



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, a juvenile court may order a child to be transferred to the custody of the Department of Youth Services.

This bill would require the Department of Youth Services to reimburse a county detention facility under certain circumstances for the costs of housing a child once the child has been ordered to be transferred to the custody of the Department of Youth Services.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to juvenile courts; to amend Sections 12-15-208 and 12-15-215, Code of Alabama 1975, to require the Department of Youth Services to reimburse a county detention facility for housing a child once the child has been ordered to the custody of the Department of Youth Services; and to make nonsubstantive, technical revisions to update the existing code language to current style.



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Sections 12-15-208 and 12-15-215, Code of
31 Alabama 1975, are amended to read as follows:

32 "§12-15-208

33 (a) Persons who shall not be detained or confined in
34 secure custody include all of the following:

35 (1) ~~STATUS OFFENDERS. Effective October 1, 2009, A~~
36 ~~status offenders~~offender, ~~as defined in this article, shall~~
37 ~~not be detained or confined in secure custody,~~ except as
38 further provided in this subdivision and subsection (b) ~~that a~~
39 ~~status offender who is charged with or who commits a violation~~
40 ~~of a valid court order may be detained in secure custody in a~~
41 ~~juvenile detention facility for up to 72 hours in any~~
42 ~~six-month period, provided that all conditions set forth in~~
43 ~~subdivision (3) of subsection (b) are satisfied.~~

44 a. Short-term secure custody of an accused status
45 ~~offenders~~offender may be necessary, such as detention in a
46 juvenile detention facility, for a brief period, not exceeding
47 24 hours, prior to formal juvenile court action, for
48 investigative purposes, for identification purposes, or for
49 the purpose of allowing return of a status offender to the
50 parent, legal guardian, or legal custodian.

51 b. Detention for a brief period of time pursuant to
52 juvenile court authority may ~~also~~ be necessary in order to
53 arrange for appropriate shelter care placement. If a petition
54 regarding an alleged status offender is filed in juvenile
55 court and if it is determined that the alleged status offender
56 is at imminent risk of being placed in the legal or physical



57 custody of the Department of Human Resources, the case shall
58 be referred to the county children's services facilitation
59 team, and the procedures in Article 5 shall be followed. Upon
60 referral to the county children's services facilitation team,
61 the juvenile probation officer shall continue to provide case
62 management to the status offender unless the county children's
63 services facilitation team appoints another person to act as
64 case manager. The juvenile probation officer shall participate
65 in county children's services facilitation team meetings and
66 share records information and reports on the status offender
67 with the county children's services facilitation team.

68 (2) ~~FEDERAL WARDS. Federal wards~~ A federal ward who is
69 held beyond 24 hours in secure custody in a state ~~and or~~ local
70 juvenile detention ~~facilities~~ facility pursuant to a written
71 contract or agreement with a federal agency and for the
72 specific purpose of affecting a jurisdictional transfer, ~~or~~
73 appearance as a material witness, or for return to ~~their~~ his or
74 her lawful residence or country of citizenship shall be
75 reported as ~~violations~~ a violation of the
76 deinstitutionalization of status offender requirement.

77 (3) ~~NONOFFENDERS. Nonoffenders, as defined in this~~
78 ~~article, shall not be detained or confined in secure custody~~ A
79 nonoffender.

80 (4) ~~CHILDREN 10 YEARS OF AGE AND YOUNGER. Children~~ A
81 child 10 years of age and younger ~~shall not be detained or~~
82 ~~confined in secure custody~~, unless the ~~children are~~ child is
83 charged with ~~offenses~~ an offense causing death or serious
84 bodily injury to ~~persons~~ a person or ~~offenses~~ an offense that



85 would be classified as a Class A ~~felonies~~ felony if committed
86 by ~~adults~~ an adult.

