

DEPARTMENT OF YOUTH REHABILITATION SERVICES

NOTICE OF FIFTH PROPOSED RULEMAKING

The Director of the Department of Youth Rehabilitation Services (DYRS), pursuant to the authority set forth in Sections 107(a) and 108(h)(3) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code §§ 2-1515.07(a) and 2-1515.08(h)(3)), and Mayor's Order 2026-047, issued April 8, 2026, hereby gives notice of his intent to adopt the following amendments to Chapter 12 (Community Placement of Juvenile Offenders) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

The proposed rules will revise DYRS's community placement process, including standards for community placement agreements, the process for revoking community placements, and the process for appealing revocations of community placements.

This notice is the fifth in a series of notices of proposed rulemakings. The first Notice of Proposed Rulemaking was published on June 12, 2015, in the *District of Columbia Register* at 62 DCR 008326. The Second Notice of Proposed Rulemaking was published in the *District of Columbia Register* on May 6, 2016, at 63 DCR 006952. The Third Notice of Proposed Rulemaking was published in the *District of Columbia Register* on October 15, 2021, at 68 DCR 010769. And the Fourth Notice of Proposed Rulemaking was published in the *District of Columbia Register* on November 18, 2022, at 69 DCR 014279. In this Fifth Notice of Proposed Rulemaking, the Department made the following changes to the proposed rules:

1. The Department eliminated the Community Status Review Hearing Panel and altered all language throughout accordingly.
2. The Department restructured the regulations and eliminated sections regarding the Department's internal processes to make the regulations more concise and understandable. Since the current regulations were published, the Superior Court of the District of Columbia issued Administrative Order 22-09, ensuring that all committed youth are appointed post-commitment counsel. Consequently, the Department simplified the regulations given that all youth will have representation at the proceedings.
3. The Department added additional rationales for the Department to seek a Community Status Review Hearing beyond violations of a Community Placement Agreement.
4. The Department modified the notice provisions throughout the regulations.
5. The Department limited the decision made by the Hearing Officer at the conclusion of the Community Status Review Hearing to solely whether the youth violated their Community Placement Agreement or is a risk to public safety.

6. The Department provided authority to the Deputy Director of Youth and Family Programs to determine a youth's level of restrictiveness after the Hearing Officer has found that the youth violated their Community Placement Agreement or is a risk to public safety.
7. The Department modified the proposed appeals sections.
8. The Department modified the definitional provisions of this chapter by adding some definitions and modifying others.
9. The Department limited the choice of representation during the Community Status Review Hearing process to legal counsel.
10. The Department provided that all parties have the right to appeal the results of the Community Status Review Hearing and the determination on level of restrictiveness from the Deputy Director of Youth and Family Programs to the Director.

The Director also gives notice of his intent to adopt these rules as final, in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*.

Chapter 12, COMMUNITY PLACEMENT OF JUVENILE OFFENDERS, of Title 29 PUBLIC WELFARE, of the District of Columbia Municipal Regulations, is amended to read as follows:

1200 GENERAL PROVISIONS

- 1200.1 The Department of Youth Rehabilitation Services (DYRS) administers community placements for delinquent children who are committed to the legal custody of DYRS by the D.C. Superior Court.
- 1200.2 ~~Community placement is an alternative to placement in a hardware secure facility.~~ This community placement option consists of placing youth in the least restrictive environment consistent with the youth's needs and public safety while being closely supervised by DYRS staff.
- 1200.3 Community placements include: group homes, therapeutic group homes, the youth's own home, foster homes, and similar community placements.
- 1200.4 Not all youth will benefit from a community placement and community placements of some youth will create public safety risks. Therefore, some youth in DYRS's custody are placed in hardware secure facilities rather than in community placements.
- 1200.5 In addition, a certain number of youth who DYRS places in community placements will later be charged with or adjudicated for guilty of committing an additional criminal offense, or will breach their Community Placement

Agreement (CPA), ~~will engage in other behavior that poses a risk to public safety, or will be unsuccessfully discharged.~~ In such instances, a thorough review and potential modification or revocation of the youth's community placement may be warranted.

1200.6 This chapter establishes the general standards for determining whether a youth should be placed in a community placement and a process to review and determine whether continued community placement of a youth serves the youth's needs and does not create a public safety risk.

1200.7 DYRS shall follow the procedures set forth in this chapter when reviewing a youth's community placement and determining where the youth is placed based on that review.

1200.8 DYRS shall inquire whether a youth and/or caretaker who is non-English-speaking, deaf, or who because of a hearing or other communications impediment cannot readily understand or communicate by spoken English, requires a qualified interpreter. Upon such inquiry, DYRS shall comply with all relevant obligations established by law.

1201 COMMUNITY PLACEMENTS

1201.1 DYRS shall place youth in the least restrictive ~~available~~ community placement environment ~~only~~ after a determination that such placement:

- (a) Serves the youth's needs; and
- (b) Is consistent with public safety.

1201.2 DYRS shall have ~~sole~~ discretion to make specific placement decisions for youth committed to its custody subject to the relevant statutory and judicial restrictions on that authority.

1201.3 DYRS retains jurisdiction over the community placement status of youth committed to DYRS's custody until one (1) of the following occurs:

- (a) DYRS terminates the commitment;
- (b) The commitment expires; or
- (c) The Court terminates DYRS's jurisdiction.

1201.4 DYRS Case Managers shall work closely with youth in a community placement and their caretakers to provide the services necessary for rehabilitation to take place.

1202 COMMUNITY PLACEMENT AGREEMENTS

1202.1 Each youth in a community placement shall be required to enter into and adhere to the terms of a Community Placement Agreement (CPA) that provides conditions for release that support the youth's rehabilitation and ensures public safety while the youth is in the community.

1202.2 The CPA shall include the obligations of all parties, including DYRS's responsibility for the provision of services and how they further the goals articulated in the youth's Individualized Rehabilitation Plan (IRP) pursuant to D.C. Code § 16-2319(d). The terms of a CPA may also include requirements that the youth:

- (a) Attend school or employment regularly;
- (b) Meet curfews;
- (c) Refrain from the illegal use of controlled substances, including marijuana (if expressly prohibited in the CPA pursuant to D.C. Code § 2-1515.05(h-1));
- (d) Comply with all other federal, state and local laws, rules and regulations; and
- (e) Abide by all court orders and directives of DYRS case management staff.

