

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No: 03-06	Effective Date: 08/14/08	Revision Date: 02-24-16
Subject: Non-Routine Activities--Approval and Informed Consent		

I. Policy Statement

Division staff will allow individual juveniles in the care, custody or control of the Division, to participate in non-routine activities, only when that activity has been approved in writing by the Assistant Program Director (APD) and/or Program Director (PD), and informed written consent has been given by the juvenile and the parent or legal guardian of a juvenile under the age of eighteen.

II. Rationale

The purpose of this policy is to establish specific guidelines for Division staff to follow, that ensure APD's and PD's have approved any non-routine activities, and ensure that underage juveniles and their parent or guardian are fully informed and have given written consent for participation in any non-routine activity while in the care, custody, or control of the Division.

III. Definitions

“Activity Informed Consent Form” is a form prepared by Division staff to be signed by a juvenile and the parent/legal guardian of an under-age juvenile prior to the juvenile participating in a non-routine activity.

“Non-routine Activity” is an event that is outside of the day-to-day program schedule or routine program activities of Division facilities/programs including, but not limited to any water activity, horseback riding, skiing, rock climbing, fishing, overnight camping, snowboarding, or sledding.

“Legal guardian” is a person recognized by the Division as having the authority to give consent on behalf of a juvenile under the age of 18, including consent to marriage, enlistment in the armed forces, major medical, surgical or psychiatric treatment or legal custody if legal custody is not vested in another person, agency or institution. Division staff are not legal guardians.

“Diligent Efforts” to contact a parent or legal guardian for consent is demonstrated by three (3) or more attempts to reach the parent or legal guardian, beginning 5 to 30 days in advance of an activity. Diligent efforts include staff making phone calls, email, letters, or face to face contact with the parent or legal guardian.

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IV. Procedures

- A. Staff shall not conduct any non-routine activity until the activity and the list of participating juveniles has been approved by the facility/program APD and PD.
- B. Staff shall not allow an individual juvenile to participate in any non-routine activity until the juvenile has been given information about the activity and consented to participation by signing the standard Activity Informed Consent Form.
- C. Consent from a parent or legal guardian is not required for participation of a juvenile 18 years or older. Informed consent of the juvenile is adequate.
- D. For a juvenile under the age of 18, staff shall not allow an individual juvenile to participate in a non-routine activity until the juvenile's parent or legal guardian has been informed of and consented to the participation, by reading and signing the Activity Informed Consent Form.
- E. For a juvenile who does not have a parent or legal guardian, or the parent or legal guardian is unable to be reached after diligent efforts:
 - 1. Staff shall document diligent efforts to contact the parent or legal guardian over the course of several days or weeks, allowing the parent or legal guardian the opportunity to provide consent.
 - 2. Verbal consent from the parent or legal guardian may be given over the phone when there is a second staff present to verify that consent has been given. Verbal consent must be documented on the consent form and placed in juveniles file.
 - 3. When diligent efforts have been unsuccessful, the Division Case Manager or a supervisor may grant consent by signing the Activity Informed Consent Form.
- F. The completed Activity Informed Consent Form(s) for each participating juvenile shall be placed in the juvenile's file.
- G. Participating as a subject of a research project is not considered a non-routine activity under this policy and consent cannot be given by anyone except the parent or legal guardian in accordance with Bureau of Research and Evaluation policy 01-04.

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H. A private provider shall not allow a juvenile in their care to participate in a non-routine activity until informed written consent has been obtained from the juvenile, and in the case of a juvenile under the age of 18, also from the parent or legal guardian. Obtaining such consent is the responsibility of the provider. However, in the case of a juvenile who does not have a parent or legal guardian, or the parent/guardian has not been reached after diligent efforts, the juvenile's Division case manager or a supervisor may grant the needed consent, by signing the required form and submitting it to the provider.

V. 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.



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

02-24-16

Signature Date



Susan Burke, Director
Division of Juvenile Justice Services

02-24-16

Signature Date