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1. Introduction-Juvenile Detention and Shelter Care Program

Program Oversight and Direction. The Immigration and Naturalization Service's (INS') Juvenile Detention and Shelter Care Program is directed and overseen by the INS' National Juvenile Coordinator in the Office of Field Operations, Detention and Removals, Detention Operations Branch (HQOPS/DOB).

Funding for Juvenile Beds. Juvenile bedspace is often difficult to secure. Consequently, juvenile beds, regardless of location, are national beds and are available to all INS offices nationwide. Juvenile beds are categorized as either secure (secure or medium-secure juvenile detention facilities) or nonsecure (juvenile shelter care facilities, group homes, foster homes, etc.).

Primarily, the INS uses the following three types of contracting vehicles to secure juvenile bedspace:

1. Cooperative Agreements with private profit and nonprofit agencies, which pays for and provides guaranteed bedspace, whether it is used or not.
2. Intergovernmental Service Agreements (IGSAs) with local government entities.
3. Purchase Orders, used on occasion to handle emergencies or special circumstances.

Funding for juvenile beds secured through Cooperative Agreements is provided by HQOPS/DOB. Other contracts are funded at the Regional and District levels, with occasional assistance from HQOPS/DOB. It is important to note that all juvenile beds are in state-licensed facilities, which the INS is required to formally inspect each year.

The 2nd and 3rd contract types above enable the INS to pay only for those beds it actually uses, the number of contracted beds increasing or decreasing as needed. The effective use of these vehicles helps the INS to accomplish its mission and ensure that funding for juvenile bedspace is used to optimum efficiency. In addition, these contracting vehicles help the INS secure beds in various locations and provide for needed levels of security.

Flores v. Reno-Highlights of an Important Court Case. Jenny Lisette Flores, et al. v. Janet Reno was a class action lawsuit filed against the Immigration and Naturalization Service (INS) in 1985. It challenged several aspects of INS policy dealing with the arrest, processing, detention, and release of juvenile aliens in INS custody. Two decisions preceded the Flores v. Reno Settlement Agreement (the Flores Agreement) that is now in effect.¹ The Flores Agreement sets out nationwide policy for the detention, release, and treatment of juveniles in INS custody, and supersedes all previous policies that are inconsistent with its terms. The settlement agreement became effective on February 24, 1997 (see Attachment 1 for copy of Flores Agreement).

The Flores Agreement formalizes many common-sense principles governing the treatment of juveniles in INS custody and includes the following general policies:

- A juvenile is a person under 18 years old.
- Persons emancipated by a state court OR convicted and incarcerated for a criminal offense as adults are NOT considered juveniles.
- If a reasonable person would conclude that an individual claiming to be a juvenile is really an adult, that person shall be treated as an adult for all purposes, including confinement and release on bond or recognizance.²
- All juveniles should be treated with dignity, respect, and special concern for their particular vulnerability.
- Juvenile aliens must be placed in the least restrictive setting appropriate to their age and special needs, provided that the setting is consistent with being able to ensure the juvenile's timely appearance in court and to protect his or her well-being and that of others.
- INS Officers are not required to release a juvenile from INS custody to a person or agency if the officer feels that the agency or person may harm, neglect, or fail to present the juvenile before the INS or the Immigration Court when requested.

2. Procedures for the Arrest and Detention of Juvenile Aliens

Process juveniles for removal or voluntary departure in accordance with **8 CFR.236.3**, regardless of whether ICE or another law enforcement agency took them into custody.

The procedures that follow clarify the differences between your role and the Juvenile Coordinator's as the case proceeds from arrest to detention to removal. (Expedited removal and withdrawal of application for admission are addressed in **§ 2.2**, below.)

Note that, before apprehending any adult in the presence of a juvenile, you must take the time to learn the child's age and immigration status, the relationship between adult and child and, if other than parent-child, the parents' location and, if applicable, the name and address of a relative in the area.

With this information in hand, contact a Supervisory Detention and Deportation Officer. The Supervisory Detention and Deportation Officer will, in turn, contact the Field Office Director or Deputy for approval to proceed with the arrest.

If you expect media interest, prepare a Significant Incident Report.

2.1 Arrest

2.1.1 After completing appropriate system checks, e.g., Central Index System (CIS), Deportable Alien Control System (DACS), Treasury Enforcement Communications System (TECS), National Automated Immigration Lookout System (NAILS), the Arresting Officer should process juveniles expeditiously and complete the following documentation for inclusion in the alien file (A-file). These documents must be provided to all juvenile aliens, whether detained, paroled, or released. The Arresting Officer must be sure to explain the documents in the juvenile's native tongue in terms the juvenile can understand. Use the following checklist to ensure inclusion of all required documents.

" Report of Deportable Alien (I-213 and continuation).

The Arresting Officer should obtain as much detailed biographical information as possible (see inset for questions to ask when interviewing a juvenile). When completing the I-213, get the name, address, location, and telephone number of any or nearest relatives in the United States. Form should be signed by the Arresting Officer and reviewing official. Place in file; no copy to juvenile.

" Notice to Appear (I-862) (original and copy).

For 13 and under, conservator³ must sign certificate of service. The original and one copy is placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certification of service on the juvenile alien is signed by the Arresting Officer and by the juvenile. If the juvenile is apprehended at a port-of-entry (POE) and a Notice to Appear (NTA) is being used, s/he should be charged under both Section 212(a)(7)(A)(i)(I) of the Act (as an alien not in possession of proper entry documents) and Section 212(a)(4) (as an alien likely to become a public charge). Other charges may be lodged as appropriate. As a general rule, juveniles should not be charged with Section 212(a)(6)(C) of the Act, unless circumstances show the juvenile alien clearly understood that s/he was committing fraud or was unknowingly involved in criminal activity relating to fraud.^a This statement is from an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal" to Management Team, Regional Directors, District Directors, Officers-in-Charge, Chief Patrol Agents, Asylum Office Directors, Port Directors, Director of Policy Directives and Instructions, ODTF Glynco, and ODTF Artesia.^a

" Warrant of Arrest (I-200) (original and copy).

The original and one copy are placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certification of service on the juvenile alien is signed by the

Arresting Officer and by the juvenile.

" Notice of Custody Determination (I-286) (original and copy).

The original and one copy are placed in the file; another copy is given to the juvenile. This form should be signed by the authorized issuing official. The certificate of service on the juvenile alien is signed by the Arresting Officer and by the juvenile.

" Notice of Rights and Request for Disposition (I-770).