1202.3 Before asking the youth to sign the CPA, the DYRS case manager shall thoroughly explain the terms of the CPA to the youth and, if applicable, the youth's caretaker. The CPA shall be incorporated as part of into the youth's reentry plan pursuant to D.C. Code § 16-2320(i) and discussed, in advance of discharge, at the youth's discharge meeting. The youth may consult counsel of record or alternate counsel, and their parent or guardian, before signing the CPA. DYRS shall be responsible for ensuring that the youth has the opportunity to consult with counsel and/or their parent/guardian, prior to signing the CPA, and at least three (3) business days prior to their scheduled discharge (without delaying the youth's discharge for this purpose). The youth's acknowledgment of the release conditions of the CPA and the youth signing the CPA shall occur prior to DYRS placing the youth in the community placement.

1202.4 If a youth's community placement is a private residence, the caretaker shall also sign the CPA as a condition of DYRS placing the youth in the private residence.

1202.5 If a youth is moved from one community placement location to another community placement location, a new CPA shall be signed as soon as practicable. In advance of signing the new CPA, DYRS shall offer the youth the opportunity to convene a Team Decision Making Meeting (TDM) to discuss the changes

with the youth, their family, their attorney, and other members of their care team. DYRS shall be responsible for ensuring the youth has the opportunity to consult with counsel prior to signing the new CPA.

1202.6 DYRS shall hold youth who have entered into a CPA accountable for behavior ~~that poses a risk to public safety or~~ that is contrary to the terms of the CPA.

1202.7 Failure to comply with the terms of the CPA ~~or posing a risk to public safety~~ may result in the youth being placed in an alternative community placement or the youth's community placement being revoked.

1203 STANDARDS FOR PETITIONING FOR REVOCATION OF A COMMUNITY PLACEMENT OR A MORE RESTRICTIVE COMMUNITY PLACEMENT

1203.1 This section establishes standards DYRS shall follow in determining whether to seek the revocation of a community placement or a more restrictive community placement.

1203.2 **Mandatory Petitions:** The DYRS Case Manager shall file a petition to revoke a community placement when the DYRS ~~Cease~~ ~~M~~anager becomes aware that a youth in a community placement has been charged with the commission, attempted commission, or conspiracy to commit any of the following:

- (a) Murder, manslaughter, or assault with intent to kill;
- (b) First degree and second degree sexual abuse and child sexual abuse, or assault with intent to commit one of these offenses;
- (c) ~~Armed Robbery~~ ~~robbery~~ ~~or assault with intent to commit robbery~~;
- (d) ~~Armed c~~arjacking;
- (e) ~~First degree b~~urglary;
- (f) Kidnapping;
- (g) Arson;
- (h) Malicious disfigurement;
- (i) Mayhem;
- (j) Unregistered firearm and/or unlawful ammunition;

- ~~(k) — Carrying a pistol without a license;~~
- ~~(l) — Possession of a dangerous weapon;~~
- ~~(m)(k)~~ Aggravated assault;
- ~~(n)(l)~~ Assault with significant bodily injury;
- ~~(o)(m)~~ Assault with a dangerous weapon;
- ~~(p) — Assault on a police officer (felony);~~
- ~~(q) — Strangulation;~~
- ~~(r) — Gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation;~~
- ~~(s) — Extortion or blackmail accompanied by threats of violence; or~~
- ~~(t) — Any offense while armed with a firearm.~~

1203.3

Discretionary Petitions:

- (a) The DYRS Case Manager, with the written approval of the Case Manager Supervisor and Program Manager, may file a petition to revoke the community placement of a youth or to seek a more restrictive community placement when the DYRS Case Manager becomes aware that:
 - (1) The youth in the community placement has violated ~~two~~one or more terms of their CPA;
 - ~~(2) — The youth has violated a term of their CPA at least twice; or The youth in the community placement has been unsuccessfully discharged from a community placement; or~~
 - ~~(3) — The behavior of the youth in the community placement poses a risk to public safety.~~
- (b) DYRS shall not file a petition pursuant to § 1203.3(a) before (1) applying the agency's graduated sanctions policy and documenting these efforts, and (2) conducting a Team Decision Making Meeting (TDM) with the youth, their family, their attorney, and other members of the care team to troubleshoot issues attempt to address the issues without the need for a CSRH petition.

- (~~cb~~) If the youth is ~~(1) not compliant with the CPA, (2) unsuccessfully discharged from a community placement, or (3) exhibits behaviors posing a risk to public safety~~ and the DYRS Case Manager chooses not to file a petition pursuant to paragraph (a) of this subsection, the DYRS Case Manager shall review the CPA with the youth and request the youth's signature on a new CPA with the same or updated terms after conducting a TDM and providing the youth with the opportunity to consult with counsel and their parent or guardian. If the youth does not sign the new CPA, the DYRS Case Manager may file a petition to revoke the community placement or to seek a more restrictive community placement.

1204 PETITION FOR REVOCATION OF COMMUNITY PLACEMENT OR MORE RESTRICTIVE COMMUNITY PLACEMENT

1204.1 A petition for revocation of a community placement or more restrictive community placement under § 1203.2 or § 1203.3 shall be filed by the DYRS Case Manager with the hearing officer. The petition shall be filed within the following timeframes:

- (a) If DYRS removes the youth from their community placement to a hardware secure facility on an emergency basis pursuant to § 1205, the petition shall be filed by midnight on the following business day after the emergency removal; ~~provided, that for good cause shown by the DYRS Case Manager and found by the Hearing Officer, the petition may be filed later than one (1) business day after the emergency removal.~~
- (b) If DYRS removes the youth from their community placement to a more restrictive staff secure placement on an emergency basis pursuant to § 1205, the petition shall be filed within five (5) business days after the emergency removal; provided, that for good cause shown by the DYRS Case Manager and found by the Hearing Officer, the petition may be filed later than five (5) business days after the emergency removal, but no later than ten (10) business days after the emergency removal.
- (c) In all other cases where DYRS does not detain a youth pending a hearing, the petition shall be filed within a reasonable time after the DYRS Case Manager is notified of the youth being charged with a crime listed in § 1203.2~~4~~ or the determination that a revocation of community placement or more restrictive community placement is warranted under § 1203.3.

1204.2 The DYRS Case Manager shall, at a minimum, include with the petition the following information, to the extent applicable:

- (a) The date and time of the offense(s) or violation(s);

- (b) The report of the arresting officer;
- (c) The nature and seriousness of the ~~criminal~~ charge(s), or CPA violation(s);
or unsuccessful discharge from a community placement or the facts
supporting that the youth is a risk to public safety;
- (d) The progress of the youth in community placement before the offense or violation took place;
- (e) A copy of the CPA with required signatures;
- (f) The DYRS Case Manager's effort to identify and secure additional or alternative services that might be provided to the youth in the community,
as well as all efforts to utilize the agency's graduated sanctions policy;
and
- (g) Supporting documents relied upon in the petition.