87 ~~Children~~ (5) A child 11 or 12 years of age ~~may only be~~
88 ~~detained or confined in secure custody by orders of juvenile~~
89 ~~courts~~, unless: (i) the ~~children are~~ child is charged with
90 ~~offenses~~ an offense causing death or serious bodily injury to
91 ~~persons~~ a person or ~~offenses~~ an offense that would be
92 classified as a Class A ~~felonies~~ felony if committed by
93 ~~adults~~ an adult; or (ii) by order of a juvenile court.

94 (b) Persons who may be detained or confined in secure
95 custody include all of the following:

96 (1) ~~Persons~~ A person who ~~violate~~ violates the federal
97 law, ~~which that~~ prohibits possession of a handgun by a child
98 under ~~the age of~~ 18 years of age, or who ~~violate~~ violates a
99 similar state or municipal law⁷. A person under this
100 subdivision may be placed in ~~secure custody in~~ juvenile
101 detention facilities.

102 (2) ~~Persons~~ A person in custody pursuant to the
103 Interstate Compact ~~on~~ for Juveniles, contained in Section
104 ~~44-2-1, et seq.,~~ 44-2-10. A person under this subdivision may
105 be placed in ~~secure custody in a~~ juvenile detention
106 ~~facilities~~ facility.

107 (3) ~~Status offenders~~ A status offender who ~~violate~~
108 violates a valid court order.

109 a. A status offender who is charged with or has
110 committed a violation of a valid court order may be detained
111 in secure custody in a juvenile detention facility for up to
112 72 hours in any six-month period.



113 ~~b. Status offenders~~ A status offender who ~~violate~~
114 violates a valid court ~~orders~~ order shall not be committed to
115 the Department of Youth Services, nor ~~shall they be~~ held in
116 ~~jails~~ a jail or ~~lockups~~ lockup for adult offenders.

117 c. For this valid court order exception to apply, the
118 following actions must occur ~~whenever~~ when a status offender
119 is taken into custody for violating a valid court order:

120 ~~a.1.~~ 1. The juvenile detention facility shall immediately
121 notify the juvenile court intake or probation officer that the
122 child is being held in secure custody for violating a valid
123 court order. The notice shall include the date and time the
124 child entered the juvenile detention facility.

125 ~~b.2.~~ 2. Within the first 24 hours during which a status
126 offender is held in secure custody ~~for violating a valid court~~
127 ~~order~~, not including weekends or holidays, a juvenile court
128 intake or probation officer, or an authorized representative
129 of the department or agency having custody or supervision of
130 the child, shall interview the child, in person.

131 ~~e.3.~~ 3. Within 48 hours of the admission of the status
132 offender to secure custody ~~for violating a valid court order~~,
133 not including weekends or holidays:

134 ~~1. The~~ (i) the individual who interviewed the child
135 shall submit a written assessment report to the juvenile court
136 regarding the immediate needs of the child; and

137 ~~2. If~~ (ii) if the juvenile court has not yet determined
138 whether the child has, ~~in fact~~, violated the order, the
139 juvenile court shall conduct a hearing to determine whether
140 there is reasonable cause to believe that the child violated



141 the order and the appropriate placement of the child pending
142 disposition of the alleged violation.

143 (c) ~~Compliance with jail removal.~~ No person under ~~the~~
144 ~~age of~~ 18 years of age shall be detained or confined in any
145 jail or lockup for adults except ~~for the following~~
146 ~~exceptions~~ as follows:

147 (1) ~~A child may be detained in a jail or lockup for~~
148 ~~adults for~~ For up to six hours while processing the case of
149 the child.

150 (2) ~~A~~ If the child is transferred for criminal
151 prosecution pursuant to Section 12-15-203 ~~may be detained in a~~
152 ~~jail or lockup for adults.~~

153 (3) ~~A person~~ If the child is charged pursuant to
154 Section 12-15-204 ~~may be detained in a jail or lockup for~~
155 ~~adults.~~

156 (d) (1) When a case is transferred to another court for
157 criminal prosecution under subdivision (c) (2), the person
158 shall be transferred to the appropriate officer or jail or
159 lockup in accordance with the law governing the detention of
160 the person charged with the crime. ~~Jails and lockups~~ A jail or
161 lockup used for holding adults shall not hold a status
162 ~~offenders~~ offender in secure custody at any time. An accused
163 status offender may be detained in a nonsecure area of a jail
164 or lockup for processing while waiting transportation to a
165 nonsecure shelter care facility or a juvenile detention
166 facility or while waiting for release to a parent, legal
167 guardian, or legal custodian.