Ensure that all appropriate boxes are completed on both sides, with the alien's and Arresting Officer's signature. The original is placed in the file and a copy is given to the juvenile.

" Biographic Data for Travel Documents (I-217).

The original is placed in the file.

" Two sets of fingerprints or IDENT.

Only for juveniles 14 and older. Each set of fingerprints should include two FD-249 forms and one R-84 form. Both are placed in the file.

" Four frontal photographs.

All juveniles are to be photographed. Photos should be placed in the file.

" Orantes Rights (For El Salvadorans only) (I-284).

Explain the rights to juveniles of all ages. The Arresting Officer and juvenile both sign; place in file. When the juvenile is 13 years of age or younger, the Orantes Rights should be explained to the conservator by the Arresting Officer.

" List of local legal services.

One copy is placed in the file and one is given to the juvenile.

" Copy of Exhibit 6 (Notice of Right to Judicial Review from the Flores Settlement).

Provide juvenile with a copy of Exhibit 6 and add it to the file.

" Any additional forms as required by local district policy.

2.1.2 If a decision to release is made at the time of arrest to release a juvenile, s/he must always be released to a qualified custodian (see **Section 2.4**, "Release," for order of custodial preference).

2.1.3 Once a decision is made to formally detain the juvenile, the arresting officer must notify the District Juvenile Coordinator to arrange detention space and transportation to the appropriate facility, consistent with guidelines in the Flores Settlement (see **Section 6** for detailed transportation requirements). While awaiting transfer to an appropriate juvenile facility, juveniles must be held in a suitable area (see Sections **2.3.1** and **2.3.2**).

On March 1, 2003, pursuant to the Homeland Security Act, the Office of Refugee Resettlement (ORR) assumed authority for decisions related to the care and custody of Unaccompanied Child(ren)(UAC) in Federal custody. This includes their placement, transfer, and release.

Even so, DRO continues to have authority to take certain enforcement actions: voluntary returning a Canadian or Mexican national, immediate releasing the UAC to a parent or other adult relative, and

permitting an older juvenile to withdraw a port-of-entry application for admission.

There has been no change to the current procedure, which requires you to contact a juvenile coordinator to coordinate placement in any case involving the decision to detain a UAC. Branch Juvenile Coordinators (formerly known as Regional Juvenile Coordinators) remain a vital link between field offices and HQDRO in these cases.

- To place a UAC in detention pending release, return to country of origin, or the outcome of proceedings, contact your Field Office Juvenile Coordinator (formerly known as District Juvenile Coordinator) for preauthorization. The Field Office Juvenile Coordinator will, among other things, determine the appropriateness of the facility you have in mind. Note that you must obtain preauthorization from the Field Office Juvenile Coordinator regardless of the UAC's anticipated time in detention.
- After approving placement, the Field Office Juvenile Coordinator will immediately complete and e-mail to the Branch Juvenile Coordinator a Case Action Worksheet (CAW). The Branch Coordinator will then e-mail the CAW to the HDRO mailbox ([Office, JuvenileOPS](#)) and the ORR mailbox (orrducs@acf.hhs.gov). ORR will respond to all requests made by DHS via CAW. You may proceed according to instructions you receive from HQDRO.

Ask the juvenile for the following information and add it to the narrative of the I-213 Form:"

- Location of immediate family;
- Location and phone numbers of any friends or relatives in the United States or contiguous territory;
- Type of locale in country where juvenile was raised (suburban, rural, urban, etc.);
- Whom the juvenile lived with before leaving home;
- Length of time in transit, from home to the United States;
- Route of travel (e.g., countries, length of time spent in each, status in each, date of arrival at border, etc.);
- Destination in United States;
- Person whom juvenile was to contact in the United States and phone number;
- Present funds and anticipated method of support;
- If smuggled, the arrangements made;
- The health of the juvenile: are there any health problems admitted?
- Juvenile's language skill: (1) Spanish, English, etc. (2) Speak, read, write, understand?

2.2 Expedited Removal and Withdrawal of Application for Admission b These procedures are from an 8/21/97 memo from the Office of Programs on "unaccompanied minors subject to expedited removal" to Management Team, Regional Directors, District Directors, Officers-in-Charge, Chief Patrol Agents, Asylum Office Directors, Port Directors, Director of Policy Directives and Instructions, ODTF Glyncro, and ODTF Artesia.b

If a decision is made to pursue formal removal charges against the unaccompanied juvenile, the juvenile will normally be placed in removal proceedings under Section 240 of the Act rather than expedited removal. If formal proceedings are initiated against an accompanying adult relative or legal guardian, the juvenile should be placed in the same type of proceeding (i.e., expedited removal or 240 proceedings) as the adult. However, withdrawal of application for admission by the juvenile should be considered whenever appropriate, even though the guardian may remain subject to formal removal proceedings.c From an 8/21/97 memo from Office of Programs on "unaccompanied minors subject to expedited removal."c

2.2.1 When dealing with unaccompanied juveniles who appear to be inadmissible under Section 212(a)(6) (C) or (7) of the Act, INS Officers should first try to resolve the case under existing guidelines. These guidelines permit granting a waiver, deferring the inspection, or employing other discretionary means, as appropriate, including withdrawal of an application for admission (see below).

2.2.2 Whenever appropriate, the INS should permit unaccompanied juveniles to withdraw their applications for admission rather than place juveniles in formal removal proceedings. In deciding whether to permit an unaccompanied juvenile to withdraw his or her application for admission, every precaution should be taken to ensure the juvenile's safety and well-being. Consideration should be given to such deciding factors as the seriousness of the offense in seeking admission, previous finding of inadmissibility against the juvenile, and any intent by the juvenile to knowingly violate the law. The decision made, the following steps should be carried out:

For juveniles withdrawing their applications for admission:

1. The INS Officer must be satisfied either that the juvenile is capable of understanding the withdrawal process, or that a responsible adult (relative, guardian, or Consular Officer when no relative or guardian is available) is aware of the actions taken and of the juvenile's impending return.
2. Whenever possible, Officers must attempt to contact a relative or guardian either in the United States or in another country regarding the juvenile's inadmissibility.⁴
3. Officers must ascertain the true nationality of the juvenile before permitting withdrawal of application. An important factor to consider is whether the port of embarkation to which the juvenile will be returned is his or her country of citizenship. A juvenile may not be returned or be required to transit through a country unwilling or unobligated to accept him or her. If the juvenile is being returned to a third country through a transit point, Officers must ensure that an immediate and continuous transit will be permitted.
4. Officers must make every effort to determine whether the juvenile has a fear of persecution on return to his or her country before permitting the withdrawal of application for admission. If the juvenile indicates a fear of persecution or intention to apply for asylum, or if there is any doubt-especially in the case of countries with known human rights abuses or turmoil-the juvenile should be placed in removal proceedings under Section 240 of the Act.
5. If there is no possibility or fear of persecution on return, and the juvenile is permitted to withdraw the application for admission, the INS Officer must notify the consular or diplomatic officials of the country to which the juvenile is being returned. Safe passage can then be arranged.
6. Following all notifications to family members and government officials, the juvenile may withdraw the application for admission.