1204.3 The DYRS Case Manager shall provide the youth and the youth's counsel or alternate counsel with a copy of the petition and the information indicated by § 1204.2 within one (1) business day after the filing of the petition and shall document service of the petition and information in the DYRS case management system.

1204.4 If the Hearing Officer finds that service has not been properly effectuated under this subsection, the Hearing Officer may:

- (a) Dismiss the hearing without prejudice; ~~or,~~

(b) Dismiss the hearing with prejudice; or

~~(b)(c)~~ For good cause, permit the DYRS Case Manager twenty-four (24) hours to effectuate service of the petition and within a reasonable amount of time, reschedule the hearing to a date agreeable to both parties. During this time, if the youth is securely detained, the youth shall remain in that status. All other youth shall remain in their community placement.

1204.5 If a petition is dismissed without prejudice, the youth should return to their original level of restrictiveness and the time frames for filing a new petition in § 1204.1 will restart on the day of the dismissal.

1205 EMERGENCY REMOVALS PRIOR TO FILING A PETITION

1205.1 No youth shall be removed from their community placement on an emergency basis, prior to the conclusion of a Community Status Review Hearing.

unless the DYRS Case ~~Worker~~Manager identifies probable cause to believe that a removal is required to:

(a) ~~Protect another person from Prevent significant harm; to another individual;~~

(b) ~~Protect the property of others from significant harm;~~

(c) ~~Protect public safety; or~~

(d) ~~Secure the child's presence at the Community Status Review Hearing.~~

1205.2 The following procedures shall apply to emergency removals without the youth's consent:

(a) The DYRS Case ~~Worker~~Manager ~~shall~~, with the written approval of the Case Manager Supervisor and Program Manager, ~~may~~ remove the youth from their placement, and place the youth in a secure DYRS facility, emergency shelter, in-patient drug treatment or appropriate medical or mental health facility; if the DYRS Case Manager identifies ~~reasonable~~probable cause -pursuant to 1205.1.÷

(1) ~~The youth presents a clear and present danger to others; or~~

(2) ~~Safety concerns require the youth's immediate removal from the community placement.~~

(b) If the youth is unwilling to be removed by the DYRS Case ~~Worker~~Manager, the Case ~~Worker~~Manager shall request a custody order from the court for the youth so that the Metropolitan Police Department ("MPD") may take the youth into custody.

(c) If the DYRS Case ~~Worker~~Manager recommends that the youth be detained between the date of the emergency removal and the date of the hearing, the DYRS Case ~~Worker~~Manager shall, by the end of the next business day ~~after removal~~, provide the Hearing Officer and the youth's attorney of record or alternate counsel a copy of a signed summary of facts offered to establish probable cause for detention.

(d) If the DYRS Case ~~Worker~~Manager submits the signed summary of facts described in paragraph (c), the Hearing Officer shall make a probable cause determination in accordance with § 1211.

(e) DYRS shall return the youth to their community placement if the Hearing Officer determines that there is no probable cause to securely

confine the youth.

- (f) ~~=(e)~~—A secure detention court order establishes probable cause that the youth should remain securely detained until that order is lifted. DYRS shall consider that order when determining whether there is probable cause to securely hold the youth in the underlying commitment matter.
- (gf) If there is no court order mandating that a youth be securely detained in a new case, an Emergency Community Status Review Hearing shall convene within five (5) business days of a youth's ~~emergency removal arrest~~ if the Hearing Officer determines that there is probable cause to believe that the youth violated the terms of their CPA and that the youth requires immediate removal from a community placement pursuant to 1205.1 ~~because~~.
- (h) A youth who has been removed from the community pursuant to a court order or custody order shall be considered to be in Emergency Removal status and DYRS shall comply with the requirements as set forth in this subsection. This shall remain the case even if the court later releases the youth to DYRS custody and DYRS chooses to keep the youth in secure custody.
- ~~(1) —The youth is a clear and present danger to others; or~~
- ~~(2) —Other safety concerns require their immediate removal from the placement.~~
- ~~(ihg)~~ DYRS shall provide notice of the Community Status Review Hearing to the youth and counsel of record, or if counsel of record is unavailable, then alternate counsel, in any manner reasonably calculated to put the youth on notice.
- ~~(h) —DYRS shall return the youth to their community placement if the Hearing Officer determines that there is no probable cause to securely confine the youth.~~
- (j) The DYRS Case ~~Worker~~Manager may request a Community Status Review Hearing in accordance with § 1203.3, in cases where the ~~Head of Case Management~~Program Manager or designee has found that the youth does not need to be immediately removed from a community placement pending a Community Status Review Hearing.
- (k) Where DYRS has placed a youth with a parent(s), guardian(s), or responsible adult(s), DYRS shall make ~~and document~~ all reasonable efforts to provide notice of the Community Status Review Hearing to the

youth's parent(s), guardian(s), or responsible adult(s).

- (l) DYRS shall make a note in the youth's case file indicating who provided notice to the youth and counsel, and in what manner such notice was provided.
- ~~(l) DYRS shall notify the Office of the Attorney General, Juvenile Section, of the emergency removal and the date and time of the hearing.~~
- ~~(m) At the request of the youth, the Hearing Officer may continue the hearing for up to an additional five (5) business days if either the counsel of record or alternate counsel are unavailable at the date and time for which the hearing is scheduled.~~
- ~~(n) The Hearing Officer may continue the hearing for up to an additional two (2) business days if the requisite DYRS representative is unavailable at the date and time for which the hearing is scheduled.~~

1205.3 The following procedures shall apply to emergency removals with the youth's consent:

- (a) With the consent of a youth who requires in-patient drug treatment or, medical or mental health treatment, the DYRS Case ~~Worker~~ Manager shall remove the youth from their placement, and place the youth in a secure DYRS facility, emergency shelter, in-patient drug treatment or appropriate medical or mental health facility. -Before the youth signs a written waiver indicating consent, they must be given an opportunity to consult with counsel of record, or alternate counsel, if counsel of record is unavailable.
- (c) A DYRS Case ~~Worker~~ Manager shall follow the procedures described in section 1212 when obtaining a waiver.
- (d) The DYRS Case ~~Worker~~ Manager shall place the signed waiver form in the youth's case file.
- (e) Consenting to an emergency removal shall not revoke the youth's community placement status ~~unless the youth revokes consent or the youth is not successfully discharged from the placement described in paragraphs (a)-(d) of this subsection.~~ If the youth is successfully discharged from the placement described in paragraphs (a)-(d) of this subsection, the youth shall:
 - (1) Return to the placement they youth enjoyed immediately prior to the treatment; or

(2) Return to a placement with the same or lower level of restrictiveness.

