

SB325 INTRODUCED



1 SB325
2 KXQEU5U-1
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 10-Apr-25

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4 SYNOPSIS:

5 Under existing law, the Alabama Youth
6 Residential Facility Abuse Prevention Act requires
7 certain youth residential facilities that house youth
8 to register with the State Department of Human
9 Resources.

10 This bill would require youth residential
11 facilities to provide additional information when
12 registering with the State Department of Human
13 Resources.

14 This bill would require youth residential
15 facilities to maintain certain records and would
16 require disclosure of the records in certain
17 circumstances.

18 Under current law, law enforcement agencies may
19 access the private property of youth residential
20 facilities to investigate abuse or neglect, or for any
21 other lawful purpose.

22 This bill would provide that it is unlawful for
23 an individual to refuse to comply with a lawful request
24 from law enforcement agencies regarding an
25 investigation and would provide for penalties for
26 violations.

27 This bill would require youth residential
28 facilities to maintain video surveillance in all common



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29 areas and would require the retention of the video for
30 certain periods of time.

31 This bill would provide for civil penalties for
32 any youth residential facility that fails to adhere to
33 the requirements of the Alabama Youth Residential
34 Facility Abuse Prevention Act.

35
36
37 A BILL
38 TO BE ENTITLED
39 AN ACT
40

41 Relating to the Alabama Youth Residential Facility
42 Abuse Prevention Act; to amend Sections 38-15-3, 38-15-4,
43 38-15-5, 38-15-7, and 38-15-8, Code of Alabama 1975, and to
44 add Section 38-15-9.1 to the Code of Alabama 1975, to require
45 youth residential facilities to provide additional information
46 when registering with the State Department of Human Resources;
47 to require youth residential facilities to maintain certain
48 records of participants and to disclose certain records in
49 certain circumstances; to provide that it is unlawful for an
50 individual to refuse to comply with a law enforcement agency
51 investigating an allegation of abuse or neglect and to provide
52 for criminal penalties; to require youth residential
53 facilities to maintain video surveillance in certain areas and
54 provide for the retention of the video; and to provide for
55 civil penalties for any youth residential facility that fails
56 to adhere to the requirements of the Alabama Youth Residential



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Facility Abuse Prevention Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 38-15-3, 38-15-4, 38-15-5, 38-15-7, and 38-15-8, Code of Alabama 1975, are amended to read as follows:

"§38-15-3

For the purposes of this chapter, the following terms ~~shall~~ have the following meanings:

~~(1) CHILD. A person under the age of 18 years.~~

~~(2)~~ (1) COMMUNITY TREATMENT FACILITY FOR YOUTHS. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit~~ for-profit youth residential facility that provides mental health treatment services to ~~children~~ youth in a group setting and that has the capacity to provide secure containment.

~~(3)~~ (2) DEPARTMENT. The State Department of Human Resources.

~~(4)~~ (3) DIRECTOR. The Director of the State Department of Human Resources.

~~(5) LONG TERM~~ (4) LONG-TERM YOUTH RESIDENTIAL FACILITY. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit long term~~ for-profit long-term residential facility, group care facility, or similar facility as determined by the director, ~~providing~~ that provides 24-hour nonmedical care of youth in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the ~~child~~ youth and others, and that has the capacity to provide



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secure containment.

~~(6)~~ (5) PRIVATE ALTERNATIVE BOARDING SCHOOL. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit~~ for-profit group home that provides ~~children~~ youth with 24-hour residential care and supervision, which, in addition to providing educational services, provides, or holds itself out as providing, behavioral-based services to youth with social, emotional, or behavioral issues and that has the capacity to provide secure containment.

~~(7)~~ (6) PRIVATE ALTERNATIVE OUTDOOR PROGRAM. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit~~ for-profit group home or residential facility that provides ~~children~~ youth with 24-hour residential care and supervision, which provides, or holds itself out as providing, behavioral-based services in an outdoor living setting to ~~children~~ youth with social or behavioral issues and that has the capacity to provide secure containment or prohibits ~~children~~ youth from freely leaving the area of operations for the program.