2.2.3 Under the following limited circumstances, an unaccompanied juvenile may be placed in Expedited Removal Proceedings:

- the juvenile has, in the presence of an INS Officer, engaged in criminal activity that would qualify as an aggravated felony if committed by an adult;
- the juvenile has been convicted or adjudicated delinquent of an aggravated felony within the

United States or another country, and the Inspecting Officer has confirmation of that order; or

- the juvenile has previously been formally removed, excluded, or deported from the United States.

2.2.4 For unaccompanied juveniles placed in expedited removal proceedings, the removal order must be reviewed and approved by the District Director, Deputy District Director, or person officially acting in that capacity before the juvenile is removed from the United States. This is in addition to the normal supervisory approval required of all expedited removal cases.

2.2.5 During processing of juveniles subject to expedited removal, all care and treatment provisions of the Flores Agreement (see Section 2.1) apply.

2.2.6 When juveniles have already received a final order of removal, whether in expedited removal proceedings or formal 240 proceedings, they may be placed in proceedings pursuant to 8 C.F.R. § 241.8, "Reinstatement of Removal Orders," provided they have made a new entry.

2.3 Detention

The District Juvenile Coordinator is responsible for placing juveniles in appropriate facilities, according to the Flores Agreement (see Section 4, Nonsecure and Secure Juvenile Facilities) and for initiating family reunification efforts. S/he is also responsible for ensuring that facilities meet minimum required standards (see Section 5, Inspection Standards for Juvenile Shelter Care and Secure Juvenile Detention Facilities). The following procedures describe the next steps to be taken by the District Juvenile Coordinator in placing the juvenile.

2.3.1 Arrange to place juveniles in facilities that are safe and sanitary and consistent with INS' concern for the particular vulnerability of juveniles.

All post-arrest facilities, including temporary holding areas, will provide access to:

- toilets and sinks;
- drinking water and food, as appropriate;
- medical assistance (if the juvenile needs emergency services);
- adequate temperature control and ventilation;
- adequate supervision to protect juveniles from others; and
- contact with family members who were arrested with the juvenile.

2.3.2 Separate unaccompanied juveniles from unrelated adults whenever possible. If not immediately possible, an unaccompanied juvenile will not be detained with an unrelated adult for more than 24 hours.

2.3.3 If a juvenile cannot be immediately released (see Section 2.4), and no licensed program is available for immediate placement, s/he may be held by INS authorities in an INS contract facility with separate accommodations for juveniles, or in a state or county juvenile detention facility that separates them from delinquent offenders. Make every effort to ensure the safety and well-being of juveniles placed in these facilities (see Section 4 for further guidance on the use of secure juvenile detention facilities).

2.3.4 The District Juvenile Coordinator must file the juvenile's NTA with the appropriate office of the Executive Office of Immigration Review (EOIR). If possible, venue should be set at the final destination.

Note: It is important to remember that if a juvenile is 13 years old or under, the NTA must be signed by a conservator, i.e., the person who has physical custody of the juvenile.⁵ (See boxes below for examples of how to establish venue according to location of facility space).

Example 1:

The NTA is served in Los Angeles, but appropriate facility and/or bed space can only be found in Chicago. Therefore, the juvenile is transferred to Chicago and venue is set: the original NTA is filed with the EOIR in Chicago.

Example 2:

The juvenile is placed in a facility in the same district where the NTA is served. Venue is established. If circumstances require a change of venue, contact the local District Counsel for assistance in filing with the court.^d Information in 2.1.5 is from a memo dated 10/4/95 to all Regional Directors RODIRS; Regional Operations Liaison Officers (ROOPS) (RODDP); all DIDIRS (X-Foreign); all CPAs; INS Director of Training FLETC, GLYNCO, GA; INS Director of Training FLETC, Artesia, NM. From Joan Higgins, Assistant Commissioner of Detention and Deportation.^d

2.3.5 The District Juvenile Coordinator enters and routinely updates each case into the Juvenile Alien Management System (JAMS) and ensures that the case is updated in the Deportable Alien Control System (DACS). The District Juvenile Coordinator will submit a copy of the JAMS juvenile data file to Headquarters weekly so that the National Juvenile Coordinator can maintain an up-to-date record of all juveniles in INS custody.

2.3.6 For all juveniles in INS custody, the District Juvenile Coordinator must make weekly visits to the facilities where juveniles are housed. During these visits, the District Juvenile Coordinator should assess the juveniles' welfare through meetings with staff and juveniles, and should ensure that their needs are being met. In meeting with juveniles, the District Juvenile Coordinator should update juveniles on their cases, facilitate attorney visits, ensure access to attorneys, and continue efforts to pursue, identify, and document potential suitable sponsors (See Section 2.4, "Release"). The District Juvenile Coordinator may also need to reassess placement and arrange for transportation to another facility, if needed.

2.3.7 There are three scenarios regarding juvenile transfer: (1) from facility to facility within the district; (2) from one district to another within a region; or (3) from region to region. These transfers involve specific tasks and notifications of specific individuals (see Section 6, Transportation Requirements, for details). Because bed space is at a premium, special care must be taken in coordinating juvenile transfers. If conflicts or problems arise in securing bed space or in placing juveniles for any reason, to include special needs, contact the National Juvenile Coordinator to help resolve the problem (see Section 4.4, "Emergency Placement or Transfer of Juveniles"). In general, the following rules apply for the three transfer scenarios:

- (1) A juvenile cannot be transferred from one facility to another within a district without the approval of the Local or District Juvenile Coordinator.
- (2) When juveniles are transferred from one district to another district within a region, the local District Juvenile Coordinator contacts the Regional Juvenile Coordinator, who arranges and approves the transfer.
- (3) When transferring juveniles from region to region, the District Juvenile Coordinator will contact the Regional Juvenile Coordinator to coordinate and approve the transfer. In this case, the sending region's Regional Juvenile Coordinator must be in contact with the receiving region's Regional Juvenile Coordinator before and during the transfer.

