

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
YOUTH PAROLE AUTHORITY
POLICY AND PROCEDURES

Policy No.: 08-03

Effective Date: 07/04

Revision Date: 09-09-15

Subject: YPA Hearings

I. Policy Statement

The Youth Parole Authority (YPA) shall convene regularly to provide a fair and impartial administrative hearing for juveniles that have been committed to the Division for secure care.

II. Rationale

To ensure juveniles a fair and impartial administrative hearing process and determine eligibility for parole and/or rescissions or revocations of parole.

III. Procedures

A. Administrative Preparation

1. The administrative officer or their designee shall be responsible for the collection and distribution of all case material to the YPA prior to the hearing. information shall include the juvenile's prior history, current situation, new events since previous hearing, information regarding future plans, and relevant conditions in the community.
2. The information shall be delivered to the designated YPA members at least five (5) days prior to the scheduled hearing.
3. The administrative officer shall prepare a calendar of scheduled hearings, seven (7) days in advance.
4. On any one-calendar day, the administrative officer shall not schedule more than twelve (12) full hearings. The logistics in scheduling hearings is the responsibility of the administrative officer.
 - a. A full hearing constitutes a personal appearance by the juvenile where all the facts of the case are reviewed and there is, when necessary a presentation of evidence and/or statements by involved parties.
 - b. Initial, Progress, Parole, Rescission and Revocation hearings are all considered to be full hearings.

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5. The administrative officer is responsible for notifying the juvenile of scheduled initial and parole review hearings in writing fourteen (14) days prior to hearings, whenever possible. The written notification includes the purpose of the hearing.
6. An electronic recording of all hearings is made and kept for the record. The recordings of the meetings are retained by the Administrative officer in accordance with the rules set forth by the State of Utah Division of Archives.
7. YPA hearings are conducted in the conference room located at each secure care facility. The proceedings are private and the hearing rooms are appropriately furnished and climate controlled. All victims, media representatives, family members of the juvenile and others, are required to submit to security checks when entering a secure facility.

B. Hearing Attendance/Participation

1. Only those persons, including parent(s) and guardian, who have a direct interest in the case or in the work of the court are admitted.
2. Persons having a legitimate interest in the proceedings may attend. Observers must receive the permission of the Youth Parole Authority through the administrative officer prior to the hearing. The juvenile and/or their parents must also confirm permission.
 - a. Notice of hearings will be made in accordance with the Open and Public Meetings Act.
 - b. Attendance by the public shall be limited to hearings for juveniles whose cases have already been made open to public access by the Juvenile Court and approved by the YPA. When physical space is limited, representatives of the news media shall be limited as space permits and as determined by the facility director
 - c. Victims may attend the hearings by request and as coordinated by the YPA administrative officer..
 - d. Cameras (still or moving) or tape recorders are not allowed in the building when the hearing is held, other than those used by the YPA to record the proceedings.
 - e. Clinical and/or executive sessions of the YPA are closed to victims, media representatives, and the general public.

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3. After the hearing, a written request for information regarding the outcome of a juvenile's hearing shall be honored within five workdays. Responses to such requests for information will consist of an executive summary, which include the suggested length of stay ~~length of guideline~~ established for the resident, date, and type of the next hearing, and general treatment considerations. Confidential, protected information will not be provided.
4. Upon written request, and with the approval of the administrative officer and chair person of the YPA, a hearing may be transcribed. The cost of the transcription is the burden of the requestor.

C. Juvenile Rights

1. Juvenile's have the right to waive the fourteen (14) day notification rule if an earlier hearing is in their best interest.
2. Parents are encouraged to attend hearings. Family, friends (with the approval of the facility), professionals, interpreters, case managers, clergy, and minority representatives are allowed to be present at parole review hearings and may assist the juvenile in case preparations. Juveniles are informed of this right in writing, prior to the parole review hearing.
3. The assigned secure care facility and case manager will work closely with the juvenile prior to the hearing to help prepare him/her for the hearing and ensure they understand its purpose.
4. The Division will contract for legal services at no expense to the juvenile. Juveniles may be legally represented at parole revocation hearings. If the juvenile wishes to waive counsel, the attorney will interview him or her and sign a document waiving counsel.
5. Juveniles are to appear in person at initial, progress, parole review, rescission, pre-revocation, and revocation hearings and be provided an opportunity to speak on their own behalf and express their views. Juvenile input will be encouraged and considered.
6. If a juvenile cannot appear in person at a scheduled hearing due to illness, incarceration, absence without leave, or for any other reason, the hearing shall be continued until the next appropriate calendar date.

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7. The chairperson or designee will explain to the juvenile, at the conclusion of each hearing, the reason for the Authority's decision. The decision is put in writing, signed by the administrative officer, and forwarded to the juvenile within fourteen (14) days of the hearing date.

D. Appeals

1. Juveniles may file an appeal if they have reason to believe the decision was inappropriate or they were not afforded their rights during the hearing. The Executive Director of the Department of Human Services or their designee will conduct an administrative review of the appeal.
2. The purpose for the administrative review is to determine if a decision rendered by the YPA was based upon proper procedure, and if the rights of the juvenile were violated. The review does not require or allow for personal appearances.
3. An appeal may be made by completing an appeal request and forwarding it to:

Department of Human Services
Office of the Executive Director
195 North 1950 West
Salt Lake City, Utah 84116
4. An appeal must be filed within ten (10) days of receipt of written notice of the decision. The completed appeal form must include the following information:
 - a. date of request;
 - b. date and type of hearing;
 - c. specific reasons why appeal is being filed;
 - d. name and signature of Juvenile filing appeal.
5. Juveniles will be provided assistance from secure-care facility staff and/or case management in filing appeals.

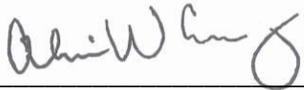
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IV. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services, and is approved upon the signature of the Director.



Alvin W. Emery, Chairman
Youth Parole Authority

09-09-15

Review Date



Russell K. Van Vleet, Chairman
Board of Juvenile Justice Services

09-09-15

Review Date



Susan V. Burke, Director
Division of Juvenile Justice Services

09-09-15

Review Date