~~(8)~~ (7) RESTRICTIVE BEHAVIOR PRACTICES. Any institutional practice or procedure that involves assisting a ~~child~~ youth in gaining control of his or her behavior, protects a ~~child~~ youth from self-harm, protects other ~~children~~ youth or staff members, or prevents the destruction of property.

(8) YOUTH. Any person eight years of age or older and less than 19 years of age.

(9) YOUTH RESIDENTIAL FACILITY. Any community treatment facility for youths, long-term youth residential facility,



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private alternative boarding school, private alternative outdoor program, youth social rehabilitation facility, youth transitional care facility, or any other organization entrusted with the residential care of youths in any organizational form or combination, whenever a youth is housed at the facility or location of the program for a period of more than 24 hours.

~~(9)~~ (10) YOUTH SOCIAL REHABILITATION FACILITY. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit~~ for-profit residential facility that provides 24-hour nonmedical social rehabilitation services in a group setting to ~~children~~ youth recovering from mental illness or substance abuse who are in need of temporary assistance, guidance, or counseling and that has the capacity to provide secure containment.

~~(10)~~ (11) YOUTH TRANSITIONAL CARE FACILITY. A religious, faith-based, or church nonprofit, other nonprofit, or ~~for-profit~~ for-profit group care facility that provides 24-hour nonmedical care of ~~children~~ youth in need of professional services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the ~~individual~~ youth or others and that have the capacity to provide secure containment."

"§38-15-4

(a) ~~Commencing on January 1, 2018, the department shall register any religious, faith-based, or church nonprofit, other nonprofit, or for-profit affiliated youth residential facility, youth social rehabilitation facility, community~~



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~~treatment facility for youths, youth transitional care facility, long term youth residential facility, private alternative boarding school, private alternative outdoor program, and any organization entrusted with the residential care of children in any organizational form or combination defined by this section, whenever children are housed at the facility or location of the program for a period of more than 24 hours.~~ Any youth residential facility shall register with the department within 60 days of the facility beginning operation and shall renew the registration by December 31 every year thereafter. The registration shall include, but not be limited to, all of the following:

(1) The proper legal name and corporate legal structure of the facility.

(2) A statement of whether the facility is for-profit or nonprofit. If the facility is for-profit, the name of all individuals or entities who receive the profits. If the facility is nonprofit, the names of any associated organizations and any members of management or directors that provide substantial services or direction to the facility.

(3) If the facility was engaged in substantially the same activities within the previous three years, the previous proper legal name, corporate legal structure, and the identification of any members of management or directors who were involved with the operation of the previous facility.

(4) A list of all other similar facilities within this state operated by the facility.

(5) A list of all board members, directors, and any



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169 individuals with decision-making authority over the facility.

170 (6) All manuals, plans, and reports required by this
171 chapter, including any annual updates.

172 (7) The total number of youth that were housed or
173 treated at the facility during the calendar year, broken down
174 by the source of facility's yearly income of private payer,
175 insurance, welfare, or other sources.

176 (8) A copy of all advertisements, printed, digital, or
177 otherwise, used or produced by the facility.

178 (b) At a minimum, a registered youth residential
179 ~~institution or organization under this section~~ facility shall
180 do all of the following:

181 (1) Be owned and operated on a ~~for-profit~~ for-profit or
182 nonprofit basis.

183 (2) Prepare and maintain a current, written plan of
184 operation, as defined by the department.

185 (3) Offer 24-hour, nonmedical care and supervision to
186 youth who are voluntarily admitted by a parent or legal
187 guardian, or referred by a court.

188 (4) Admit only ~~children 12 years of age or older~~ youth.

189 (5) Provide written notification on a standard form to
190 the department or local county Department of Human Resources
191 office where the facility is located within 48 hours of the
192 arrival, enrollment, or admittance of any ~~child~~ youth to the
193 ~~institution, facility, or program~~ as directed by the
194 department.

195 (6) Have a ratio of at least one staff person to every
196 four ~~youths~~ youth.