2.4 Release

The INS will release a juvenile from its custody without unnecessary delay unless detention is required to secure timely appearance in court or to ensure the juvenile's safety or that of others.⁶ Family reunification efforts must continue while a juvenile is in INS legal custody and must be documented by the District Juvenile Coordinator.

2.4.1 The District Director has full discretion regarding the custody and release of juveniles, except in the case of special populations (see Section 3), and may redetermine terms and conditions of bond, orders of recognizance and supervision, and conditions of parole. At the District Director's discretion, juveniles shall be released from custody to a qualified sponsor in the following order of preference:

1. a parent;
2. a legal guardian;
3. an adult relative (brother, sister, aunt, uncle, or grandparent); Note: The District Director may choose to set bond when circumstances suggest that doing so would help to ensure the juvenile's appearance in court.
4. an adult relative or entity designated by the parent or legal guardian as capable and willing to ensure the juvenile's well-being in:
 - a. a declaration signed under penalty of perjury before an Immigration or Consular Officer, or
 - b. such other documentation that establishes (to the satisfaction of the INS in its discretion) that the individual designating the juvenile's custodian is, in fact, his or her parent or guardian.
5. a state-licensed juvenile shelter, group home, or foster home willing to accept legal custody, as opposed to simply physical custody (which means that the INS will not pay for the juvenile's upkeep); or
6. an adult individual or entity seeking custody (in the discretion of INS) when it appears there is no other likely alternative to long-term detention, and family reunification does not appear to be a reasonable possibility.⁷

2.4.2 Prior to releasing a juvenile from INS custody to one of the entities named above, the Officer must have the juvenile's sponsor execute an Affidavit of Support (Form I-134) and supplemental questionnaire, which specifies parameters for applicant's seeking custody of the juvenile.

2.4.3 The District Director shall promptly respond to all written custodian requests to transfer physical custody.

2.4.4 INS may terminate custody arrangements and assume legal custody of a juvenile if the custodian fails to comply with the agreement. INS will not terminate for minor violations of the custodian's obligation to notify INS of any changes in address within 5 days following a move.

2.4.5 As merited by specific cases and allowed by district policy, an INS Officer may deem it necessary to require a positive suitability assessment of a prospective custodian prior to releasing a juvenile to an individual or program. Such an assessment may include:

- investigation of the living conditions;
- standard of care to be provided;
- verification of identity and employment of individual offering support;
- interviews with members of the household;
- a home visit; and
- consideration of the juvenile's concerns.

3. Special Issues and Special Populations

3.1 Processing of Chinese and Indian Juvenile This section is from a 12/4/95 memo to Regional and District Directors from the Office of Deputy Commissioner on "Instructions for the Detention, Placement, and Release of Chinese Juveniles."e

3.1.1 No unaccompanied Chinese or Indian juvenile will be released without the successful completion of a home assessment, approval by the National Juvenile Coordinator, and concurrence from the district.

3.1.2 During initial processing of the juvenile (see Section 2.1), the Arresting Officer should obtain as much detailed biographical information as possible, given the heightened involvement of smugglers with Chinese and Indian juveniles.

3.1.3 The District Juvenile Coordinator is responsible for ensuring that information is gathered (e.g., through interviews conducted by appropriate facility staff or the District Juvenile Coordinator), that this activity is documented in the A-file, and that information on potential sponsors is forwarded to the International Affairs Office, Humanitarian Affairs Branch (IAO/HAB) (see Attachment 3a, "Referral For Home Assessment" form). The "Referral for Home Assessment" form may be completed by facility staff or the District Juvenile Coordinator. In either case, as stated above, this activity must be documented in the juvenile's A-file.

3.1.4 On receiving the home assessment form, IAO/HAB contacts the appropriate voluntary agency (VOLAG). The VOLAG will then contact the juvenile and the potential sponsor. The purpose of these contacts is to help ascertain the relationship between the juvenile and the potential sponsor, as well as to work with the juvenile in identifying a relative if s/he has been unable or unwilling to do so.

3.1.5 IAO/HAB forwards the information identified in 3.1.3 above to the National Juvenile Coordinator, who will perform a preliminary record check (DACS and CIS) on the potential sponsor.

3.1.6 If the check is successful, the National Juvenile Coordinator notifies IAO/HAB, who in turn contacts the appropriate voluntary agency to conduct a formal home assessment.

3.1.7 Once the VOLAG performs the home assessment, it is sent back to IAO/HAB, which then sends it to the National Juvenile Coordinator for review and final approval. If approved, the National Juvenile Coordinator notifies IAO/HAB, which in turn notifies the appropriate VOLAG. The National Juvenile Coordinator then notifies the appropriate Regional and District Juvenile Coordinator(s). The District Juvenile Coordinator then conducts a full records check (DACS, CIS, NCIC, and other appropriate computerized checks as available) and files check on the potential sponsor. If all is in order, the reunification process may continue (see Section 2.4, "Release"). It is imperative that the sending and receiving District Juvenile Coordinators work together to ensure that the juvenile is reunited with the appropriate family member(s). The Regional Juvenile Coordinator(s) is responsible for ensuring the successful and timely completion of these final reunification steps.

3.1.8 Following reunification, the Docket Officer assigned-where the juvenile now resides-schedules, conducts, and documents monthly interviews with Chinese and Indian juveniles to assure their well-being and to verify their place of residence and their enrollment and actual attendance at school. During the interview, the Interviewing Officer should also determine whether juveniles or their family members have been contacted, threatened, or intimidated by organized crime groups. If the juvenile fails to appear for the interview, the Interviewing Officer must contact the Regional Juvenile Coordinator. Once they turn 18, juvenile aliens are no longer scheduled for routine monthly call-ins to local INS offices and are treated as adults.^f From 12/8/97 memo, "Review of Cases of Chinese Juveniles Upon Reaching the Age of 18."^f

3.2 Detention and Placement of Chinese and Indian Juveniles

3.2.1 Before placing any Chinese or Indian juvenile claiming to be ages 15, 16, or 17 in a juvenile facility, the Arresting Officer, with help from the Local or District Juvenile Coordinator as needed, will arrange for the juvenile to have a forensic dental examination. Individuals claiming to be 14 years old or younger, whom the Processing Officer believes look their age, may be assumed to be juveniles. Further medical examinations may be done in cases of doubt. The juvenile may be placed once the medical exam confirms that s/he is, indeed, a juvenile. If forensic testing cannot be completed within several hours after apprehension, but a reasonable person would conclude the individual to be a juvenile, then s/he may be placed in a juvenile facility. In this case, a forensic examination must be completed within 72 hours of apprehension. If the forensic tests show the individual to be an adult, s/he will be treated as such for all purposes, including detention.

