

Advocating for Youth Checklist: Commitment to DYS and Assessment

This checklist describes the process that takes place when a youth with mental health issues is committed to the Massachusetts Department of Youth Services (DYS), and the steps a legal guardian, parent or advocate can take. This resource can be accessed online at: <http://www.mass.gov/mhlac/dys.html>.

What happens

- A youth charged as a delinquent is committed to DHS until age 18. A youth charged as a Youthful Offender is committed until age 21.
- Upon commitment to DHS, a youth's parent or legal guardian maintains legal custody over him or her (unless a parent cannot be found and no legal guardian has been appointed).
- If a youth is committed to DHS custody, he will travel to a DHS facility in a sheriff's van and placed in an assessment unit
- Within 24 hours of the youth's arrival on the assessment unit, DHS does a preliminary clinical assessment, including a suicide screen.
- Within two business days of commitment, the youth is assigned a DHS caseworker who will coordinate an assessment of the youth's needs.
- The DHS caseworker contributes to a "Case History," a document with sections on various aspects of the youth's history. These sections include family involvement, educational history, prior criminal record, presence or absence of substance abuse, medical and psychiatric history, and review of risk factors related to offending. As part of compiling this history, the caseworker administers a Youth Level of Service/Case Management Inventory (YLS/CMI) assessment to determine risks and needs.
- Also as part of the assessment, the clinician on the unit where your child is being held with administer the Child and Adolescent Needs and Strengths (CANS) assessment (to measure needs and assist in developing a service delivery plan) and one or more substance abuse assessment tools, to determine whether your child needs substance abuse treatment. The results of these assessments are included in the Case History.
- DHS has 30 days to complete the full assessment.

What you should do

- Be as involved with the youth's situation as possible. The more parental involvement during commitment (and particularly during assessment), the better the youth is likely to fare.

The information in this checklist has been adapted from the book Just for Youth: Advocating for Youths in the Massachusetts Department of Youth Services (2010) by the Mental Health Legal Advisors Committee, <http://www.mass.gov/mhlac/Justforyouthfinal.pdf>.

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- Encourage the youth to behave well on the assessment unit and to participate in the assessment process. Encourage the youth to make the best of an unfortunate situation.
- Since time spent on an assessment unit does not count toward treatment time and services in the assessment unit are more limited than on treatment units, parents should carefully monitor the assessment process and get involved if it appears that delays are occurring. Before the end of the 30 days, check in with your child's caseworker to discuss how the assessment process is progressing. If 30 days have already passed, advocate for your child to finish the assessment process and leave the unit.
- As part of the initial assessment, DYS should interview a youth's parents or legal guardian. Be truthful in your answers, but think carefully before disclosing certain information. For example, inform DYS about developmental delays, mental health hospitalizations, diagnoses, medication, and cognitive/learning issues. However, before you discuss with DYS an issue that could expose the youth to criminal liability, talk to the youth's lawyer. Similarly, consult with the youth's lawyer before telling DYS about any history of the youth acting out sexually. Parents are not obligated to respond to questions posed by evaluators and can choose to not answer a question or questions.
- Work with the youth's lawyer during the assessment phase to make sure DYS receives copies of the youth's school records, mental and physical health records, and any other information that would be useful to determine the youth's needs. Keep a copy of the records that you provide to DYS. You may want to reference them during your child's commitment or provide additional copies to DYS or program staff.
- If the youth's lawyer arranged for a clinical evaluation during the course of representation, discuss with the lawyer whether that evaluation should be shared with DYS. (If a court clinic evaluation has been conducted, the court will provide the clinical portions of the report to DYS after DYS commitment for use in assessment and planning.)
- If the youth receives special education services, inform DYS during the assessment process. Provide DYS with copies of the youth's Individualized Education Program (IEP). If the youth has an IEP, he has the right to receive special education services as outlined in his or her IEP while in DYS custody. Work with DYS to ensure that the whole IEP is implemented.
- Request a copy of the youth's DYS Case History so that you may verify its accuracy and understand the DYS assessment of the youth. A parent, legal guardian or attorney has the right to receive a copy of this document (and any other document contained in a youth's DYS records) by making an oral or written request. If you make the request orally, be prepared to present proper identification. If you make the request in writing, keep a copy of your request.

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