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(7) Provide each prospective youth and his or her parent or legal guardian with an accurate written description of the programs and services to be provided while the ~~child~~youth is a resident at the facility. If ~~it~~the description advertises or promotes special care, programs, or environments for persons with behavioral, emotional, substance abuse, or social challenges, the written description shall include how its programs and services are intended to achieve the advertised or promoted claims.

(8) Ensure that all individuals providing ~~mental health~~ ~~or~~ behavioral-based services to youth at the facility are licensed or certified by the appropriate agency, department, or accrediting body, as specified by the department through agency rules.

(9) Prepare and implement a comprehensive health plan to ensure that each medical, dental, mental health, and other health needs of the ~~child~~youth are met adequately and promptly.

(10) Explain its disciplinary practices individually with each ~~child~~youth at the time the ~~child~~youth is placed or enrolled in the ~~institution, facility, or program~~.

(11) Obtain written consent for the use of any restrictive behavior management practice from the ~~parents~~parent or legal guardian of the ~~child~~youth.

(12) ~~Not~~Prevent the use of secure containment or manual or mechanical restraints.

(13) ~~Not allow~~Prevent the performance of any acts, tactics, techniques, or procedures for purposes of abusing,



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humiliating, degrading, isolating, or ostracizing a ~~child~~youth from other ~~children~~youth located or housed at the ~~institution,~~ facility,~~or program~~ by any staff member or ~~child~~youth.

(14) ~~Not utilize~~Prevent restrictive behavior management practices as a means of punishment~~,~~ for the convenience of staff members~~,~~ or as a substitute for a treatment program.

(15) Ensure that each ~~child~~youth is provided with three nutritious meals daily, either at the ~~institution,~~ facility,~~program~~ operations site ~~itself,~~ or in the community.

(16) Select, store, prepare, and serve food in a sanitary and palatable manner.

(17) Ensure that every ~~child~~youth is afforded the opportunity to participate freely in religious activities ~~and~~ or services in accordance with his or her own faith or with that of his or her ~~parents~~parent or legal guardian.

(18) Maintain a bond or liability insurance of no less than ~~five hundred thousand~~one million dollars ~~(\$500,000)~~ (\$1,000,000) per incident and show proof of the current status of the policy or bond prior to registration ~~by~~with the department.

(19) Include its facility,~~institution,~~~~or program~~ registration number in all advertisements.

(20) Require~~that~~ all employees of the facility ~~or~~ ~~program~~ undergo a child abuse and neglect clearance and a criminal background check prior to the approval of the registration of the facility ~~or program~~ and require ~~that~~ all employees obtain a criminal background check and child abuse and neglect clearance annually thereafter.



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(21) Ensure that prior to employment, residence, or initial presence in the facility, ~~institution, or with the program,~~ all employees undergo a criminal background check.

(22) Maintain a smoke free environment in all buildings on the facility, ~~institution, or program~~ premises and in all vehicles used to transport ~~children~~youth.

(23) Obtain a fire safety clearance approved by the local fire authority.

(24) ~~If it offers access to, or holds itself out as offering access to, mental health services, ensure~~Ensure that ~~those~~mental health services are provided by a licensed mental health provider.

(25) ~~If it advertises or includes in its marketing materials reference to providing~~Ensure that alcohol or substance abuse treatment, ~~ensure that the treatment~~ is being provided by a licensed or certified alcoholism or drug abuse recovery or treatment facility.

(26) Not admit a ~~child~~youth who has been assessed by a licensed mental health professional as seriously emotionally disturbed, unless the ~~child~~youth does not require care in a licensed health facility and the ~~State~~ Department of Mental Health has certified that the facility houses a program that meets the standards to provide mental health treatment services for a ~~child~~youth having a serious emotional disturbance, as defined in Alabama Medicaid Agency Rule 290-8-9560-X-40-.01 of the Alabama Administrative Code.