3.2.2 District Juvenile Coordinators will consult with their Regional Juvenile Coordinators as to which facilities accept Chinese or Indian juveniles and have available space. An INS Officer must escort the juvenile if s/he is transferred by commercial airline (see Section 6). The District Juvenile Coordinator must keep in close contact with each facility's director and caseworkers. The District Juvenile Coordinator shall physically visit the facility no less than once weekly. The Regional Juvenile Coordinator and the National Juvenile Coordinator must be notified of any problems or questions that arise at any of the facilities.

3.2.3 When a Chinese or Indian juvenile receives a final order of removal, the District Juvenile Coordinator reviews the case at the district level. Unless the juvenile has been granted relief, the juvenile should be considered for placement in a secure juvenile detention facility. This decision should be made on a case-by-case basis and reviewed monthly until the juvenile is physically removed from the United States.

3.2.4 Any juvenile apprehended following escape from a foster home, shelter care facility, or any other INS custody arrangement will be placed in a secure juvenile detention facility (see Section 8, Escapes and Other Emergency Incidents).

3.3 Chinese and Indian Juveniles in Foster Homes.

This section was drawn from the following memo: a 12/8/97 memo, "Review of Cases of Chinese Juveniles Upon Reaching the Age of 18." This memo updates and expands upon the memos of 9/28/94 ("Chinese Juveniles Reaching Majority While in Foster Care") and 12/4/95 ("Instructions for the Detention, Placement, and Release of Chinese Juveniles." A memo dated 11/1/95, "Chinese Juveniles in Foster Homes," was also used as an information source, along with a 12/15/95 memo, "Project Locate Update" to Regional Directors, Eastern, Central, Western.^g

3.3.1 New Chinese and Indian juvenile arrivals will not be placed in foster homes unless they are under 10 years of age. The District Juvenile Coordinator will make that determination on a case-by-case basis.

3.3.2 For Chinese and Indian juveniles presently in foster homes, the District Juvenile Coordinator must

keep in close contact with the caseworker and visit the foster care home weekly. Contact with the caseworker on each case should occur no less than every other week. The District Juvenile Coordinator should discuss the current status of the juvenile's INS case and also elicit the caseworker's opinion of the juvenile's stability in the foster home.

3.3.3 The District Juvenile Coordinator will arrange to interview each Chinese and Indian juvenile placed in foster homes in that district (before they turn 18 years old) to assess their likelihood of fleeing the foster home. Each Chinese and Indian juvenile should be called into the district office through the caseworker of the local volunteer agency (VOLAG). (The caseworker's opinion will be made part of the assessment.) This review will also help determine which juveniles are ready to be removed from the United States, where they are in the legal process leading to removal, and help to remedy any delays that have occurred. During the interview, the District Juvenile Coordinator should determine-

- the juvenile alien's DACS case category;
- the juvenile's current status in school, any possible sponsors, and any concerns the juvenile may have;
- any biographical information that could be used to apply for a travel document (special care should be taken not to alarm the juvenile and possibly provoke an escape);
- the juvenile's current status of hearings before EOIR, appeals before the Board of Immigration Appeals (BIA), applications for Special Immigrant Status, and dependency petitions; and
- whether the juvenile's file contains a travel document or an application for one.

3.3.4 After these files are reviewed, District Juvenile Coordinators must inform District Directors of those juveniles in their districts who may be escape risks. All information is to be reported back to the Office of Field Operations, with a copy sent to the Regional Juvenile Coordinator and the National Juvenile Coordinator at Headquarters Office of Field Operations (HQOPS).

3.3.5 Each district must have a 24-hour point of contact, so that immediate notification of a Chinese and Indian juvenile's disappearance from a foster care program can be made to the local INS Office by the foster care family and/or VOLAG that becomes aware of a juvenile's disappearance. The contact person's name and 24-hour telephone numbers must be forwarded to and kept by HQ Field Operations.

3.3.6 In the event of a Chinese or Indian juvenile's disappearance, the local INS Office should handle the matter as a reportable "incident," and the concerned Supervisor should contact the Regional Office. The Region should immediately notify the HQ Command Center. The Command Center will contact HQOPS. INS Headquarters will then notify the Department of Justice.

3.3.7 All districts investigating a disappearance within their jurisdictions should maintain the permanent A-file and forward a work folder-to include a fingerprint chart and photo-to the Senior Special Agent at HQ Field Operations. Districts should also advise HQ Field Operations through the appropriate regional office when leads suggest that a juvenile has left its jurisdiction.

3.3.8 Field Offices must prepare and forward the weekly G-166 reports to HQOPS through the Regional Office so that current information will be available when needed. The G-166 report should include all investigative initiatives, interviews with relatives and friends, listing of any telephone numbers, and any contacts made with local law enforcement. It is important that all field offices devote the needed resources to

investigate and follow up on all leads in a timely manner.

3.3.9 As with Chinese and Indian juveniles in foster care, the cases of those still being held in INS juvenile shelter care of secure juvenile detention facilities should be reviewed prior to the juveniles' turning 18. The same criteria outlined in this section for aliens in foster care shall be applied. A delivery bond or parole pursuant to 8 C.F.R. § 212.5(a) may be appropriate. Should the case review determine the subject is a poor risk for release-as evidenced by prior escapes, failure to appear, or lack of equities-the individual should be considered for transfer to an adult detention facility immediately upon reaching the age of 18.

3.4 Chinese and Indian Juveniles Turning 18 While in Foster Care

3.4.1 Unless a case review of a Chinese or Indian national currently in foster home custody shows a final order and the immediate likelihood of obtaining a travel document without any legal impediment to removal, the District Juvenile Coordinator will consider setting a bond for the alien's delivery, or other conditions of release.^h From 12/8/97 memo (see endnote j above).^h Case reviews should involve the following:ⁱ From 9/28/94 memo (see endnote j above).ⁱ

- The District Juvenile Coordinator or Local Deportation Officer should check with EOIR, District Counsel, Examinations, and Asylum Officers to determine whether any outstanding applications for relief are pending, or motions to reopen exist. Once assured there are none, they may proceed to transfer or place the subject in a "hard custody" facility.
- If a former juvenile has applied for some form of relief, to be available within 30 days or less, s/he will remain in foster care.
- If a former juvenile has an application or appeal pending, which is not likely to be adjudicated in 30 days or less, he or she can be transferred to adult detention. However, the branch, office, or venue adjudicating the case must be notified of change of custody location.
- If a former juvenile meets the above criteria and the Chinese or Indian Consular General has indicated that a travel document will be issued in under 30 days, the subject may be held in a local adult detention facility or nearby Service Processing Center (SPC).
- The case review by the District Juvenile Coordinator should include efforts to discover the detention location of other aliens apprehended at the same time. Barring safety or security issues, these subjects should be reunited with the group with whom they were apprehended. Placing the former juveniles with their original group will facilitate their return when obtaining travel documents.