168 (2) Nothing in this ~~subsection~~ section shall prohibit a



169 circuit court judge exercising criminal jurisdiction from
170 ~~recommending~~ ordering that a child described in subdivision
171 (c) (2) or (3) should be placed in a juvenile detention center
172 instead of an adult jail or lockup.

173 ~~(d) Compliance with separation. Accused~~ (e) (1) An
174 accused or adjudicated delinquent ~~children~~ child or a status
175 ~~offenders~~ offender shall not have contact with adult inmates,
176 including ~~trusties~~ trustees. "Contact" is defined ~~to include as~~
177 any physical or sustained sight and sound contact. "Sight
178 contact" is defined as clear visual contact between adult
179 inmates and an accused or adjudicated delinquent ~~children~~
180 child or a status ~~offenders~~ offender within close proximity to
181 each other. "Sound contact" is defined as direct verbal
182 communication between adult inmates and an accused or
183 adjudicated delinquent ~~children~~ child or a status
184 ~~offenders~~ offender.

185 (2) No child shall enter pursuant to public authority,
186 for any amount of time, in secure custody in a secure section
187 of a jail, lockup, or correctional facility for adults as a
188 disposition of an offense or as a means of modifying his or
189 her behavior ~~(e.g., Shock Incarceration or Scared Straight)~~.

190 ~~(e)~~ (f) Except as provided ~~above~~ in this section, in
191 providing detention and shelter or other care for ~~children~~ a
192 child referred to or coming under the jurisdiction of the
193 juvenile court, the juvenile court shall ~~utilize only those~~
194 ~~facilities~~ utilize a facility as have that has been
195 established, licensed, or approved by the Department of Youth
196 Services or Department of Human Resources for those purposes.



197 ~~(f) After October 1, 1991, the Department of Youth~~
198 ~~Services shall accept all children committed to it within~~
199 ~~seven days of notice of disposition.~~

200 (g) Except as provided ~~above~~ in this section, the
201 official in charge of a jail or lockup for the detention of
202 adult offenders or persons charged with crimes shall inform
203 the juvenile court immediately when a child, who is or appears
204 to be a child as defined by this chapter, is received at the
205 jail or lockup. Upon request, the official shall deliver the
206 child to the juvenile court or transfer him or her to a
207 juvenile detention facility designated by the juvenile court.

208 (h) The Department of Youth Services shall continue to
209 develop and implement a statewide system of juvenile detention
210 facilities ~~which~~ that shall be licensed by the Department of
211 Youth Services for the detention of children.

212 (i) The Department of Youth Services shall subsidize
213 the detention of children in the juvenile detention facilities
214 in an amount up to one half the average cost of detention,
215 ~~which term is defined in this article, the~~ . The amount
216 ~~depending of the subsidy shall depend~~ on the ~~provision of~~
217 funds appropriated by the Legislature to the Department of
218 Youth Services. Juvenile detention facilities may contract
219 with the Department of Youth Services or other counties for
220 the detention of children.

221 ~~(j) When a case is transferred to another court for~~
222 ~~criminal prosecution, the child shall be transferred to the~~
223 ~~appropriate officer or jail or lockup in accordance with the~~
224 ~~law governing the detention of the person charged with~~



225 ~~eriminal offenses.~~

226 ~~(k)~~ (j) Any law enforcement officer, at the direction of
227 the juvenile court, shall provide security and transportation
228 services for the juvenile court in transporting children to
229 and from juvenile detention facilities and the Department of
230 Youth Services."

