

**SUBCHAPTER 11C - REQUIREMENTS FOR PROGRAMS AND JUVENILE CRIME PREVENTION
CRIME PROGRAMS**

SECTION .0100 – GENERAL PROVISIONS

14B NCAC 11C .0101 SCOPE

- (a) The rules in this Subchapter establish the requirements for programs assigned to the Intervention/Prevention and Youth Development Division within the Department.
- (b) The programs covered by these Rules include the Governor's One on One Program, the Eckerd Wilderness Camping Program, the Multipurpose Juvenile Home Program, the Camp Woodson Program, the Support Our Students Program, the Teen Court Program and Juvenile Crime Prevention Council Programs.
- (c) These Rules also apply to appropriations for other programs that are directed by the General Assembly for special projects or pilot initiatives where the funding and reporting of activities are assigned to the Department.

History Note: Authority G.S. 143B-516(b)(8);
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Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0101 Eff. June 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0102 DEFINITIONS

In this Subchapter the following term has the listed meaning: Individual Plan of Care. A written record maintained on each juvenile served by programs operated by funding support received from the Department which shall include the following elements:

- (1) A schedule of planned program activities;
- (2) Any other specially designed activities to meet the needs of an individual client;
- (3) The anticipated length of stay;
- (4) Specific behavior and attitude changes expected to result from the implementation of the Plan of Care;
- (5) A method of evaluating a program impact on such things as self esteem, academic performance, personal enrichment, social growth and development, delinquent behavior, school attendance; and
- (6) A mechanism for periodic review and revision based on progress or lack thereof.

History Note: Authority G.S. 143B-516(b)(8); 143B-516(b)(9);
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SECTION .0200 - GRANT ADMINISTRATION FOR SPECIAL PROGRAMS

14B NCAC 11C .0201 FUNDING REQUIREMENTS

- (a) All of the programs within the Intervention/Prevention and Youth Development Divisions shall be funded by contractual agreement between the organizations receiving the funds and the Department with the exception of Camp Woodson and the Eastern North Carolina Wilderness Camp for Juveniles.
- (b) Each contract shall specify the authorized expenditures of the contractual agreement and shall detail those expenditures through a line-item budget as well as by a narrative description.
- (c) Programs receiving funding from the Department under contractual agreement shall provide documentation of actual expenditures.
- (d) Failure to comply with provisions of contractual agreements may result in forfeiture or repayment of funding.
- (e) Any funds received under a contractual agreement and not expended during the contract period shall be returned to the Department.

History Note: Authority G.S. 143B-517; 143B-516(b)(10);

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SECTION .0300 - CLIENT PROTECTION AND SAFETY

14B NCAC 11C .0301 EMPLOYMENT POLICIES

- (a) Personnel in programs supported by funding from the Department shall be employees in good standing with a local governmental agency or with a private sector organization.
- (b) For each position within programs operated by or receiving Department funding support there shall be a written job description detailing the primary duties of the position and stating the minimum education and experience requirements.
- (c) In addition to the rules in this Chapter, individuals employed by programs receiving funding support through the Department shall be subject to the employment policies and procedures of the program receiving and administering that funding support.

History Note: Authority G.S. 143B-512(a); 143B-516(b)(9);
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14B NCAC 11C .0302 APPROPRIATE CARE AND TREATMENT

- (a) Procedures or philosophies that encourage or promote consistent patterns of humiliation, verbal abuse, manhandling, use of fear tactics, intimidation, or infliction of physical pain are prohibited.
- (b) This Rule shall apply to staff, residents, and contracted services supported by Departmental funds. Programs funded by the Department shall make no referrals to programs or service providers who are known to violate this Rule.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(6); 143B-516(b)(9);
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0303 BEHAVIOR MANAGEMENT AND DISCIPLINE

- (a) In determining appropriate discipline, each program shall consider the child's age, intelligence, emotional makeup, and past experience.
- (b) Each program shall develop and adhere to a written policy regarding behavior management and discipline which includes the following requirements:
 - (1) Physical or corporal punishment shall not be permitted;
 - (2) Physical or mechanical restraint shall be used only when necessary to protect a child from physical injury to self or others or when transporting a juvenile who is being held under a secure custody order;
 - (3) No juvenile shall be placed in a locked room or other place, except for juveniles being held under a secure custody order; and
 - (4) Meals or nourishment shall not be denied.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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Eff. April 1, 2003;
Transferred from 28 NCAC 03A .0303 Eff. June 1, 2013;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0304 SOLICITATION OF FUNDS AND JUVENILE PUBLICITY

(a) Juveniles and their families served by any program funded by the Department shall not be required to raise or solicit funds for any agency. They may, however, organize or participate in fund raising activities on a voluntary basis. Individual juveniles may participate with written parental permission.

(b) Pictures or any other means of identifying children may not be used in public relations efforts for the program, unless a written statement of permission is obtained, signed by the child and either a parent or legal guardian.

(c) No juvenile shall be coerced or pressured into acknowledging in public his treatment at the agency or his gratitude for the treatment.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

14B NCAC 11C .0305 ALCOHOL AND OTHER DRUG POSSESSION AND USE

Program managers, direct services staff, and volunteers of programs funded by the Department shall not possess or consume or be under the influence of any alcohol or controlled substance without a prescription while engaged in any program activities.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0306 FIREARMS AND OTHER WEAPONS

Program managers, direct services staff, and volunteers shall not use or be in possession of any firearms or other weapons while working with youth in programs funded by the Department.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0307 OPPORTUNITIES FOR RELIGION PROVIDED

Residential programs funded by the Department shall provide opportunities for individual children to participate in religious services and other religious activities within the framework of their individual and family interest at the parent, juvenile or legal guardian's request.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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Transferred from 28 NCAC 03A .0307 Eff. June 1, 2013;
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14B NCAC 11C .0308 INSURANCE REQUIRED

Each program funded by the Department, other than programs operated by units of local government, shall maintain liability insurance in the amount of five hundred thousand dollars (\$500,000) to cover any juvenile participating in the program and provide documentation of such at the request of the department.