(f) If the youth is unsuccessfully discharged from the above-described placement, the youth is subject to a review of their community placement status and may face rescission of that status.

~~1205.1 A youth may be removed from a community placement and placed in a hardware secure facility, or more restrictive community placement, before a petition is filed under § 1204.1, before a decision is issued by the hearing officer under § 1208.22, or before a decision is made by the Deputy Director of Youth and Family Programs under § 1209.5, if the case worker determines the youth presents a clear and present danger to the youth or others and immediate removal from a community placement is in the best interest of the youth or the public. Removals from a community placement under this section are referred to as Emergency Removals.~~

~~1205.2 The following standards and procedures shall apply to an Emergency Removal that is implemented without the youth's consent:~~

~~(a) If the youth has been charged with the commission, attempted commission, or conspiracy to commit any of the crimes listed in § 1203.2, the DYRS Case Manager may implement an Emergency Removal of the youth without prior review or approval by their Case Manager Supervisor or the Program Manager;~~

~~(b) In all other circumstances, the DYRS Case Manager shall not implement Emergency Removal of a youth until the Case Manager receives the written approval of their Case Manager Supervisor and the Program Manager.~~

~~(c) The DYRS Case Manager shall request a custody order from the court for the youth so that the Metropolitan Police Department (MPD) may take the youth into custody if the youth is unwilling to be removed by DYRS.~~

~~(d) The DYRS Case Manager shall submit a petition to revoke the youth's community placement to the Hearing Officer within one (1) business day of the removal. The DYRS Case Manager shall also provide a copy of the petition to the Deputy Director of Youth and Family Programs within the same time period.~~

~~(e) Within one (1) business day after the filing of the petition, the Deputy Director of Youth and Family Programs or their designee shall make an independent determination whether there is a reasonable basis to believe that the youth presents a clear and present danger to themselves or others and immediate removal from a community placement is in the best~~

~~interest of the youth or the public based on the Community Status Review Hearing petition. If the Deputy Director of Youth and Family Programs or their designee finds that there is such a reasonable basis, the youth shall continue to be securely held until the conclusion of the administrative or D.C. Superior Court appeal process, if applicable.~~

~~(f) If the Deputy Director of Youth and Family Programs or their designee determines that there is not such a reasonable basis for removal, DYRS shall return the youth to their community placement, and the petition shall proceed in accordance with §1204.~~

~~(g) DYRS shall notify the Office of the Attorney General, Juvenile Section of each Emergency Removal.~~

~~1205.3 The following standards and procedures shall apply to Emergency Removals with the youth's consent:~~

~~(a) The Case Manager, the youth, and the youth's counsel of record or an alternate counsel, if the counsel of record is unavailable, shall sign a written waiver of the reasonable basis determination and a written consent to the Emergency Removal.~~

~~(b) Before the youth signs the written waiver and consent, the youth must be given the opportunity to consult with the youth's counsel of record, or an alternate counsel, if the counsel of record is unavailable.~~

1206 NOTICE OF COMMUNITY STATUS REVIEW HEARING; TIMING

1206.1 The Community Status Review Hearing is the hearing held by a Hearing Officer on a petition to revoke a youth's community placement.

1206.2 The Hearing Officer shall convene each Community Status Review Hearing within five (5) business days if a youth has been removed to a hardware secure facility on an emergency basis, or ten (10) business days if a youth has been removed to another community placement on an emergency basis, a reasonable time period after the date the petition is filed and shall hold the hearing at a DYRS location determined by the Hearing Officer.

1206.3 Within one business day of the petition being filed, a reasonable time period for the parties to prepare, the Hearing Officer shall provide written notice of the hearing to the youth, the youth's counsel of record or alternate counsel, the youth's parents or caretaker, and the DYRS Case Manager, of the time, date, and location of the Community Status Review Hearing and deadlines for exchanging supporting.

1206.4 For good cause shown by either party the youth, or upon the joint request of the

parties, the Hearing Officer may continue the hearing to a later date and time that is available for all parties, no later than five (5) additional business days after the initially scheduled hearing, if the youth has been removed on an emergency basis. With the youth's consent, the hearing may occur later than five (5) additional business days after the initially scheduled hearing.

~~1206.5 (a) The status of a D.C. Superior Court case related to a youth's alleged § 1203.2 offense shall not serve as the sole basis for continuing a mandatory Community Status Review Hearing.~~

~~(b) The dismissal of a charge or case related to an alleged § 1203.2 offense pursuant to a plea agreement in D.C. Superior Court shall not serve as the sole basis for the dismissal of a Community Status Review Hearing by the Hearing Officer.~~

1206.6 In accordance with the deadlines set forth in the notice of hearing provided by the Hearing Officer, the DYRS Case Manager shall provide the youth and the youth's counsel or alternate counsel, to the extent possible, with a copy of:

~~(a)~~ (a) The date and time of the offense(s) or violation(s);

~~(b)~~ The police report, if any and available, regarding the alleged conduct that is the basis for the petition/report of the arresting officer;

~~(c)~~ The nature and seriousness of the charge(s) or CPA violation(s);

~~(d)~~ A copy of the CPA with required signatures;

~~(e)~~

~~(b)~~ The CPA;

~~(e)~~ The progress of the youth in community placement before the offense or violation took place;

~~(f)~~ The DYRS Case Manager's effort to identify and secure additional or alternative services that might be provided to the youth in the community;

~~(ge)~~ The DYRS Case Manager's recommendation for the youth's level of restrictiveness;

~~(hd)~~ All documents DYRS relied on in forming the basis for the revocation recommendation; and

~~(ie)~~ Any evidence in the DYRS Case Manager's possession that could show that the youth did not engage in the alleged conduct that is the basis for the petition or that demonstrates mitigating circumstances.