231 "§12-15-215

232 (a) If the juvenile court finds on proof beyond a
233 reasonable doubt, based upon competent, material, and relevant
234 evidence, that a child committed the acts by reason of which
235 the child is alleged to be delinquent or in need of
236 supervision, ~~it~~ the court may proceed immediately to hear
237 evidence as to whether the child is in need of care or
238 rehabilitation and ~~to file record~~ its findings ~~thereon~~. In the
239 absence of evidence to the contrary, a finding that the child
240 has committed ~~an act which constitutes~~ a felony is sufficient
241 to sustain a finding that the child is in need of care or
242 rehabilitation.

243 (b) If the juvenile court finds that the child is not
244 in need of care or rehabilitation, it shall dismiss the
245 proceedings and discharge the child from any detention or
246 other temporary care theretofore ordered.

247 (c) If the juvenile court finds that the child is in
248 need of care or rehabilitation, it may ~~make order~~ any of the
249 following ~~orders or dispositions~~, subject to the limitations
250 and prohibitions on secure custody contained in Section
251 12-15-208:

252 (1) ~~Permit the~~ That the child ~~to~~ shall remain with the



253 parent, legal guardian, or ~~other~~ legal custodian ~~of the child~~,
254 subject to the conditions and limitations prescribed by the
255 juvenile court ~~may prescribe~~.

256 (2) ~~Place the~~ That the child shall be placed on
257 probation pursuant to conditions and limitations prescribed by
258 the juvenile court ~~may prescribe~~.

259 (3) ~~Transfer legal~~ That the legal and physical custody
260 ~~to~~ of the child shall be transferred to any of the following:

261 a. ~~The~~ In the case of a delinquent child, the
262 Department of Youth Services, with or without an order to a
263 specific institution.

264 b. In the case of a child in need of supervision, the
265 Department of Youth Services, or the Department of Human
266 Resources; ~~provided however 1. that prior to any transfer of~~
267 ~~custody to the Department of Human Resources, the case shall~~
268 ~~first be referred to the county children's services~~
269 ~~facilitation team, which must proceed according to Article 5;~~
270 ~~and 2. that the child's commission of one or more status~~
271 ~~offenses shall not constitute a sufficient basis for transfer~~
272 ~~of legal or physical custody to the Department of Human~~
273 ~~Resources. Upon referral to the county children's services~~
274 ~~facilitation team, the juvenile probation officer shall~~
275 ~~continue to provide case management to the status offender~~
276 ~~unless the county children's services facilitation team~~
277 ~~appoints another person to act as case manager. The juvenile~~
278 ~~probation officer shall participate in county children's~~
279 ~~services facilitation team meetings and share records~~
280 ~~information and reports on the status offender with the county~~



281 ~~children's services facilitation team. When the juvenile court~~
282 ~~transfers legal and physical custody to the Department of~~
283 ~~Human Resources, all requirements which shall be met for a~~
284 ~~child to be eligible for federal funding shall apply,~~
285 ~~including, but not limited to, the requirements set out in~~
286 ~~Sections 12-15-312, 12-15-315, and 12-15-317. The child's~~
287 commission of one or more status offenses shall not constitute
288 a sufficient basis for transfer of legal or physical custody
289 to the Department of Human Resources.

290 1. Prior to any transfer of custody to the Department
291 of Human Resources, the case shall first be referred to the
292 county children's services facilitation team, which must
293 proceed according to Article 5.

294 2. Upon referral to the county children's services
295 facilitation team pursuant to subparagraph 1., the juvenile
296 probation officer shall continue to provide case management to
297 the status offender unless the county children's services
298 facilitation team appoints another person to act as case
299 manager.

300 3. The juvenile probation officer shall participate in
301 county children's services facilitation team meetings and
302 share records, information, and reports on the status offender
303 with the county children's services facilitation team.