(27) Immediately provide a written report on a standard form to the department and the local law enforcement agency of



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all fatalities and accidents requiring hospitalization or medical care by a physician occurring at the facility, ~~institution, or program.~~

(28) Prohibit any staff member or ~~child to possess~~ youth from possessing any firearms, harmful chemicals, or other weapons within or on the grounds of the ~~institution, facility, or program.~~

~~(b) (c) As Submit a staff training plan to the department as~~ part of its plan of operation, as required in subdivision (b) (2), any youth residential facility shall also submit a staff training plan to the department. In addition to the training required of facility, ~~institutional, or program~~ staff, the staff training plan shall include, but not be limited to, training in all of the following subject areas:

(1) ~~Children's~~ Youth's rights, as described in subsection ~~(e)~~ (d).

(2) Physical and psycho-social needs of youth.

(3) Appropriate responses to emergencies, including an emergency intervention plan.

(4) Laws and ~~regulations~~ rules pertaining to residential care and housing facilities for ~~children~~ youth.

~~(e) (1) (d) Any child~~ youth that is enrolled in or a resident of a ~~religious, faith-based, or church nonprofit, other nonprofit, or for profit affiliated youth residential facility, youth social rehabilitation facility, community treatment facility for youths, youth transitional care facility, long term youth residential facility, private alternative boarding school, private alternative outdoor~~



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~~program, and any organization entrusted with the residential care of children in any organizational form or combination defined by this section~~ youth residential facility shall be afforded the following rights and any other rights adopted by the department through rule, which shall be publicly posted and accessible to youth:

~~a.~~ (1) To be afforded dignity in his or her personal relationships with staff, youth, and other ~~persons~~ individuals.

~~b.~~ (2) To live in a safe, healthy, and comfortable environment where he or she is treated with respect.

~~c.~~ (3) To be free from physical, sexual, emotional, or other abuse or corporal punishment.

~~d.~~ (4) To be granted a reasonable level of personal privacy in accommodations, personal care ~~and,~~ assistance, and visits.

~~e.~~ (5) To receive confidential care of his or her records and personal information, and to approve any release of those records prior to the release ~~of them~~, except as otherwise authorized or required by law.

~~f.~~ (6) To receive care, supervision, and services that meet his or her individual needs and that are delivered by staff who are sufficient in ~~numbers, qualifications~~ number, qualification, and competency to meet his or her needs and ensure his or her safety.

~~g.~~ (7) To be served food and beverages of the quality and in the quantity necessary to meet his or her nutritional and physical needs.

~~h.1.~~ (8) To present grievances and recommend changes in



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337 policies, procedures, and services to the facility's staff,
338 management, and governing authority, or any other ~~person~~
339 individual without the possibility of restraint, coercion,
340 discrimination, reprisal, threat, or other retaliatory
341 actions.

342 ~~2. To~~ and to have the registered entity take prompt
343 actions to respond to ~~grievances~~ any grievance presented
344 ~~pursuant to subparagraph 1.~~

345 ~~i.~~ (9) To be able to contact parents or legal guardians,
346 including visits ~~and~~ , scheduled and unscheduled private
347 telephone conversations, written correspondence, and other
348 electronic communications, unless prohibited by court order.

349 ~~j.~~ (10) To be fully informed, as evidenced by the
350 youth's written acknowledgment, prior to, or at the time of,
351 arrival or admission to the facility, ~~institution, or program,~~
352 of the rules governing the youth's rights, conduct, and
353 responsibilities.

354 ~~k.~~ (11) To receive in the admission agreement detailed
355 information ~~that details~~ regarding the planned programs and
356 services for the youth.

357 ~~l.~~ (12) To have his or her parents or legal guardians
358 remove him or her from the facility at any time unless
359 prevented from doing so by a court order.

360 ~~m.~~ (13) To consent to have visitors or telephone calls
361 during reasonable hours, privately and without prior notice,
362 if the visitors or telephone calls do not disrupt planned
363 activities and are not prohibited by court order or by the
364 youth's parent or legal guardian.



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~~n.~~ (14) To be free ~~effrom~~ corporal punishment, excessive medication, physical restraints of any kind, ~~and~~ deprivation of basic necessities, and unnecessary seclusion ~~including whether for~~ education, as a punishment, deterrent, or incentive.