- 1206.7 Each party shall provide the other parties and the Hearing Officer with all evidence that the party intends to present at the hearing within a reasonable time for review by the other parties prior to the hearing.
- 1206.8 Upon request of the youth, the youth's counsel of record or alternate counsel may review the youth's case file in accordance with D.C. Official Code §§ 2-1515.06, 16-2331, 16-2332, and 16-2333.
- 1206.9
- (a) The notice provided pursuant to § 1206.3 may be made in any manner reasonably calculated to put the receiving party on notice of the hearing, and may include, but is not limited to, notice by hand delivery, email, registered or certified mail with return receipt requested, or overnight delivery with tracking.
 - (b) Notice to a youth may be sent to the youth's last authorized placement if doing so is reasonably calculated to give the youth notice of the hearing.
 - ~~(c) If the youth is in abscondence, serving the youth's counsel of record is deemed to be constructive notice to the youth.~~
 - (~~c~~d) Actual notice, regardless of the method of delivery or receipt (for example, notice received from the Hearing Officer), shall satisfy the notice requirement.
 - (~~d~~e) The notice requirement to counsel shall be deemed to have been satisfied if the youth's counsel participates in the scheduling process or the hearing.
- 1206.10 The Hearing Officer shall provide written notice of the hearing to the Chief of the Juvenile Section for the Office of the Attorney General when:
- (a) The youth is already committed to DYRS for a dangerous crime or crime of violence as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4), respectively; or
 - (b) The youth has been charged as a juvenile or as an adult with a dangerous crime or crime of violence as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4), respectively.

1207 FAILURE TO APPEAR AT A HEARING AND ABSCONDENCE

- 1207.1 After notice is provided pursuant to § 1206, if the youth fails to appear at the stated time and place for a Community Status Review Hearing:
- (a) The DYRS Case Manager responsible for the youth shall request a custody order for the apprehension and return of the youth for failing to

comply with the notice to appear at a given time and location; ~~and~~

(b) The hearing will not take place in the youth's absence.

~~(a) The Hearing Officer shall proceed with the hearing in the youth's absence.~~

~~1207.2 A youth's failure to appear for the scheduled hearing constitutes a violation of the CPA.~~

1207.23 Upon a youth's return from abscondence, the DYRS Case Manager may make a request to the Hearing Officer to convene the requested Community Status Review Hearing. Upon making that request, the procedures and timelines outlined in §§ 1203 et. seq. shall apply, as applicable. If the Hearing Officer finds that the youth violated their CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety and the Deputy Director of Youth and Family Programs thereafter revokes the youth's community placement after a hearing in the youth's absence, the youth may request, and the Hearing Officer shall conduct, a second hearing in accordance with §§ 1206.4-1206.8.

~~1207.4 The youth may request a second hearing within seventy-two (72) hours of their return from abscondence in cases where:-~~

~~(a) the youth failed to appear for a Community Status Review Hearing due to abscondence;-~~

~~(b) the hearing proceeded in their absence;~~

~~(c) the Hearing Officer found that the youth violated their CPA or is a risk to public safety; and;-~~

~~(d) the Deputy Director of Youth and Family Program revoked the youth's community placement.~~

~~1207.5 The second hearing shall occur within five (5) calendar days after the youth's request for a second hearing if the youth is securely detained pursuant to § 1204. If the youth is not securely detained, the second hearing shall occur within ten (10) business days of the request.~~

~~1207.6 DYRS shall provide notice pursuant to § 1206 to the youth and the youth's counsel of record or alternate counsel indicating the date, time and place of the second hearing.~~

~~1207.7 At the second hearing, the youth shall have the opportunity to be heard and to present evidence to the Hearing Officer regarding the alleged criminal charges, the alleged violations of the CPA, the alleged unsuccessful discharge from a~~

~~community placement, or the youth's alleged risk to public safety.~~

~~1207.8 In a second hearing, the determinations and findings as to the youth's criminal charges, CPA violations, unsuccessful discharge from a community placement or whether the youth is a risk to public safety made at the first hearing shall be upheld if the Hearing Officer determines that those findings were would still be reasonable in light of the any additional evidence presented.~~

1208 COMMUNITY STATUS REVIEW HEARINGS

1208.1 At the Community Status Review Hearing, the Hearing Officer shall determine whether the youth has violated the CPA, ~~has been unsuccessfully discharged from a community placement, or is a risk to public safety.~~ If the Hearing Officer ~~determines that the youth has violated the CPA or is a risk to public safety, the Hearing Officer shall refer the matter to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness for the youth.~~

1208.2 All hearings shall be held at the time, place, and location shown on the notice of hearing. Any subsequent changes to the time, place, or location shall be communicated to the parties by the Hearing Officer in a manner reasonably calculated to notify the parties.

1208.3 ~~At the discretion of the Hearing Officer, the~~ This hearing ~~must~~ may take place in person, ~~remotely, or a combination of the two.~~ At the Hearing Officer's discretion, witnesses may be permitted to appear remotely.

1208.4 All Community Status Review Hearings under this chapter shall be recorded. Upon request, the Hearing Officer shall provide the youth and the youth's attorney of record or alternate counsel and the DYRS Case Manager an opportunity to obtain a copy of any recording of the youth's Community Status Review Hearing.

1208.5 ~~All Initial~~ Community Status Review Hearings shall be held no later than the fifth (5th) business day after the filing of the petition ~~unless the Hearing Officer grants a continuance in accordance with 12068.412.~~ unless the Hearing Officer grants a continuance in accordance with 12068.412. Hearings shall be conducted solely between the hours of 9:00 a.m. and 5:00 p.m. If the hearing is not concluded on the scheduled business day, it shall be recessed and continued on the following business day or another day at a time and location set by the Hearing Officer before the hearing is recessed.

1208.6 The Hearing Officer shall preside over the Community Status Review Hearing. The Hearing Officer shall:

- (a) Rule on all procedural and evidentiary matters; and
- (b) Issue a final order.