304 c. A local, public, or private agency, organization, or
305 facility that is licensed or otherwise authorized by law to
306 receive and provide care for children and willing and able to
307 assume the education, care, and maintenance of the child ~~and~~
308 ~~which is licensed or otherwise authorized by law to receive~~



309 ~~and provide care for children.~~

310 d. ~~During the term of supervision, a~~ A relative or
311 other individual who is found by the juvenile court to be
312 qualified to receive and care for the child during the term of
313 supervision.

314 (4) The parent, legal guardian, or legal custodian of
315 the child perform reasonable acts as are deemed necessary to
316 promote the best interests of the child.

317 ~~(5) Make any~~ Any other order ~~as~~ the juvenile court ~~in~~
318 ~~its discretion shall deem~~ determines to be appropriate for
319 the welfare and best interests of the child, including random
320 drug screens, assessment of fines not to exceed two hundred
321 fifty dollars (\$250), and restitution against the parent,
322 legal guardian, legal custodian, or child, ~~as the juvenile~~
323 ~~court deems appropriate.~~ Costs for juvenile court-ordered drug
324 screening may be ordered to be paid for by the state out of
325 ~~moneys~~ monies appropriated as "court costs not otherwise
326 provided for." Restitution against the parent, legal guardian,
327 or legal custodian, ~~or child~~ shall be governed by the same
328 principles applicable in the Restitution to Victims of Crime
329 Act, commencing with Section 15-18-65. Restitution against the
330 child shall be governed by the same principles applicable in
331 Rule 26.11 of the Alabama Rules of Criminal Procedure.

332 ~~(5) Direct the parent, legal guardian, or legal~~
333 ~~custodian of the child to perform reasonable acts as are~~
334 ~~deemed necessary to promote the best interests of the child.~~

335 ~~(6)~~ (d) In any case where a child is adjudicated
336 delinquent for possessing a pistol, short-barreled rifle, or



337 short-barreled shotgun, ~~any the~~ pistol, short-barreled rifle,
338 or short-barreled shotgun possessed by that child ~~is~~ shall be
339 forfeited and ~~shall be ordered to be destroyed by~~ the juvenile
340 court shall order its destruction.

341 (e) When the juvenile court transfers legal and
342 physical custody of a child to the Department of Human
343 Resources as provided by paragraph (c) (3)b., all requirements
344 that shall be met for a child to be eligible for federal
345 funding shall apply, including, but not limited to, the
346 requirements set out in Sections 12-15-312, 12-15-315, and
347 12-15-317.

348 ~~(b)~~ (f) No child by virtue of a disposition pursuant to
349 this section shall be committed or transferred to a penal
350 institution or other facility used for the execution of
351 sentences of persons convicted of a crime.

352 ~~(e)~~ (g) No child in need of supervision, unless also a
353 delinquent child, shall be ordered to be placed in an
354 institution or facility established for the care and
355 rehabilitation of delinquent children unless the juvenile
356 probation officer submits a written recommendation and the
357 juvenile court ~~finds,~~ upon a further hearing, finds that the
358 child is not amenable to treatment or rehabilitation pursuant
359 to any prior disposition. In ~~determining if a child is not~~
360 ~~amenable to treatment or rehabilitation~~ making its
361 determination, the juvenile court shall consider evidence of
362 the following and other relevant factors~~;~~ , which shall be
363 included in the written recommendations of the juvenile
364 probation officer:



365 (1) Prior treatment efforts, ~~such as~~ including, but not
366 limited to ~~+~~, any mental health counseling, individualized
367 service plans, individualized education plans, and other
368 education records.

369 ~~a. Mental health counseling, if any.~~

370 ~~b. Individualized educational plans, if any.~~

371 ~~c. Other educational records.~~

372 ~~d. Individualized service plans, if any.~~

373 (2) The age of the child.

374 (3) The history of the ~~child being involved~~ child's
375 involvement with the juvenile court, including, but not
376 limited to, informal adjustments, consent decrees,
377 adjudications, prior diversion programs, and prior placements.

378 (4) Other factors contributing to the behavioral
379 difficulties of the child.

