or other lawful authorizing documentation for detention of the youth under the requirements of the Montana Youth Court Act.
- (2) Any youth held in detention must be between the ages of 10 and 18 years, may not be seriously mentally ill, exhibiting current symptoms that require acute hospitalization, or be criminally adjudicated.
- (3) A youth who has been placed in detention may not be held longer than 24 hours, excluding weekends and legal holidays, unless a hearing has been held by the court to determine whether there is probable cause to believe the youth is a delinquent youth or a youth in need of intervention.
 - (a) The facility shall record the specific charges, date, and time of probable cause hearing.
 - (b) A parole youth who has been placed in detention may not be held longer than ten days, excluding weekends and legal holidays, unless a parole violation hearing has been held.
- (4) The facility shall develop written policy and procedures governing the admission and orientation, and secure observation of admitted youth which include the following requirements:
 - (a) a staff member of each gender must be available or on call at all times to receive youth for detention;
 - (b) staff members accepting youth for detention shall determine that the youth is being held under proper legal authority, and the identity of the youth being admitted must be verified as soon as possible;
 - (c) intake searches of each youth must be performed to prevent the introduction of weapons or contraband;
 - (d) the youth's personal property, if removed, must be properly itemized, signed for by the youth and staff, and held safely. The youth must be advised that all personal belongings will be returned to the youth when the youth leaves, with the exception of illegal contraband or evidence;
 - (e) upon admission a youth may be segregated from other youth and placed under secure observation for a maximum of 24 hours for the purpose of assessment and evaluation;
 - (f) at a minimum the facility shall provide new youth the following:

- (i) a set of standard facility clothing or uniform;
 - (ii) fire-retardant mattress;
 - (iii) pillow and pillow case or integrated pillow/mattress system;
 - (iv) two sheets, or one sheet and one mattress cover;
 - (v) sufficient blankets to provide comfort under existing temperature conditions; and
 - (vi) one clean towel.
 - (g) youth uniforms must be laundered or exchanged at least twice a week. The youth's own clothing must be laundered and safely stored.
- (5) The facility shall provide youth, without charge, with the following articles necessary for maintaining personal hygiene:
- (a) soap;
 - (b) toothbrush;
 - (c) toothpaste or powder;
 - (d) comb;
 - (e) products for female hygiene needs;
 - (f) deodorant; and
 - (g) hand towel.
- (6) The youth's physical and emotional condition must be noted and recorded, along with identifying data, under the facility admittance form which must be completed upon admission of the youth. Facility admittance forms, as a minimum, must also allow for the recording of the following information:
- (a) court case number, corrections juvenile offender number, child and adult protective services (CAPS) number or other approved automated system number and facility admission number;
 - (b) date and time of admission;
 - (c) name of youth and A.K.A. (if any);
 - (d) last known address;
 - (e) name of attorney (if any);
 - (f) specific charges;
 - (g) gender, race;
 - (h) date and place of birth;
 - (i) health status;
 - (j) property inventory;

- (k) emergency contact number of parent or guardian;
 - (l) emergency contact number of placing agency;
 - (m) a violence risk assessment;
 - (n) PREA screening; and
 - (o) suicide risk screening by nationally recognized assessment screening tool.
- (7) The admitting staff member shall inquire into and examine the youth for any obvious injuries, medical tags, rashes, unusual cough or high temperature and determine, by questioning, if there are medical problems, including drug or alcohol abuse, asthma, diabetes, epilepsy, mental distress, suicidal thoughts, or other conditions which require medical attention.
- (a) If in the judgment of the facility director or designee, a youth has an untreated physical or mental condition or disorder, or is under the influence of drugs or alcohol, the facility may deny admission of the youth.
 - (b) Any prescription medication in the possession of a youth at admission must be labeled for identification and determination must be made at the earliest possible time regarding the need for its continued use by contacting the prescribing health care professional. A written record of the diagnosis, treatment, and medication prescribed must be maintained in the facility files.
- (8) Staff shall contact parents or other responsible persons as soon as possible following the detaining of the youth. Verification of such contacts or attempted contacts must be recorded in writing.
- (9) If a youth is hungry at admission, the youth must be given sufficient food to sustain the youth until the next regular meal.
- (10) After a youth has been admitted, showered, issued clothing and other essentials, but prior to disciplinary action or integration with other youth and within 24 hours of admission, the youth shall receive orientation and a printed copy of the detention facility rules and youth rights.
- (a) Staff shall explain or clarify the contents of the material, especially for:
 - (i) youth who do not have adequate reading or comprehension skills;
 - (ii) disabled youth; and
 - (iii) youth who do not speak English.
 - (b) Completion of orientation must be documented by a statement that is signed and dated by the youth.
- (11) A record for each youth must be established at admission and must be maintained throughout the period of detention.
- (12) Facility policy and procedure must grant all youth the right to make at least two local or long-distance telephone calls to family members, attorneys, or other approved individuals at some time during the admission process.

Implementing statute(s): 41-5-1802, MCA

History: NEW, 1999 MAR p. 121, Eff. 1/15/99; AMD, 2005 MAR p. 2665, Eff. 12/23/05; AMD, 2011 MAR p. 570, Eff. 4/15/11.