3.4.2 In determining whether to release a Chinese or Indian national who has reached the age of 18 in foster care, the District Juvenile Coordinator should consider the following factors:^j From 12/8/97 memo (see endnote j above). ^j

- A former juvenile who has remained in foster care without having escaped is more likely to appear for removal.
- A former juvenile who has escaped or who appears to have cooperated with alien smugglers should be considered less likely to appear for removal and may require greater guarantees of appearance (higher bond).
- An individual reapprehended after engaging in unauthorized employment should be considered a

poorer risk, for whom the INS may consider a higher bond as well as other conditions to ensure appearance for removal.

3.4.3 If release is appropriate, a bond may be posted by a relative, the current foster care provider, a nongovernmental organization (NGO), or by the alien. For aliens in proceedings under Section 212 of the Act, parole pursuant to 8 C.F.R. § 212.5(a) may be appropriate.

3.4.4 When a review is completed and a decision made to release the alien, the respective Regional Juvenile Coordinator is notified prior to release. The Regional Juvenile Coordinator then notifies the National Juvenile Coordinator, who, in turn, notifies IAO/HAB of the planned release. This notification is mandatory and will permit the termination of foster care services provided by NGOs.

3.4.5 In cases where the decision is made to transfer the alien to adult detention, the former juvenile should be detained, if at all possible, where other Chinese and Indian nationals are held and with those who speak the same dialect. Efforts should also be made to find out if the former juvenile was apprehended with other detained subjects and, if so, to place him or her in the same facility.

4. Nonsecure and Secure Juvenile Facilities

This section discusses the two types of juvenile facilities and the circumstances under which they are used: (1) nonsecure juvenile facilities (e.g., shelter care, group homes, and foster care); and (2) secure juvenile facilities (e.g., secure and medium-secure facilities).

4.1 Placement in Nonsecure Juvenile Facilities (Licensed Programs)

4.1.1 Whenever a juvenile is taken into INS custody, the Arresting Officer should notify the District or Regional Juvenile Coordinator before transporting the juvenile to an appropriate facility. The District or Regional Juvenile Coordinator can help the Arresting Officer with questions about facility type or where to locate appropriate bed space. Definition of Licensed Program: Any program, agency, or organization licensed by an appropriate state agency to provide residential, group, shelter, and foster care for dependent children (to include group homes, foster homes, or facilities for juveniles with special needs).

4.1.2 When placing a juvenile in a facility, the Placing Official must strictly adhere to the guidelines contained in the Flores v. Reno decision (Attachment 1), which have been incorporated below, as relevant. Information in 4.1.1 and 4.1.2 from 10/31/97 memo, "Juvenile Bedspace," from Office of Field Operations.

4.1.3 A juvenile who remains in INS custody must be placed in an appropriate nonsecure juvenile facility (licensed program) within 3 days (72 hours from when INS assumes custody) if he or she was apprehended in an INS district with a licensed program that has space. In all cases, juveniles must be placed within 5 days, with certain exceptions-which require permission from the Regional or National Juvenile Coordinator (HQOPS) or designee. Permission requirement from 12-13-91 memo, "National Policy Regarding Detention and Release of Unaccompanied Alien Minors." These exceptions are as follows:

The juvenile is an escape risk, criminal, or delinquent. Factors to consider include whether-

- the juvenile is currently under final order of removal;
- the juvenile's immigration history includes prior breach of bond, failure to appear before INS or Immigration Court, evidence of debt to organized smugglers for transportation, voluntary departure, or a previous removal from the United States pursuant to a Final Order of Removal; and NOTE: It is imperative that individuals who have turned 18 not be held in facilities that are licensed for juveniles.

Doing so may result in a facility losing its license and the ultimate loss of much needed juvenile detention space.

- the juvenile has previously absconded or attempted to abscond from INS custody.
- The INS believes the alien claiming to be a juvenile is actually an adult.
- A court decree or court-approved settlement requires otherwise.
- An emergency influx of juvenile aliens into the United States prevents compliance in that nonsecure juvenile beds are unavailable. In this case, juveniles may be placed in secure or medium-secure juvenile detention facilities until appropriate bed space becomes available. At such time, juveniles are to be placed in nonsecure juvenile facilities (licensed programs) as soon as possible (see Section 5 for inspection standards for juvenile facilities).
- The juvenile is transported from a remote area or speaks a unique language that requires an interpreter. (The INS must place the juvenile in a licensed program within 5 business days.)

4.1.4 All Juvenile bed space is national bed space, accessible to all field offices independent of the district where the facility is located or that oversees the InterGovernmental Service Agreement (IGSA) or contract. Regional and District Juvenile Coordinators shall be afforded the opportunity to identify and inspect potential facilities. Many juvenile facilities are owned and operated by local or state juvenile justice authorities, or by county/state social service agencies. Juvenile bedspace requirements (4.1.4, 4.1.5, and 4.1.6) are taken from the 10/31/97 memo (see endnote o below).

4.1.5 The Regional and/or District Juvenile Coordinator must inspect all INS facilities prior to placing a juvenile and, subsequently, on an annual basis (see Section 5 for inspection standards for juvenile facilities). The Juvenile Coordinator must make weekly visits to any facility where INS juveniles are housed, to see the facility and to visit the juveniles housed there.