~~e.~~ (15) To be afforded the opportunity to enroll in, make progress toward, and complete a program leading to a General Education Development Certificate or other high school diploma equivalent ~~upon~~ after being housed or located at the facility, ~~institution, or program~~ for a period of more than 30 days.

~~p.~~ (16) To have fair and equal access to all available services, placement, care, treatment, and benefits and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, mental or physical disability, or physical condition.

~~q.~~ (17) To be free from abusive, humiliating, degrading, or traumatizing actions.

~~r.~~ (18) To be free to attend religious services of ~~their~~ this or her choice.

~~s.~~ (19) Any other rights the department adopts by rule; however, the department is not responsible or liable for violation of the ~~above~~ rights established under this subsection, including acts or omissions by facility employees.

~~(2)~~ (e) This section ~~shall~~ does not apply to any facility administered, or operated, ~~licensed, or certified~~ by the ~~State~~ Department of Education, Department of Corrections, Department



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of Youth Services, the ~~Military~~ Department of Veterans Affairs, state recognized military academies, institutes, or boot camps, the Alabama School of Mathematics and Science, Alabama School of Fine Arts, any state school for the deaf or blind, ~~or any other governmental entity~~ or to a school that does not require residency as requirement for services provided. This section further ~~shall~~ does not apply to outdoor activities for youth designed to be primarily recreational or for entertainment, including, but not limited to, any camp inspected and permitted by the Alabama Department of Public Health, activities organized by Boy Scouts, Girl Scouts, Camp Fire, or other similar church sponsored organizations, or any camp exclusively serving children with a medical diagnosis for a physical condition or illness, or any runaway or homeless shelter, or any similar place that supplies room and or board only, provided that the resident is free to leave that facility by his or her own volition at any time.

~~(3)~~ (f) The Department of Public Health shall regularly license and inspect the food preparation areas of the facilities under this statute for health and safety purposes.

(g) (1) All intake papers, treatment notes, disciplinary records, and any other written or electronic data produced regarding a youth at a youth residential facility must be stored for a minimum of six years after the discharge of the youth or until the youth turns 21 years of age, whichever occurs last.

(2) All records, at a minimum, shall be searchable by the name of the youth.



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421 (3) The youth, or his or her parent or guardian, must
422 be provided all records upon a written request to the
423 custodian of the records.

424 (h) All records and inspections created regarding a
425 youth residential facility shall be made public, with the
426 names of the youth, dates of birth, and Social Security
427 numbers redacted. The reports must be made public no later
428 than six months after each report is generated. All documents
429 shall remain accessible to the public for a period of not less
430 than five years.

431 (i) (1) Each youth residential facility shall maintain
432 video surveillance in all common areas, and the recordings
433 shall be kept for a minimum of 30 days. Should the recording
434 capture any incident requiring reporting under this chapter or
435 the commission of a crime, the recordings shall be maintained
436 for a minimum of one year and shall capture, at a minimum,
437 three hours before and after the incident.

438 (2) The recordings of any incidents shall be provided
439 to law enforcement agencies and to any individual pursuant to
440 a court order.

441 (3) Upon a written demand for preservation, the youth
442 residential facility shall preserve the recordings for up to
443 an additional year. The youth residential facility may charge
444 a reasonable fee for the storage of the recording, not to
445 exceed five hundred dollars (\$500).

446 ~~(4)~~ (j) (1) Law enforcement agencies shall have access to
447 the private property of the youth residential facilities under
448 this ~~statute~~ chapter in furtherance of their duties to



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investigate abuse or neglect, or for any other lawful purpose.

Upon receiving a complaint of abuse or neglect, the law enforcement agency shall speak with the youth in person and, if possible, schedule the youth for a forensic interview as soon as practicable.

(2) An individual who refuses to comply with a lawful request by a law enforcement officer pursuant to subdivision (1) shall be guilty of a Class B misdemeanor."