- 1208.7 The Hearing Officer shall be selected by the Director of DYRS or the Director's designee. The Hearing Officer shall:
- ~~(a) Be employed by DYRS as a District of Columbia Administrative Law Judge and trained in the Community Status Review Hearing regulations;.~~
 - ~~(b) Be a licensed attorney in the District of Columbia;~~
 - ~~(c) Be removed from the process for appealing Community Status Review Hearings; and~~
 - ~~(a)(d) Be trained in adolescent development, and trauma-responsive care, and the Community Status Review Hearing regulations.~~
- 1208.8 The Hearing Officer shall be an independent, neutral party. The Hearing Officer shall not have ex parte communication with any party regarding what is in dispute in the Community Status Review Hearing.
- ~~1208.9 The Hearing Officer shall not order DYRS to respond to any motions made by the youth and their counsel. The Hearing Officer shall not treat an opposing party's failure to respond to an argument or motion as a waiver or concession.~~
- 1208.10 The Hearing Officer shall make all decisions based on the evidence brought before the Hearing Officer.
- 1208.11 The youth shall have the right to be represented at the hearing by legal counsel. At the hearing, the Hearing Officer shall inform the youth of their right to have counsel present with them.
- ~~1208.12 Either party to the hearing may request one (1) continuance of up to five (5) business days, which may be granted or denied at the Hearing Officer's discretion. Any subsequent request for a continuance shall also be at the Hearing Officer's discretion but shall be granted only upon a showing of good cause.~~
- 1208.13 After the filing of a petition, the DYRS Case Manager, with the approval of the Case Manager Supervisor and the Program Manager, may withdraw the petition at any time and, if the youth was subject to an Emergency Removal, place the youth in a setting with the same or lower level of restrictiveness as the youth was in immediately before the Emergency Removal.
- 1208.14 DYRS has the burden of proof in showing whether the youth has violated the CPA, ~~or has been unsuccessfully discharged from a community placement, or is a risk to public safety and if so, why the youth's~~ level of restrictiveness should be raised. The preponderance of the evidence shall be the standard of proof.

- 1208.15 Hearsay is admissible at a Community Status Review Hearing. When hearsay evidence is admitted, the Hearing Officer shall assess the reliability of the evidence to determine the weight it should be accorded.
- 1208.16 In determining the admissibility and weight of evidence, the Hearing Officer may use the Federal Rules of Evidence for guidance, but they and other rules of court shall not be binding.
- 1208.17 The Hearing Officer shall only admit evidence that is relevant to the allegations that are the subject of the hearing to determine whether the youth has violated the CPA and what their level of restrictiveness should be, or has been unsuccessfully discharged from a community placement, or is a risk to public safety. The Hearing Officer shall, in reaching their decision about whether the youth violated the CPA, disregard any information unrelated to the charges or violations. The Hearing Officer may consider information unrelated to the charges or violations in their decision on the level of restrictiveness.
- 1208.18 Upon notification by the youth's counsel that a youth not the subject of the revocation hearing who is committed to DYRS's care or otherwise detained by DYRS is needed as a witness, DYRS shall notify the youth and the youth's counsel of the request for them to appear at the hearing. DYRS shall make the youth available if the youth agrees to testify, after they have had the opportunity to confer with their counsel.
- 1208.19 Parties may bring any other relevant witnesses to the hearing who may assist in putting forth their position.
- 1208.20 The Hearing Officer shall not interview or question the youth about substantive matters concerning any pending criminal or delinquency matters.
- 1208.21 After all testimony has been heard and evidence presented, the Hearing Officer shall weigh credibility, consider the evidence, determine the facts, and reach a decision concerning whether the youth has violated the CPA, and if so, whether the youth's level of restrictiveness should be raised, or has been unsuccessfully discharged from a community placement, or is a risk to public safety. The Hearing Officer shall not make a decision on the level of restrictiveness. Only the Deputy Director of Youth and Family Programs may determine the level of restrictiveness.
- 1208.22 The Hearing Officer shall issue a written decision to the parties, the Deputy Director of Youth and Family Programs, and the Chief of the Juvenile Section of the Office of the Attorney General within one (1) business day of the hearing. The order shall clearly specify any violations of the CPA or the facts that support that the youth has been unsuccessfully discharged from a community placement or is a risk to public safety and the facts that support their decision regarding the youth's level of restrictiveness.

- 1208.23 If the Hearing Officer finds that a youth who has been subject to an Emergency Removal has not violated their CPA, ~~was not unsuccessfully discharged from a community placement, or is not a risk to public safety~~, DYRS shall return the youth to the same setting, or a setting at the same or lower level of restrictiveness, as they were in immediately prior to the Emergency Removal. ~~The youth shall remain detained while awaiting placement if the prior placement is no longer available.~~ DYRS shall, within a reasonable time, locate a new placement at the ~~prior~~ same or lower level of restrictiveness as their prior placement. If the prior community placement is unavailable, DYRS shall locate another placement at the same or lower level of restrictiveness within a reasonable timeframe, but no later than five (5) business days after the hearing.
- 1208.24 If the Hearing Officer finds that a youth who has not been subject to an Emergency Removal has not violated their CPA, ~~was not unsuccessfully discharged from a community placement, or is not a risk to public safety~~, DYRS shall not remove the youth from community placement.
- ~~1208.25~~ ~~If the Hearing Officer finds that the youth has violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety, the Hearing Officer shall refer the matter to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness.~~
- (a) If the decision of the Hearing Officer is to continue the youth in community status, the youth shall be returned to the same level of restrictiveness, as represented under the CPA.
- (b) If the Hearing Officer finds that the youth violated the CPA, they may decide to permit the youth to remain in the community, but under different conditions spelled out in a CPA.
- (c) If the Hearing Officer finds that the youth violated the CPA, and decides to charge or terminate the youth's community status, they shall determine the youth's level of restrictiveness. In determining the youth's new level of restrictiveness, the panel may consider whether DYRS or service providers made reasonable efforts to make referrals and deliver the community-based services necessary for rehabilitation to the youth in a timely manner.
- (d) If applicable, the DYRS Case Manager shall make referrals ~~to secure and~~ identify an appropriate placement and/or services within five (5) business days after the Community Status Review Hearing.
- 1208.26 At any time before the Hearing Officer issues their decision, the youth has the

right to agree to a different level of restrictiveness in resolution of the Community Status Review Hearing. Such agreement shall be in writing and shall be signed by the youth, the youth's attorney of record or alternate counsel, and the DYRS Case Manager.