4.2 Placement in Medium-Secure and Secure Detention Facilities

4.2.1 A juvenile may be placed in an INS contracted facility or state/county juvenile detention facility with separate accommodations for juveniles only if the District Director or Chief Patrol Agent or designee determines-

- The juvenile has been charged with or is chargeable for a delinquent act, is subject to delinquency proceedings, or has been adjudicated delinquent. Exceptions include the following:
- The juvenile's offense is isolated-not part of a pattern of criminal activity-and does not involve violence against a person or the use or carrying of a weapon (e.g., breaking and entering, vandalism, driving under the influence, etc.).
- The juvenile's offense is a petty offense, such as shoplifting, joy riding, disturbing the peace, etc.
- The juvenile has committed or made threats to commit a violent or malicious act (toward self or others) while in INS custody in the presence of an INS Officer.
- While in a licensed program, the juvenile has engaged in conduct that program staff determine is unacceptable and disruptive to the normal functioning of that program; or removal is needed to ensure

the welfare of other juveniles in the program. Examples of unacceptable conduct include fighting, substance abuse, intimidation of others, etc.

- The juvenile is an escape risk.
- The juvenile is at risk, or subject to compromising safety issues, e.g., smugglers.

4.2.2 In all the above such cases, the INS should attempt to place the juvenile in a medium-secure facility-i.e., one having 24-hour awake supervision and a secure perimeter but no cells-instead of a secure detention facility, if available and if the circumstances are appropriate.

4.2.3 The Regional Juvenile Coordinator must review and approve the decision to place the juvenile alien in a medium-secure or secure detention facility.

4.2.4 Juveniles placed in a medium-secure or secure detention facility must be provided written notice of the reasons why (see Attachment 3b, "Notice of Placement in Secure Juvenile Detention Facility").

4.3 Juveniles Turning 18 While in INS Custody

4.3.1 The Local or District Juvenile Coordinator should ensure that the cases of all juveniles in INS custody are thoroughly reviewed prior to their turning 18 (see Section 3.4, "Chinese and Indian Juveniles Turning 18 While in Foster Care," for case review procedures). When a juvenile in INS custody turns 18, the District Director must decide whether to transfer the juvenile to an adult detention facility or release the juvenile on bond or recognizance (see Section 3.4 for the factors to consider when determining whether to release a juvenile who has turned 18).

4.3.2 If release is appropriate, bond may be posted by a relative, the current foster care provider, an NGO, or by the alien. For aliens in proceedings under Section 240 of the Act and chargeable under Section 212, parole pursuant to 8 C.F.R. § 212.5(a) may be appropriate.

4.3.3 When a review is completed and a decision made to release, the respective Regional Juvenile Coordinator is notified-prior to release. The Regional Juvenile Coordinator then notifies the National Juvenile Coordinator of the planned release.

4.3.4 If a decision is made to transfer the alien to adult detention, the former juvenile should be detained, if at all possible, with other detainees of the same nationality who speak the same dialect. Efforts should also be made to find out if the former juvenile was apprehended with other detained subjects and, if so, to place him or her in the same facility.

4.4 Emergency Placement or Transfer of Juveniles

4.4.1 All juveniles placed in a juvenile facility (to include foster homes) remain in the legal custody of INS and may only be released by INS. A juvenile may be transferred from one child care facility to another without securing permission from the INS district office only in an emergency. INS must be notified of such transfer within 8 hours. In such cases (where compelling circumstances necessitate transfer), juveniles should be transferred with all their possessions and legal papers. Juveniles represented by counsel in an INS proceeding may not be transferred without advance notice to such counsel except in an emergency, in which case counsel shall be notified as soon as possible; further, no juvenile may be denied access to legal services at the location where transferred. From 12/13/91 memo, "National Policy Regarding Detention and Release of Unaccompanied Alien Minors," from the Office of the Commissioner.

4.4.2 In the event nonsecure juvenile bed space is unavailable as a result of an "emergency" or "influx," INS may place juveniles in medium-secure or secure juvenile detention facilities, as stipulated in the Flores Agreement. In these cases, the District and Regional Juvenile Coordinator will make reasonable efforts to place these juveniles as quickly as possible in nonsecure juvenile facilities (licensed programs) when bed space becomes available. Emergency is an act or event, such as a natural disaster or medical emergency, that prevents the prompt placement of juveniles in nonsecure juvenile facilities (licensed programs).

Influx is defined as any situation in which there are more than 130 juveniles in INS custody who are eligible for placement in nonsecure juvenile facilities (licensed programs). This number includes those who have already been placed and those awaiting placement.

4.4.3 The National Juvenile Coordinator will establish and maintain an Emergency Placement List of at least 80 beds at programs licensed by an appropriate state agency. These are beds that are potentially available for emergency placements to supplement the 130 that INS typically has available. Whenever possible, these placements will meet the standards applicable to those the INS normally uses. The Emergency Placement List will include the facility name, the number of potentially available beds, contact name and number (nights, holidays, and weekends), any restrictions on juveniles (i.e., age), and any special services available.

4.4.4 The National Juvenile Coordinator will maintain a list of juveniles affected by the emergency or influx, including (1) the juvenile's name, (2) date and country of birth, (3) date placed in INS custody, and (4) place and date of current placement.

4.4.5 Within one business day of the emergency or influx, the National Juvenile Coordinator or designee will contact the programs on the Emergency Placement List to determine available placements. As soon as available placements are identified, the National Juvenile Coordinator will advise appropriate INS staff of their availability. To the extent practical, the INS will attempt to locate emergency placements where culturally and linguistically appropriate community services are available.

4.4.6 In the event the number of juveniles needing emergency placement exceeds the space available on the list, the National Juvenile Coordinator will try to find additional placements through licensed programs, county social services departments, and foster family agencies.

4.4.7 Each year the INS will reevaluate the number of regular placements (placements in licensed programs) needed for detained juveniles to see if it should be adjusted. However, any decision to increase the number of placements available is subject to the availability of INS resources.

5. Inspection Standards for Juvenile Shelter Care and Secure Juvenile Detention Facilities

This section enumerates the various standards for the types of facilities named in the preceding section, specifically, juvenile shelter care and secure juvenile detention facilities. These standards are drawn from the American Correctional Association (ACA) standards and the licensed program requirements contained in the Flores Agreement. This section is formatted to serve as a "pull-out" for posting or frequent reference. The pull-out includes two summary checklists listing the standards in abbreviated form for both juvenile shelter care and secure juvenile detention facilities.

Special Instructions for Supplemental Form G-324a Service Contract Facility Inspection Checklist for INS Secure Juvenile Detention Facilities

This packet contains Form G-324a, the “Service Contract Facility Inspection Report,” which includes instructions for completing the report, a checklist for inspecting adult facilities, an inspection certification page, and Supplemental Form G-324a (2/98).

When conducting inspections of juvenile facilities, please replace page 2 of Form G-324a—the checklist used for inspecting adult facilities—with Supplemental Form G-324a. These attached pages comprise the itemized checklist to be used for evaluating juvenile detention facilities.

