

CHAPTER 8

RELEASE, PAROLE AND DISCHARGE OF YOUTH

8-001 Applicability: The provisions of this rule shall apply to the Youth Rehabilitation and Treatment Centers and all other juvenile correctional institutions operated by the Department of Health and Human Services.

8-002 Departmental Policy: It is the policy of the Department that the Chief Executive Officer shall maintain clearly established procedures for the release, parole, and discharge of youth from a juvenile correctional institution which complies with the provisions of this Rule and is consistent with related provisions of 390 NAC.

8-003 Parole or Institutional Discharge of Committed Youth: A team comprised of institutional treatment staff, the assigned Juvenile and Family Services Worker, and other designated persons involved with the case shall periodically review the youths' progress and submit recommendations for release to parole or institutional discharge to the Chief Executive Officer. The Chief Executive Officer shall review the team's recommendation and, if he or she concurs, authorize the release of the youth to parole supervision or effect an institutional discharge of a youth from the state's custody. If there is disagreement between the Chief Executive Officer and the team concerning a release recommendation, the Chief Executive Officer and team will discuss concerns and attempt to reach agreement. If the two parties cannot reach consensus, the matter shall be referred to the Protection and Safety Administration for resolution.

8-004 Criteria for Juvenile Parole: A youth may be paroled, when in the opinion of the team involved in the case, the youth presents no significant threat to the safety of the community, there is reasonable probability that any further violation of Nebraska law will not occur; that the youth will act in a socially acceptable manner; the youth has been thoroughly advised of the conditions of parole and has signed a parole agreement, accepting those conditions; and parole is in the best interest of the youth. A recommendation for release from the institution to parole supervision is made when:

8-004.01 A youth has successfully completed the goals of the Individual Treatment Plan developed specific to their placement at the institution or the youth has received maximum benefit from the placement and would benefit from or require continued services from the Department under community supervision,

8-004.02 A youth has the ability to function in the community,

8-004.03 A youth has the stability and supportiveness of his or her family or a suitable alternative placement,

8-004.04 Community resources are accessible and an aftercare plan addressing placement, supervision, employment or academic educational opportunities and the special needs of the prospective parolee is in place, and

8-004.05 A youth appropriately classified for institutional placement has completed at least six months at the institution. Youth committed to an institution that are appropriately classified for community supervision shall be released to community supervision as expeditiously as possible.

8-005 Criteria for Institutional Discharge: A youth may be granted an institutional discharge when:

8-005.01 A youth has reached the age of majority,

8-005.02 Another institution or agency has been given legal responsibility for the youth,

8-005.03 A youth is transferred to another state or locality other than from where the commitment originated, and the team involved with the case determines that community supervision will not be required or that community supervision is not in the best interest of the youth and his or her family, or

8-005.04 The team involved with the case, with the concurrence of the Chief Executive Officer and the Protection and Safety Administration, determine the youth to be no longer amenable to continued institutional or community supervision.

8-006 Temporary Release/Furlough: A youth may be granted a temporary release, or furlough, from the institution when:

8-006.01 A youth or his or her family is experiencing a crisis or emergency where the youth's presence is requested or necessary, or

8-006.02 In the opinion of the team involved with the case and with the concurrence of the Chief Executive Officer, a furlough would facilitate completion of release planning or support transition of the youth to the community.