380 ~~The written recommendations of the juvenile probation~~
381 ~~officer shall include evidence of the foregoing and other~~
382 ~~relevant factors.~~

383 ~~(d)~~ (h) When a delinquent child ~~may be~~ meets the
384 criteria for commitment ~~committable~~ to the Department of
385 Mental Health, the juvenile court shall proceed as provided in
386 Article 4, ~~commencing with Section 12-15-401.~~

387 ~~(e) Whenever~~ (i) When the juvenile court ~~vests~~ issues
388 an order transferring legal custody ~~in an agency or~~
389 ~~department, it~~ of a child to the Department of Youth Services,
390 within 10 business days of the date the order is input into
391 the State Judicial Information System pursuant to Rule 58(c)
392 of the Alabama Rules of Civil Procedure, a juvenile probation



393 officer shall ~~transmit with~~ send a copy of the order and
394 ~~copies of the clinical reports, predisposition study, and~~
395 ~~other information it has pertinent to~~ the information required
396 by Rule 950-2-2-.01 of the Alabama Administrative Code
397 regarding the care and treatment of the child. Upon receipt of
398 the order and information provided by the juvenile probation
399 officer, if the child is detained in a juvenile detention
400 facility, the Department of Youth Services shall notify the
401 county commission responsible for the cost of the detention of
402 the child that legal custody of the child has been transferred
403 to the Department of Youth Services.

404 ~~(f)~~ (j) When a child is placed in the legal custody of a
405 department, agency, organization, entity, or person as
406 provided in this section, ~~when and~~ the parent, legal guardian,
407 or legal custodian of the child has resources for child
408 support, the juvenile court shall order child support in
409 conformity with the child support guidelines as set out in
410 Rule 32, Alabama Rules of Judicial Administration. The child
411 support shall be paid to the department, agency, organization,
412 entity, or person in whose legal custody the child is placed
413 and may be expended for those matters that are necessary for
414 the welfare and well-being of ~~those children placed in the~~
415 ~~departments, agencies, organizations, entities, or persons~~ the
416 child. In these cases, the juvenile court shall issue income
417 withholding orders subject to state law.

418 ~~(g) Whenever~~ (k) (1) When the juvenile court ~~commits a~~
419 ~~child to a state or local department or agency or orders a~~
420 ~~state or local department or agency to provide services or~~



421 ~~treatment for a child~~ issues an order transferring legal
422 custody to the Department of Youth Services, ~~that department~~
423 ~~or agency~~ the Department of Youth Services shall accept the
424 child for commitment, ~~ordered services, or treatment~~ within
425 ~~seven~~ 12 business days of ~~the order of the juvenile~~
426 ~~court~~ receipt of the order and the information required by Rule
427 950-2-2-.01 of the Alabama Administrative Code.

428 (2) Notwithstanding ~~the foregoing~~ subdivisions (1) and
429 (4), if compliance with the order of the juvenile court ~~within~~
430 ~~seven days~~ would place ~~a department or agency~~ the Department
431 of Youth Services in violation of ~~either~~ a state or federal
432 statute or standard, ~~then compliance is not required~~ the
433 department may choose not to accept the child.

434 (3) If the Department of Youth Services does not accept
435 the child within the prescribed number of days as provided in
436 subdivision (1) or (4), the Department of Youth Services shall
437 reimburse the county commission responsible for the cost of
438 the detention of the child for expenses incurred by the county
439 each day after the day the Department of Youth Services is
440 required to accept the child for commitment, including, but
441 not limited to, medical, dental, and mental health costs.

442 (4) Notwithstanding subdivisions (1) through (3),
443 between October 1, 2024, and September 30, 2025, when the
444 juvenile court issues an order transferring legal custody to
445 the Department of Youth Services, the Department of Youth
446 Services shall accept a child for commitment within 16
447 business days of receipt of the order and information required
448 by Rule 950-2-2-.01 of the Alabama Administrative Code



449 [regarding the care and treatment of the child.](#)"

450 Section 2. This act shall become effective on October
451 1, 2024.