~~1209~~ — ~~DETERMINATION OF LEVEL OF RESTRICTIVENESS~~

- ~~1209.1 — After the referral from a Hearing Officer under § 1208.25, the Deputy Director of Youth and Family Programs shall determine the appropriate level of restrictiveness for the youth.~~
- ~~1209.2 — To assist the Deputy Director of Youth and Family Programs in making a determination on the level of restrictiveness, a DYRS Placement Review Committee (PRC) shall convene to make a recommendation on the appropriate level of restrictiveness for the youth within three (3) business days after the issuance of the Hearing Officer; provided that the PRC has received a written statement of the youth or youth counsel's under § 1209.4.~~
- ~~1209.3 — While the Deputy Director of Youth and Family Programs awaits the recommendation of the PRC and is making the determination on the appropriate level of restrictiveness, any reasonable basis determination under which the youth is being securely held, or being held in a more restrictive community placement, shall remain in effect.~~
- ~~1209.4 — The youth or the youth's counsel shall have three (3) business days after the Hearing Officer refers the matter to the Deputy Director of Youth and Family Programs under § 1207.24 to submit to the Deputy Director of Youth and Family Programs a written statement expressing the youth's opinion on the appropriate level of restrictiveness that should be imposed. The Deputy Director of Youth and Family Programs shall provide a copy of any written statement provided pursuant to this subsection to the PRC.~~
- ~~1209.5 — The Deputy Director of Youth and Family Programs shall make a determination on the youth's level of restrictiveness within one (1) business day after the PRC review and receipt of the written statement of the youth or the youth's counsel pursuant to § 1209.4 or the timeline for providing such a statement has expired.~~
- ~~1209.6 — When making a determination about the appropriate level of restrictiveness, the Deputy Director of Youth and Family Programs may consider:~~
- ~~(a) — The recommendations of the PRC;~~
 - ~~(b) — Any written statements provided by the youth or the youth's counsel regarding the appropriate level of restrictiveness; and~~

(c) ~~His or her independent review of the seriousness of the offense, level of risk to public safety, and interests of the youth.~~

~~1209.7 The Deputy Director of Youth and Family Programs may:~~

(a) ~~Continue the youth in the community at the same level of restrictiveness and may impose identical or additional restrictions as conditions of a new CPA;~~

(b) ~~Raise the youth's level of restrictiveness and permit the youth to remain in the community under different conditions in a new CPA; or~~

(c) ~~Revoke the youth's community placement.~~

~~1209.8 Upon determining a youth's level of restrictiveness, the Deputy Director of Youth and Family Programs shall issue a written decision to the parties and the Chief of the Juvenile Section of the Office of the Attorney General.~~

~~1209.9 DYRS shall make efforts to identify an appropriate placement and make referrals within a reasonable time after the Deputy Director of Youth and Family Programs' determination on the youth's level of restrictiveness. If the youth is securely detained at the time of the hearing, the youth shall remain detained while awaiting placement.~~

1210 APPEALS

1210.1 ~~A party~~The youth may appeal the decisions of the Hearing Officer, ~~the determinations made under § 1209.7 by the Deputy Director of Youth and Family Programs, or both,~~ to the DYRS Director. The ~~party~~youth must file such an appeal within ~~seventythree~~ (73) business days after receiving the written decision of the Hearing Officer ~~or the Deputy Director of Youth and Family Programs.~~

1210.2 (a) The ~~party filing an appeal~~youth shall submit with ~~their~~its appeal a detailed description of the basis for the appeal and the facts and legal arguments in support of the basis for appeal, along with any supporting documentation, to the DYRS Director and the other party.

(b) ~~DYR~~The other party may submit a response to the appeal to the DYRS Director and the ~~youth~~appealing party within three (3) business days after receiving notice of the appeal.

1210.3 If the Hearing Officer finds that a youth violated the CPA, ~~has been unsuccessfully discharged from a community placement, or is a risk to public safety,~~ the placement of the youth during the Community Status Review Hearing shall continue until the conclusion of the administrative or D.C. Superior Court appeal process.

- 1210.4 ~~If the Hearing Officer does not find that a youth violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety, the youth shall return to the same level of restrictiveness as they were immediately prior to their removal. If the prior community placement is unavailable, DYRS shall locate another placement at the same or lower level of restrictiveness within a reasonable timeframe, but no later than five (5) business days after the hearing.~~
- 1210.5 ~~If a youth in abscondence returns during the Community Status Review Hearing or the appeal process, the youth shall be securely detained until the conclusion of the administrative or D.C. Superior Court appeal process, if applicable.~~
- 1210.6 The DYRS Director shall review the appeal and make a final written determination within ten (10) business days after the date the appeal is filed. The DYRS Director may affirm the decision of the Hearing Officer ~~or Deputy Director of Youth and Family Programs~~; overrule the determination of the Hearing Officer ~~and, if applicable, refer the matter to the Deputy Director of Youth and Family Programs for a determination of the appropriate level of restrictiveness~~; remand the matter back to the Hearing Officer for further consideration; ~~remand the matter back to the Deputy Director of Youth and Family Programs for further consideration~~; or overrule the determination of the ~~Deputy Director of Youth and Family Programs and~~ make the Director's own determination of the appropriate level of restrictiveness for the youth, but in any event may not raise the youth's level of restrictiveness above that which was determined by the Hearing Officer.
- 1210.7 (a) The Director may remand a matter back to the Hearing Officer if the Director determines that an error occurred during the hearing or an error appears in the Hearing Officer's order.
- (b) The Director's decision to remand a matter shall be based on the record of the Hearing Officer, ~~the determination of the Deputy Director of Youth and Family Programs~~, and the information presented in the appeal.
- ~~(c) — A determination to remand is at the sole discretion of the Director. The parties may not appeal the Director's decision to remand.~~
- (~~c~~d) As part of the decision to remand, the Director shall include a description of the error(s).
- ~~(d)~~ The Director may not remand a matter back to the Hearing Officer more than once.
- (~~c~~e) Upon remand, the Hearing Officer who conducted the initial hearing shall conduct a new hearing within five (5) business days of the Director's decision to address the errors ~~and, where applicable, send the new findings~~

~~to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness.~~

- 1210.8 After the completion of the hearing following the remand by the Director, the parties may appeal the decision of the Hearing Officer, ~~the determination of the Deputy Director of Youth and Family Programs, or both,~~ to the DYRS Director.
- 1210.9 Any appeal of the DYRS Director's decision shall be to D.C. Superior Court.
- 1210.10 If the D.C. Superior Court remands a matter to DYRS, ~~the agency shall—the Director shall,~~ unless otherwise ordered by the court, issue a new decision within ten (10) business days that addresses the issues raised by D.C. Superior Court.