Minimum Standards for Immigration and Naturalization Service Secure Juvenile Detention Facilities 1

Part I. Administration and Management Section C: Personnel

Principle: A written body of policy and procedures establishes the facility’s staffing, recruiting, promotion, and review procedures for employees.

Criminal Record Check

3-JDF-1C-13 (Ref. 2-8062)

- 1. A criminal record check is conducted on all new employees in accordance with state and federal statutes.**

Comment: The facility’s administrators should know of any criminal conviction that could directly affect an employee’s job performance in a facility setting.

Section E: Juvenile Records

Principle: A written body of policy and procedures establishes the facility’s management of case records, including at a minimum the following areas: the establishment, use, and content of juvenile records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records.

3-JDF-1E-01 (Ref. 2-8110)

- 2. Written policy, procedure, and practice govern case record management, including at a minimum the following areas: the establishment, use, and content of juvenile records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records. The policies and procedures are reviewed annually.**

Comment: An orderly and timely system for recording, maintaining, and using data about juveniles increases the efficiency and effectiveness of program and service delivery and the transfer of information to the courts and release authorities.

3-JDF-1E-02 (Ref. 2-8111, 2-8113, 2-8115)

- 3. The facility administration maintains a record on each juvenile that is available in a master file and includes at a minimum the following information:**

- name, age, sex, place of birth, and race or nationality;
- initial intake information form;
- authority to accept juvenile;
- referral source;
- case history/social history;
- medical consent form;
- name, relationship, address, and phone number of parent(s)/guardian(s) and person(s) juvenile resides with at time of admission;
- driver's license, social security, and Medicaid numbers, when applicable;
- court and disposition;
- individual plan or program;
- signed release-of-information forms, when required;
- progress reports on program involvement;
- program rules and disciplinary policy signed by juvenile;
- grievance and disciplinary record, if applicable;
- referrals to other agencies; and
- final discharge or transfer report.

Comment: Medical and educational records are components of the master file and may be located in other appropriate areas of the facility. The juvenile's file should contain all legal documents and correspondence relating to the juvenile and all progress and other reports made during the length of stay. All data in the field should be verified, and confidentiality should be maintained.

Transfer of Records**3-JDF-1E-04 (Ref. New)**

- 4. Written policy, procedure, and practice provide that an updated case file for any juvenile transferred from one facility to another is transferred simultaneously or, at the latest, within 72 hours.**

Comment: Continuity of programming for juveniles transferred from other facilities requires that staff have the benefit of a complete cumulative case record as soon as possible. The same policy and procedure should apply to the transfer of medical files.

3-JDF-1E-08 (Ref. 2-8119)

- 5. Written policy, procedure, and practice provide that records are safeguarded from**

unauthorized and improper disclosure. Manual records are marked “Confidential.” Written policy and procedure provide that when any part of the information system is computerized, security ensures confidentiality.

Comment: A juvenile’s constitutional right to privacy can be violated if records are improperly disseminated. The institution should establish procedures to limit access to records to persons and public agencies with both a “need to know” and a “right to know” and that can demonstrate that access to such information is necessary for juvenile justice purposes. Written guidelines should regulate juvenile access to records.

Part II. Physical Plant

Section A: Building and Safety Codes

Principle: Compliance with professional building and fire safety codes helps to ensure the safety of all persons in the facility.

Fire Codes

3-JDF-2A-03 (Ref. New)

Mandatory

6. The facility conforms to applicable federal, state, and/or local fire safety codes. Compliance is documented by the authority having jurisdiction. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction, or there is a plan for addressing these or other deficiencies within a reasonable time period. The authority approves any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the facility’s occupants.

Comment: The applicable fire safety code(s) must be comprehensive, ensure basic protection of life, and include the use of fire detection and alarm systems in all habitable areas of the facility. The applicable codes should be applied to all areas of the facility. Reports of periodic inspections and any actions taken with respect to those inspections must be available.

3-JDF-2A-04 (Ref. 2-8159)

Mandatory

7. There is documentation by a qualified source that the interior finishing materials in juvenile living areas, exit areas, and places of public assembly are in accordance with recognized codes.

Comment: No facility furnishings, ceilings, partitions, or floors should be constructed of foamed plastics or foamed rubber unless the fire performance characteristics of the material are known and acceptable.

Section C: Juvenile Housing

Principle: Juvenile housing areas are the foundation of facility living and must promote the safety and well-being of both juveniles and staff.

3-JDF-2C-02 (Ref. 2-8138)

8. Rooms or sleeping areas in which juveniles are confined conform with the following requirements:

NUMBER OF OCCUPANTS AMOUNT OF UNENCUMBERED SPACE

- 1 35 square feet
- 2–50 35 square feet per occupant*

“Unencumbered space” is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than 7 feet. All fixtures must be in operational position.

Comment: The standard encourages design flexibility and creativity by relating room size to the amount of unencumbered, or free, space provided by the design. Unencumbered space is determined by multiplying the length and width of the room and subtracting from this figure the total number of square feet not occupied by bed(s), plumbing fixtures, desk(s), locker(s), and other fixed equipment. Measurements should be made with equipment and furnishings in their normal use positions (i.e., to discourage Murphy beds).

Dayrooms

3-JDF-2C-04 (Ref. 2-8140, 2-8169)

- 9. Dayrooms with space for varied juvenile activities are situated immediately adjacent to the juvenile sleeping areas, but are separated from them by a floor-to-ceiling wall.** Dayrooms provide a minimum of 35 square feet of space per juvenile (exclusive of lavatories, showers, and toilets) for the maximum number of juveniles who use the dayroom at one time.

Comment: While the standard establishes a minimum square footage for any dayroom, total square footage is calculated for the maximum number of users at one time, rather than the total number of juveniles served.

Toilets

3-JDF-2C-06 (Ref. 2-8133)

- 10. Toilets are provided at a minimum ratio of 1 for every 12 juveniles in male facilities and 1 for every 8 juveniles in female facilities.** Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with five or more juveniles have a minimum of two toilets.

Comment: The standard ensures the availability of toilets and requires a measure of privacy and control for users. At the same time, the standard provides flexibility for designers and managers.

Wash Basins

3-JDF-2C-07 (Ref. 2-8133)

- 11. Juveniles have access to operable wash basins with hot and cold running water in the housing units at a minimum ratio of 1 basin for every 12 occupants.**

Comment: Provision must be made for juvenile access to wash basins in sleeping areas, dayrooms, and other parts of the facility.

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