"§38-15-5

Any employee, volunteer, or applicant for employment or for a volunteer position at or with any ~~religious, faith-based, or church nonprofit, other nonprofit, or for profit affiliated youth residential facility, youth social rehabilitation facility, community treatment facility for youths, youth transitional care facility, long term youth residential facility, private alternative boarding school, private alternative outdoor program, and any organization entrusted with the residential care of children or youth in any organizational form or combination thereof defined by this section, or as defined by the department,~~youth residential facility shall be subject to a criminal background investigation prior to having unsupervised contact with ~~the children in accordance with subdivision (1) of subsection (a) of~~any youth and annually thereafter pursuant to Section 38-13-3."

"§38-15-7

(a) All youth residential facilities ~~and organizations under this section~~ shall be subject to a quarterly inspection



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by the department or its designee at a minimum and shall be responsible for providing necessary information as determined by the department to ensure the safety and welfare of residents. All youth residential facilities ~~and organizations under this chapter~~ shall provide at a minimum the following to the department upon request:

(1) The names of all ~~children~~youth currently enrolled, registered, or housed at the facility ~~or program~~.

(2) The names of all personnel currently employed or contracted for employment for or at the facility, ~~institution, or program~~.

(3) The plan of operation, all written policies, procedures, and standard practices.

(4) The ~~child~~youth-to-staff ratios.

(5) The staff qualifications and proof of training.

(6) Proof of the implementation of ~~childrens'~~youth's needs and services plan.

(7) A written fire evacuation and natural disaster plan and maintain a record of routine drills of the plan.

(8) Proof of liability insurance with coverage of no less than the amount specified in ~~subdivision (18) of subsection (a) of~~ Section 38-15-4 (b) (18).

(9) Proof of immunization against disease of all ~~children~~youth housed or contained at the facility ~~or in the program~~ with proof of exemption of a child due to parental beliefs, which exemption shall be permitted.

(b) All youth residential facilities ~~and organizations under this section~~ shall inform the ~~parents~~parent or



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505 ~~authorized~~legal guardian or adult representative of the
506 ~~child~~youth of their rights including the following at a
507 minimum:

508 (1) To enter and inspect the facility,~~institution, or~~
509 ~~program~~ as determined by law.

510 (2) To file a complaint against the ~~registered~~
511 ~~entity~~facility with the department without discrimination
512 against the parent, legal guardian, or the ~~child~~youth housed
513 by or located at the facility~~or program~~.

514 (3) To view the ~~child's~~youth's records associated with
515 the facility, ~~institution, or program~~ including treatment,
516 disciplinary, and other actions the department determines to
517 be vital to his or her situational awareness as a parent or
518 legal guardian.

519 (4) To review the ~~registered entity's~~facility's public
520 file at the appropriate department online site or physical
521 location.

522 (5) To view the prominently displayed list of ~~child or~~
523 youth rights associated with this chapter or those enumerated
524 per department rules.

525 (6) To view copies of any report that documents any
526 finding of noncompliance by the department.

527 (7) To view copies of any documentation issued to the
528 ~~registered entity~~facility documenting the department's intent
529 to revoke the registration approval of the facility~~r~~
530 ~~institution, or program~~."

531 "§38-15-8

532 (a) ~~On or before January 1, 2018, the~~The department



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shall adopt rules to implement this chapter, in consultation with interested parties, including representatives of any ~~institution with any combination of organizational characteristics defined by this section~~ youth residential facility, former residents of long-term youth residential facilities, advocates for youth, and ~~private~~ other concerned parties. ~~Until rules are adopted by the department and become effective any existing child or youth residential organization, facility, institution, boarding school, or program operating in this state shall be governed by the rules applicable to residential care facilities regulated by the Department of Human Resources pursuant to published minimum standards for residential child care facilities. Any institution, facility, or program subject to this chapter, operating prior to January 1, 2018, shall comply with the department's registration requirements on or before July 1, 2017.~~

(b) The department may adopt emergency rules to implement this section.