History Note: Authority G.S. 143B-516(b)(4); 143B516(b)(5); 143B-516(b)(9);
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0309 SAFETY CONCERNS

- (a) All programs funded by the Department shall ensure that safety measures, which include trained staff and safety equipment, are in place for all program sponsored functions.
- (b) During periodic on-site visits by officials representing the Department, programs shall provide written documentation of staff training and competency in all program activities authorized by the contract.
- (c) All residential programs shall comply with all state and federal licensure requirements.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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SECTION .0400 - PROGRAM REQUIREMENTS

14B NCAC 11C .0401 STAFF ORIENTATION AND TRAINING

- (a) All programs funded by the Department must provide for staff and volunteer orientation and training. Written documentation of the program orientation and training policies and plans must be available upon request.
- (b) All programs must provide personal and professional development training for staff and volunteers.
- (c) All programs must provide training for direct service staff in basic youth interactions skills.
- (d) All professional and volunteer staff who lead program activities which require special skills or certification must be trained in the skills necessary for each particular activity.
- (e) All programs providing treatment services shall employ staff who are eligible by degree or credential to provide such treatment, or who receive clinical supervision by someone who is eligible to provide such treatment.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0402 EMERGENCY PLAN

- (a) Each program shall develop and distribute to staff members and volunteers an emergency plan which includes names and phone numbers of individuals to be notified in emergency situations that may occur during program activities.
- (b) The emergency plan must provide that in the event of an emergency resulting in a serious injury to or death of a program staff member, participant or volunteer the Department shall be notified immediately. This plan shall include the after hours phone numbers of individuals designated within the Department.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

14B NCAC 11C .0403 ADMISSION GUIDELINE REQUIREMENTS

- (a) All programs receiving funding support from the Department shall develop within admission guidelines covering age and gender appropriateness, the primary reasons for which juveniles are considered for admission and any applicable admission restrictions that may apply.
- (b) All programs shall provide a response to referring agencies regarding their admission decision within 15 days of the referral.

*History Note: Authority G.S. 143B-516(b)(3); 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0404 RECORD OF CLIENT CONTACTS AND INDIVIDUAL PLAN OF CARE

- (a) All programs shall maintain a written record of contact with clients that includes:
- (1) The date of admission, source of and reason for referral and a summary of the problems the client was experiencing at the time of the referral;
 - (2) A record of the dates and activities of the client program participation;
 - (3) The date and reason for termination from the program; and
 - (4) An Individual Plan of Care.
- (b) All information in the client's record shall be considered privileged and confidential and may be released only as required by law.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0405 REQUIREMENT OF RELEASE POLICY

Programs shall develop written policies governing documentation of the release of clients. Release records shall include:

- (1) The last date of program contact;
- (2) The reason for release;
- (3) A listing of all persons and agencies who receive notice; and
- (4) The name of any agency contact person for additional information concerning the clients' progress during the program.

*History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0406 PROGRAM EVALUATION

- (a) All programs shall collect and submit statistical information designed to measure the program effectiveness in correcting the program behaviors and underlying causes of delinquency and undisciplined behavior.
- (b) Programs must develop strategies for measuring key behavior changes for at least 12 months after termination of services.
- (c) Each program shall provide an evaluation design detailing:

- (1) The expected benefits of the program;
- (2) The specific data that will document success;
- (3) A specific schedule for reporting results; and
- (4) A listing of those agencies and individuals who will receive the results.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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SECTION .0500 - ENFORCEMENT PROCEDURES

14B NCAC 11C .0501 COMPLIANCE MONITORING

Compliance with the provisions of this Subchapter shall be monitored by on-site visits conducted by or authorized by the Department and by review of periodic reports documenting the provisions of the contractual agreement between the program and the Department.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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14B NCAC 11C .0502 CORRECTIVE ACTION AND PENALTIES

(a) When any of the terms of the contract are documented to have been violated through the monitoring and evaluation of program requirements, the Department shall take measures to correct the violation.

- (1) Where violations of state or federal law are documented the Department shall notify law enforcement officials; and
- (2) Where conditions or practices are found within a program that create a threat or danger to students or staff the following measures shall be taken:
 - (A) Notification to local Division of Social Services and if appropriate law enforcement;
 - (B) Notification to designated Departmental officials;
 - (C) Discontinuation of all funding and request for complete fiscal audit of the program; and
 - (D) Maintenance of detailed written records of all actions taken until any issues of harm or danger are resolved.

(b) Where allegations or information indicates that conditions or practices may exist which constitute a threat or danger to staff or students within a program the Department shall conduct an on-site visit to the program. Additionally the following measures shall be taken:

- (1) Notification to designated Departmental officials; and
- (2) Maintenance of detailed written records of all actions taken until any issues regarding harm or danger are resolved.

(c) Where the program refuses to make good faith efforts to correct violations identified in the monitoring and evaluation process and where such refusal adversely impacts or affects the quality of services or reduces the number being served, the Department may:

- (1) Impose the penalties provided for in the contractual agreement; or
- (2) Without notice, terminate the contract.

History Note: Authority G.S. 143B-516(b)(4); 143B-516(b)(5); 143B-516(b)(9);
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