

## Questions and answers about Juvenile Justice Assignment Unit No Reject/No Eject

### What law requires no reject/no eject for juvenile justice residential facilities?

#### Boilerplate Requirement of 2020 PA 166

Sec. 709. The department's master contract for juvenile justice residential foster care services shall prohibit contractors from denying a referral for placement of a youth, or terminating a youth's placement, if the youth's assessed treatment needs are in alignment with the facility's residential program type, as identified by the court or the department. In addition, the master contract shall require that youth placed in juvenile justice residential foster care facilities must have regularly scheduled treatment sessions with a licensed psychologist or psychiatrist, or both, and access to the licensed psychologist or psychiatrist as needed.

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### What does no eject mean?

When a youth is assigned to a CCI, a secure CCI must accept that youth for admittance. There are some exceptions to the no eject rule for non-secure facilities.

Policy JRM 200 states:

#### **Placement Provider Acceptance**

##### ***Not Accepted - Secure Providers***

Secure state run and secure private, contracted juvenile justice residential treatment facilities are required to accept every JJAU assignment.

##### ***Not Accepted - Non-Secure Providers***

Based on information provided in MiSACWIS and the JJAU Referral Packet, a non-secure private, contracted, juvenile justice residential treatment facility may respond in MiSACWIS that a JJAU assigned youth is Not Accepted. A detailed explanation needs to be documented in MiSACWIS as to the circumstances that exist that would place the assigned youth, other youth or staff safety at risk.

If the provider has safety concerns but cannot make a decision based on the information available in MiSACWIS and the JJAU Referral Packet, the provider is required to contact the juvenile justice specialist or the JJAU within 1 working day to request supplemental information.

If the provider does not accept the youth based on safety reasons, any supplemental information should be returned immediately to the juvenile justice specialist or JJAU. The JJAU will assist the juvenile justice specialist to make a new assignment.

The RFCJJ Contract states:

Section 1.2(b) **Facility Assignments:**

“A Contractor that provides services in a non-secure setting under this contract may indicate in MiSACWIS assignment “not accepted” if circumstances exist at their facility that would place the youth, other youth or staff’s safety at risk. The contractor must provide a detailed explanation as to the circumstances that exist at the facility that prevents the Contractor from admitting the assigned youth based on safety concerns. Prior to doing so, the Contractor must make the contact with the JJAU to determine if the concerns can be mitigated.

A refusal **cannot** be based on the youth’s diagnosis, acuity, criminal or sexual offender status, race, color, religion, national origins, sexual orientation, gender identity, linguistic or cultural needs or previous negative outcomes or experience with the youth. If the non-secure Contractor is not able to make a decision about the safety of the youth, other youth or staff based on the information available in the MiSACWIS, the Contractor must contact the JJAU within one working day to request more information. Additional information may be forwarded to supplement the information in the MiSACWIS if necessary.

If the non-secure Contractor wants to interview the youth for an assessment to assist in making a safety decision prior to deciding to accept the youth for placement, the Contractor must contact the JJS within one working day to interview the youth and/or family. The interview by the Contractor must occur at the current placement of the youth or other location agreed upon with the JJS/Child Case Worker. If a non-secure provider does not accept an assignment based on safety and the contractor has received any supplemental hard copy information, those documents are confidential and must be returned immediately to JJAU unless there is a request to retain them from the JJS or JJAU.”

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## What does no eject mean?

A youth must continue to be served by the secure or non-secure facility until release is approved by the court and MDHHS has secured another placement. The only exception to this is if youth has been determined to have achieved maximum benefit through the process outlined in JRM 200 and the court approves a change in placement.

**1974 PA 150, MCL 803.307** states:

**(1) A youth accepted by a youth agency remains a public ward** until discharged from public wardship with the approval of any of the following **and, if placed in an institution, shall remain until released with the approval of** any of the following:

(a) If the youth was committed to a youth agency under section 18(1)(e) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, and the youth was adjudicated as being in the court's jurisdiction under section 2(a) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, with the approval of **the family division of circuit court.**

(b) If the youth was committed to a youth agency under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, with the approval of **the court of general criminal jurisdiction** under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b.

**JRM 200, Residential Replacement Process, and Section 2.10(c)(3), Residential Intervention**, of the contract state:

“A youth must not be moved from one residential treatment program or facility to another without going through the JJAU placement process. The contractor must continue residential services for the youth and the youth’s family until:

- Release is approved by the court; or
- MDHHS approves another placement;

Disruption of, or non-cooperation in the program is not sufficient reason for the Contractor to request a change in placement.”