(c) The department ~~shall have the authority to~~ may act in loco parentis for any ~~child~~ youth covered under this section in need of immediate health, welfare, protective, or other critical services until that ~~child's~~ youth's parent or guardian can be contacted and is able to make those decisions in the interest of the ~~child~~ youth.

(d) No ~~religious, faith-based, or church nonprofit, other nonprofit, or for profit affiliated youth residential facility, youth social rehabilitation facility, community~~



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~~treatment facility for youths, youth transitional care facility, long term youth residential facility, private alternative boarding school, private alternative outdoor program, and any organization entrusted with the residential care of children in any organizational form or combination defined by this section~~ youth residential facility may operate in this state without a current registration approval from the department.

(e) (1) Nothing in this section shall prohibit a ~~religious, faith-based, or church nonprofit, other nonprofit, or for-profit residential, rehabilitation, community treatment, transitional care facility, or private alternative boarding school or outdoor program~~ youth residential facility that utilizes religious, prayer, or spiritual means as the basis for its program or services from providing those services in accordance with its religious beliefs. Any such ~~facility or program shall~~ youth residential facility must include in its advertising that it bases its services or treatment on religious principles. ~~Such facility or program shall~~ and must provide to any applicant a detailed explanation of its faith-based programs. ~~Such facility or program~~ A youth residential facility may require participants to participate in these programs, notwithstanding any other provision of this chapter.

(2) This chapter ~~shall~~ does not give the department the authority to regulate or prohibit religious-based treatment; provided, however, the treatment shall not be used to violate or circumvent any of the other requirements of this chapter



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related to the physical safety and condition of any ~~child~~youth or the condition of the facility.

~~(f) Nothing in this section shall prohibit a religious, faith-based, or church nonprofit, other nonprofit, or for profit residential, rehabilitation, community treatment, or transitional care facility, or a private alternative boarding school, or outdoor program that utilizes religious, prayer, or spiritual means as the basis for its services from providing those services in accordance with its religious beliefs.~~

~~(g) Nothing in this section shall give the department the authority to regulate or prohibit religious-based treatment or services, provided that, the treatment or services are not in violation of any requirements of this section as it relates to the safety and welfare of children.~~

~~(h)~~ (f) Nothing in this section shall be construed or interpreted to authorize any state agency to license or regulate a non-residential private, nonpublic, church or nonprofit school offering instruction in grades K-12, or any combination thereof, that houses or contains children or youth for a period of less than 24 hours."

Section 2. Section 38-15-9.1 is added to the Code of Alabama 1975, to read as follows:

§38-15-9.1

(a) Upon an entry of judgment or decree for a violation of this chapter, the court shall impose a civil penalty of not less than ten thousand dollars (\$10,000) and not to exceed fifty thousand dollars (\$50,000) per violation. The department may issue a written notice of a violation and allow up to 15



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days for the youth residential facility to correct the violation in lieu of issuing a fine. The department shall make publicly available the fines and notices issued each calendar year, noting the violation and the youth residential facility that was fined.

(b) Upon a showing to the court by the department that a youth residential facility has engaged in continuous and willful violations of this chapter or that the youth residential facility has been fined more than three times in a five-year period, the court may do either of the following:

(1) Suspend the license or certificate authorizing the youth residential facility to engage in business in this state.

(2) Enjoin the person from engaging in business in this state.

(c) All penalties collected under subsection (a) shall be remitted by the circuit court to the State Treasurer and shall be credited to the account of the department.

(d) (1) In addition, any individual residing in, or who has been in, a youth residential facility covered by this chapter who is subjected to or witnesses a violation of this chapter shall have a private cause of action against the youth residential facility. Compensatory damages for each violation shall be a minimum of ten thousand dollars (\$10,000) as well as reasonable court costs and attorney fees.

(2) If a youth residential facility is found liable on more than three occasions within a five-year period, the compensatory damages shall be doubled per new offense.



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645 (3) The statute of limitations for such a cause of
646 action is two years after the offense, or two years after the
647 youth reaches the age of majority, whichever occurs last.

648 Section 3. This act shall become effective on October
649 1, 2025.