1211 PROBABLE CAUSE DETERMINATIONS

- 1211.1 Except as stated within this chapter, the Hearing Officer shall make probable cause determinations in accordance with this subsection regarding the continued detention of youth pending a Community Status Review Hearing or Emergency Community Status Review Hearing.
- 1211.2 If a youth is detained prior to a probable cause determination by the Hearing Officer, DYRS shall, within one (1) business day of the youth's removal, file with the Hearing Officer and the youth's attorney of record or alternate counsel a copy of an authenticated statement of fact offered to establish probable cause.
- 1211.3 Upon notice of the authenticated statement of fact, the youth's attorney of record or alternate counsel may, within twenty-four (24) hours of receiving the notice, submit a written response to the facts, request oral arguments, or request an evidentiary hearing. Granting or denying requests for oral arguments or evidentiary hearings shall be at the sole discretion of the Hearing Officer and may not be appealed pursuant to section 1211.6.
- 1211.4 Once DYRS provides the authenticated statement of fact, the Hearing Officer shall, within two (2) business days, determine whether there is probable cause to continue to detain a youth pending a Community Status Review Hearing or Emergency Community Status Review Hearing.
- (a) The Hearing Officer's determination of probable cause may be based upon hearsay evidence in whole or in part.
- (b) The Hearing Officer must provide the determination as to probable cause in writing along with the date of the determination.
- 1211.5 If the Hearing Officer determines that there is no probable cause, DYRS shall release the youth to a non-secure placement, and the Hearing Officer may order the youth to appear for the next proceeding.

1212 **WAIVERS**

- 1212.1 A youth may waive the right to a community status review hearing after having an opportunity to consult with counsel of record or alternate counsel.
- 1212.2 When a Case Manager believes that a youth has violated the terms of their CPA such that removal of the youth from continued community placement may be appropriate, the Case Manager shall discuss with the youth any violations of the CPA or reasons for removal from community placement status; the possibility of waiving a community status review hearing; what the youth's level of restrictiveness will be if they waive the hearing; and what the potential placement of the youth will be, if known.
- 1212.3 If the youth decides to waive their rights, the Case Manager shall fully fill out the waiver form listing the youth's violations of the Community Placement Agreement, current level of restrictiveness, and proposed new level of restrictiveness before giving the waiver to the youth and/or youth's attorney of record or alternate counsel to review.
- 1212.4 The youth shall have the opportunity to consult with counsel of record or alternate counsel in advance of signing the waiver form. Should the youth refuse the right to consult with an attorney, the youth should write such refusal on the waiver form and sign and date both the refusal and the completed waiver form.
- 1212.5 After the youth has had the opportunity to review the waiver with their attorney of record or alternate counsel, the Case Manager, youth, and attorney, if applicable, should sign the waiver.
- 1212.6 The Case Worker shall place a copy of the fully signed waiver in the youth's case file and shall provide a copy to the youth's attorney of record.

1299 **DEFINITIONS**

- 1299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Abscondence: when a youth, without approval by DYRS or as enumerated in the CPA, leaves a required DYRS placement or does not return to a DYRS placement as required by the CPA.

~~**Awaiting Placement:** a DYRS status classification that occurs when a youth is securely detained while waiting to be placed in a specific rehabilitative placement or specific type of rehabilitative placement.~~

Business day: a day of the week consisting of Monday through Friday, and

excluding Saturday, Sunday, any legal holiday or a day when the District of Columbia government, DYRS, or the Family Court is closed. A business day is calculated beginning on the day after the triggering event occurs.

Caretaker: a parent, guardian, or adult responsible for the care of a youth while in the community.

Case Manager: a DYRS employee who provides case management services to youth committed to DYRS.

Case Manager Supervisor: a DYRS employee who supervises a unit of DYRS Case Managers.

Chief of the Juvenile Section of the Office of Attorney General: the supervisory attorney responsible for oversight of the Juvenile Section of the Public Safety Division of the Office of the Attorney General.

~~**Clear and Present Danger:** When a youth poses an imminent risk of harm to themselves or others.~~

Commitment: when a delinquent child is ordered into the legal custody of DYRS pursuant to D.C. Official Code § 16-2320.

Community Placement Agreement (CPA): a document with conditions for release that supports the youth's rehabilitation and ensures public safety while the youth is in the community.

Community Placement: a status describing a youth who has been committed to the legal custody of DYRS and housed in the community in a non-secure placement.

Community Status Review Hearing: an administrative hearing to determine whether a youth has violated their CPA ~~or poses a risk to public safety.~~

Counsel of Record: a court-appointed attorney assigned to a youth's case after the youth is committed to DYRS.

D.C. Superior Court: the Superior Court of the District of Columbia.

Department of Youth Rehabilitation Services (DYRS): the cabinet-level agency responsible for rehabilitating committed youth in the least restrictive environment consistent with public safety.

Deputy Director of Youth and Family Programs: a DYRS employee who oversees the DYRS Youth and Family Programs Division.

Emergency Removal: immediate removal by DYRS from a community placement and subsequent placement in a more restrictive setting.

Hearing Officer: ~~a DYRS employee, other than the DYRS Director~~an Administrative Law Judge, whose permanent duties as an employee of the District of Columbia are to regularly adjudicate administrative matters for DYRS as a neutral factfinder.

Hearsay: a statement from outside of the hearing offered to prove the truth of whatever it asserts, which is then offered in evidence to prove the truth of the matter asserted. ~~statements or documents presented in a hearing that are based on what someone who is not at the hearing has said or done.~~

Non-Secure Placement: a community placement which is not locked and which allows for unsupervised movement in and out of the placement.

Notice of Hearing: A notice issued by a Hearing Officer advising parties of the date, time, and location of a Community Status Review Hearing. This notice shall serve as a Notice to Appear for the youth.

Parties: DYRS, the youth, and the youth's counsel when participating in the Community Status Review Hearing process.

Petition: the formal written document requesting a review of a youth's community placement.

~~**Placement Review Committee (PRC):** The DYRS interdisciplinary team that reviews each individual youth for the most appropriate placement and services in the least restrictive environment that also addresses their risk to public safety.~~

Program Manager: the DYRS employee responsible for supervising the Care Coordination Team including the Care Coordinators and the Care Coordination Supervisors.

~~**Risk to Public Safety:** a determination based on available information that a youth poses a risk of significant harm to themselves or others, or to property.~~

Hardware Secure Facility: a congregate care facility with construction features and a staffing model designed to physically restrict the movements and activities of youth who are detained.

Staff Secure Facility: a foster home or congregate care facility in the community in which the movements and activities of individual youth residents may

be restricted or subject to control through the use of a staff supervision model as well as through reasonable rules restricting entrance to and egress from the facility. A staff secure facility does not contain construction features designed to physically restrict the movements and activities of youth who are in its custody.

Violation: an act by a youth that is non-compliant with the terms of the CPA.

Youth and Family Programs Division Program Manager: a DYRS employee who manages all the supervisors who supervise DYRS Case Managers.