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### **How does the decision that a youth has received maximum benefit get made to determine if the youth may benefit more from a different facility or program?**

The issue must first be raised by the treating staff at the facility and the process outlined in policy and contract must be followed to come to an agreement. If resolution cannot be agreed upon through this process, the Juvenile Justice Assignment Unit and Juvenile Justice Program Office must be engaged by the local office for consultation and technical assistance. A collaborative meeting to review the circumstances of the individual case may be required with the facility staff, local office staff, licensing and program office representatives to make a final determination on whether an alternate facility or program will be pursued.

**Section 2.10(e), Maximum Benefit** and policy [JRM 200, Maximum Benefit Reached](#), both state:

“When a youth does not benefit from or has reached maximum benefit, the residential treatment staff is responsible for meeting with the juvenile justice specialist to resolve the issue. If the issue cannot be resolved, the residential treatment staff is responsible for seeking resolution through consultation with the facility director and the juvenile justice specialist supervisor; and if necessary, with the child welfare licensing consultant for the facility.”

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### **What happens if the CCI feels the youth is a safety risk but the youth’s worker disagrees?**

The CCI can pursue the maximum benefit process in JRM 200 and, if that does not resolve the concern, the juvenile justice specialist will request a court hearing to determine the continued placement or replacement in accordance with JJM 700.

Section 2.10(e) and policy [JRM 200, Juvenile Justice Assignment Unit and Admissions](#), states: “When a youth does not benefit from or has reached maximum benefit, the residential treatment staff is responsible for meeting with the juvenile justice specialist to resolve the issue. If the issue cannot be resolved, the residential treatment staff is responsible for seeking resolution through consultation with the facility director and the juvenile justice specialist supervisor; and if necessary, with the child welfare licensing consultant for the facility.”

Policy [JJM 700, Juvenile Justice Assignment Unit Placement Process](#), states: “If these efforts still do not resolve the issue, the juvenile justice specialist must request a court hearing to determine continued placement or replacement of the youth.”

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**Is there a specific number of incidents a youth must have before we (as a facility) can begin to have conversations with caseworkers and courts about youth replacement?**

No, conversations around the ability of the CCI staff to keep the youth and others safe in the treatment setting should begin at admission and safety and support planning should be ongoing. The CCI staff should engage the youth, the youth’s family, case worker and other formal and informal supports to build solutions and coping skills with the youth.

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**If the youth is not sleeping at the CCI (admitted to hospital, detention, AWOLP, etc.) how long is the facility required to hold the bed? Examples: A youth goes AWOLP and a pick-up order is issued and the youth is found and placed at detention awaiting a court hearing or if a youth goes to the hospital for suicidal thoughts and then admitted to a psychiatric unit.**

Depending on the reason for the youth’s temporary absence from the facility, a bed hold agreement may be established between the worker and the CCI per the requirements of FOM 903-7 and it sets parameters and the length of time for which the bed must be held. A maximum of 5 days is allowed for AWOLP, detention and jail and a maximum of 14 days is allowed for medical/psychiatric hospitalization. If the court holds a hearing during the temporary absence, the court may also issue a court order to return the youth to the facility. If a youth is AWOLP from the facility, a law enforcement officer may return the youth to the facility without a warrant.

A public ward shall not absent himself or herself from the facility or residence in which he or she has been placed without the youth agency's prior approval. A public ward who violates this provision may be returned to the facility in which he or she was placed by a peace officer without a warrant. 1974 PA 150, MCL 803.306(1).

Policy [FOM 903-7, Temporary Breaks/Bed Hold Payments](#), states: “Bed hold payments for AWOLP, detention and jail are limited to **maximum** of five days. AWOLP includes trancies and escapes...Medical or psychiatric hospitalization in which the CCI staff continues active involvement are eligible for a bed hold payment.”

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## **As a non-secure facility, is there a limit to the number of youth we can reject/eject?**

While there is no limit to reject/eject, it is imperative for the department to establish contracts with providers that can meet the needs of the youth under care and supervision of MDHHS in the least restrictive setting while providing for stability and continuity of relationships. This includes minimizing the number of placement settings or replacements in order to achieve the permanency goal. When a provider needs to adjust the contract for staffing ratio changes, the type of services or programming, the provider can reach out to the MDHHS contract analyst for consultation.

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### **References**

- The RFCJJ Master Contract can be found on the public website by [clicking here](#).
- (Navigational path: Doing Business With MDHHS>Contractor Resources>Child Caring Institution Master Contract Template)
- Juvenile Justice Residential policy manuals can be found by [clicking here](#)

(Navigation path: Public Website>Adult & Children's Services> Juvenile Justice>Policy & Compliance>Juvenile Justice Policy Manuals>Children's Services Agency>Juvenile Justice Residential)