

Youth Property SAMPLE POLICY

Approved By:	Date Issued:	Number of Pages:	Appendix Pages:
Related Laws:	Division/Office:	Contact Office/Bureau/Unit:	
Supporting Regulations: 18 NYCRR 431.4 18 NYCRR 441.4(a) 18 NYCRR 441.12			
Regulatory Bulletins and Directives:	Local Operating Practice:		
Related Policies:	Related Forms:		
Supersedes:			
Summary: This policy provides for the basis of the accounting (inventory) and handling of all youth property while residing at AGENCY.			

I. POLICY

It is the policy of the AGENCY that all youth placed in a congregate setting will have a thorough and accurate inventory of their personal property, to be maintained throughout their time of AGENCY's care. This policy also provides the process to establish and update youth property inventories and the grievance procedure when youth property is missing.

II. DEFINITIONS

- A. **Contraband** - Any object(s) that a youth in care is prohibited from possessing by statute, regulation, policy, or rule.
- B. **Deserted or Unclaimed Property** - Personal property intentionally or unintentionally left by youth upon discharge, AWOL/AWOC, hospital stay, and/or court transfer, or some other transition.
- C. **Personal Property** - Tangible property and other effects belonging to a youth including, but not limited to, clothing, footwear, electronics, monies, jewelry and watches, books and other papers, mobile phones, containers, hygiene items, and religious and/or cultural items. Personal property does not include contraband including, but not limited to, weapons or firearms, illegal drugs or paraphernalia, and/or legal drugs or paraphernalia for which the youth does not have a valid prescription.
- D. **Reasonable Value**- Dollar valuation that may include, but is not limited to, the age, condition, and original cost (if can be determined) of an item
- E. **Storage** - A secure, clean, and dry area of the agency designated for keeping property for long- and/or short-term periods

III. INVENTORY PROCEDURE

- A. Upon a youth's admission into an agency, the agency must account for and make a written inventory of the youth's personal property.
- B. Staff must properly secure and/or dispose of any contraband (weapons or firearms, illegal drugs or any other item unlawfully possessed by the youth). Contraband will not be listed on the youth's inventory sheet.
- C. Staff will account for and make a written inventory of the youth's personal property in the presence of the youth and review the inventory with the youth for accuracy using AGENCY FORM. Staff will count any monies in the youth's possession in the youth's presence and indicate the amount on the inventory sheet.
- D. The staff who inventoried the youth's property will sign and date the inventory sheet in the presence of the youth; the youth must also sign and date the inventory.
 - 1. Any youth's refusal or inability to sign the inventory sheet must be documented and include the reason given. In this instance, a second staff member must sign the inventory sheet.
- E. The inventory should indicate the name and address of the person(s) listed as the youth's parent or legal guardian for sending property home. Staff will ask the youth if the inventory should designate another appropriate person to receive property in the event a parent or

guardian cannot take custody of the youth's property. A youth's LDSS/ACS caseworker or OCFS aftercare worker may be appropriate resources. The agency will regularly verify with the youth that the address and person(s) listed remains correct.

- F. Staff will make two copies of the inventory sheet with its signatures. Staff will give one copy to the youth and place the other with the property. Staff must place the original (and all subsequent updates) inventory sheet with signature(s) in the youth's file.
- G. Upon family or legal guardian visitation, the agency will ask the youth whether any personal property should be released to those persons. If so, the youth must sign for the release of any property. The receiving family member or legal guardian must sign an acknowledgement of receipt.
- H. On a monthly basis, or upon AGENCY knowledge that a youth has acquired or discarded personal property (see below), the property inventory sheet will be updated and maintained as laid forth in this section.

IV. PERSONAL PROPERTY ACQUIRED DURING CARE

- A. Personal property acquired by a youth in placement that he or she is not permitted to keep on his/her person or in his/her room will be accounted for and inventoried by the same procedure as in Section III above.
- B. If a youth acquires personal property while in placement that she or he is permitted to keep on his/her person or in his/her room, the youth must notify staff. Staff will update the inventory sheet in accordance with the procedure in Section III. Upon a youth's return to the agency or when staff become aware that the youth may have acquired additional property, the staff will ask the youth to identify said property, document it on the inventory sheet, and attest to the additional items.

V. PROCEDURE UPON RELEASE OR OTHER TRANSITION

- A. In preparation for release or transition, the agency will gather a youth's property and check the items against what is on the youth's inventory sheet to fully account for the youth's property on that date. A youth cannot be discharged with any property without verification that it belongs to them.
- B. The youth must acknowledge the return (or loss) of items on the inventory sheet. The youth must sign and date the inventory sheet attesting to its accuracy or describing the inaccuracy. A youth's refusal or inability to sign the inventory sheet must be documented by two staff members. A staff member will also sign and date the inventory.
- C. The agency must identify, within 24 hours after the youth's release or transition, any property left at the agency and secure said property. Staff must contact the youth, the youth's family, legal guardian, and/or caseworker to make plans to return the property to the youth.

VI. UNCLAIMED PROPERTY

- A. AGENCY will send written notification, via certified mail, to the youth and parent/legal guardian, LDSS caseworker, and/or OCFS aftercare worker requesting that the youth's property be picked

up within two weeks of the notification's receipt. If AGENCY receives no response to the notification within three weeks of the notification's send date, AGENCY will make inquiry of the youth's last known address (see Section III, E) and/or his/her family or guardian and deliver or send via certified mail the youth's property to that address.

- B. AGENCY will store deserted or unclaimed property, for which there has been no response to the written notification **and** for which it cannot ascertain a proper last-known address or responsible party, for a reasonable period (30-60 days) from the notification's send date. If the property has not been claimed, AGENCY will donate or otherwise appropriately dispose of the property and document the disposition.
- C. Where a youth claims his or her property was lost, stolen, damaged, or improperly donated/disposed of by the agency, and the agency failed to adequately document compliance with this policy, AGENCY will investigate and determine if the youth is entitled to be reimbursed the reasonable value of the property.

VII. YOUTH PROPERTY CLAIMS

- A. Youth may seek reimbursement from AGENCY to recover the reasonable value of the property, of more than de minimis value, that, due to AGENCY'S action or failure to comply with the policy set forth here, it has lost, damaged, or destroyed.
- B. Reimbursement and/or replacement is appropriate for claims of loss, damage, or destruction where available evidence supports that claim.
- C. AGENCY administration or a designee will initially review a youth's property claim within 15 days of the claim. She or he must make a final determination within 10 days of the claim.
- D. For an informed determination, AGENCY will consult any available evidence, which may include, but is not limited to, the inventory sheet; receipt(s); a statement from the youth, a parent or guardian, another youth in care and/or staff member; and/or camera footage.

