



Are there any policy changes for youth currently aging-out of foster care or DYS as a result of COVID-19?

DYS may release some youth and young adults (YYA) from its custody/facilities (as of 4/2/20). The Juvenile Courts have also been closed except for emergency matters. DCF has not changed its policies or published any guidance related to young people aging out of foster care (as of 4/2/20).

The information contained in this factsheet is only accurate as of 4/13/20 and may change with the course of the COVID-19 pandemic. As a result, this information should only be used as a guide. YYA and their families should contact their caseworkers for the most updated information on DYS policies and practices.

Will YYA be released from DYS facilities?

According to [Citizens for Juvenile Justice](#) (CfJJ), youth in Residential/Secure settings may be given a Grant of Conditional Liberty. YYA within 100 days of their projected release date can be released through these grants. Youth who are “good candidates” for release will have approved living arrangements and will have made good progress on their treatment plan. DYS will work with the [Committee for Public Counsel Services](#) (the public defender’s office) to help find attorneys for young people who could benefit from this option.

Expedited release into the community does not change the youth's sentencing and length of commitment to DYS.

[Citizens for Juvenile Justice](#) has released the following information about youth in DYS Detention and practices DYS will be starting:

“Young people can be held in overnight Arrest, or held in DYS detention, due to the nature of their offense, violation of pre-trial conditions, including bail, or due to revocations of bail. The Juvenile Court is allowing emergency hearings for arraignments for youth held overnight, dangerousness hearings, bail revocations or reconsideration of bail.

DYS issued guidance on how to expedite youths' cases to ensure timely court processing:

Youth held in overnight arrest: Every morning DYS will coordinate the sharing of the police reports to the CPCS/YAD and private juvenile supervising attorneys in the relevant region and attorneys will have access to youth, including in-person, if necessary. The child's attorney and the prosecutor will communicate on the pre-trial conditions:

- no bail requested: arraignment will be postponed and youth will be released (as long as there are no other warrants that still need to be cleared).
- bail and/or dangerousness (58A) hearing requested: the DYS regional point person will take the lead in connecting with Juvenile Court and attorneys to schedule the hearing.

Arraignments, dangerousness hearings, emergency bail hearings and bail reconsideration hearings: Hearings will be conducted in the overnight arrest facility, with DYS making accommodations for confidentiality, including private conversations between youth-attorney. Attorneys may request parents/legal guardians participation, subject to approval by the juvenile court. Conditions to ensure confidentiality between parent-child communication is not included in the guidance (Citizens for Juvenile Justice)."

The department has published guidelines for how releases will work:

1. Where an arraignment is postponed because there is no request for bail or no bail is set, the Regional Point Person must work with Assigned Counsel and the relevant Court to obtain documentation as soon as possible (see details above).
2. Where the youth's release is subject GPS monitoring, the Regional Point Person must coordinate with the youth's parent/guardian, the Clerk, Probation and DYS transportation to bring the youth to the location identified by the Court for the GPS to be attached and bail to be posted.
3. Where the youth may only be released to DCF, the Regional Point Person must coordinate with the relevant DCF Office.

What is the situation with the Juvenile Court?

The Juvenile Court will only hear emergency matters until May 4th (at least). Videoconferencing and telephones are the first choice for hearings. Exact details on how hearings will work are in the Juvenile Court's guidance (link in previous sentence.).

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The only Delinquency and/or Youthful Offender matters that are considered “emergencies” are:

- Arraignments for youth held overnight (ONA youth)
- 58A Dangerousness hearings
- Motions for reconsideration of bail for youth detained as the result of a bail revocation, pending delinquency and youthful offender matters, or pending probation violation hearings.

What changes are there in visitation policies for DYS facilities?

In response to COVID-19, the Department of Youth Services (DYS), has announced several changes to its visitation practices for attorneys and families. These changes limit the ability of family members to visit youth in DYS facilities but preserve attorneys’ ability to visit their clients.

Any visitors to DYS facilities must now fill out [a questionnaire](#) prior to entering. Visitors who have COVID-19, have been in contact with someone with COVID-19, show COVID-19 symptoms, or have traveled to certain parts of the world recently will not be allowed to enter. DYS also requires social distancing for visitors. Handshakes, hugging, and other physical contact are not allowed, and visits will occur in specially cleaned and disinfected rooms.

DYS facilities are also moving family visits to [“virtual visits.”](#) These visits will be held only on Facetime, Skype, or Webex. Virtual visits are limited to three times per week and once per weekend with a maximum length of one hour. DYS has also imposed a wide list of regulations, which can be found in the above link, on how these virtual visits will be conducted. DYS may change these policies or restrict these virtual visits depending on the department’s evaluation of the safety of the youth or young adult.

[Attorneys](#) will still have access to clients in DYS facilities. Attorneys will also fill out a questionnaire before entering and may not be allowed in the facility if they are at risk of carrying COVID-19. Attorneys are encouraged to use phone calls to contact clients and phone hours will be extended into the evening.

How are congregate care programs responding to COVID-19?

The state has also released [guidance for congregate care programs](#) funded, operated, licensed, and / or regulated by DEEC, DCF, DTA, DYS, DMH, DPH, DDS, MCB, and MRC. Programs can restrict entry for any individuals who may have COVID-19, have been in contact with someone with COVID-19, or have traveled to areas with a COVID-19 outbreak. In addition, people

coming to facilities from communities in Massachusetts with suspected cases of COVID-19 are asked not to visit.

Any individuals in congregate care programs who are sick or display COVID-19 symptoms will be isolated. Staff with symptoms should be sent home, and providers will contact the Department of Public Health to report any possible cases. Providers will also increase cleaning and disinfecting of rooms and common areas while also giving training on personal protective equipment (PPE) like masks and gloves for staff.

How will youth aging out of foster care be impacted?

As of now (4/13/20), there have been no changes in DCF policies related to youth aging out of foster care. The question of how aging out will work in light of COVID-19 remains unanswered by DCF, [according to advocates](#). The state has said that DCF employees are “essential,” so the department is operating more fully than other state agencies.

DCF states on its website that it will answer case or practice questions through its Ombudsman office which can be contacted at **(617) 748-2444** or [online](#).