



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject:

Relationships with Youth and Their Families

Section – Policy Number:

0-2.2

Supersedes:

0-2.2 (7/11)
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Related Standards and References:

- [ORS 162.415](#) (Official Misconduct in the First Degree)
- [ORS 163.452](#) (Custodial Sexual Misconduct)
- [ORS 419B.005 through 419B.050](#) (Child Abuse Reporting)
- [Public Law 107-79](#) (Prison Rape Elimination Act of 2003)
- [ORS Chapter 244](#) (Government Standards and Practices)
- Oregon Government Ethics Commission: [A Guide for Public Officials](#)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-6D-02 (Receipt of Policy)
- American Probation and Parole Association (APPA) Code of Ethics
- [OYA policy](#): 0-2.0 (Principles of Conduct)
 - 0-2.1 (Professional Standards)
 - 0-2.4 (Conflict of Interest)
 - I-A-10.0 (Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment)
 - I-E-2.3 (Requests for Youth Records, Reports, and Other Materials)
- [OYA forms](#): YA 8130 (Conflict of Interest Notification and Review)

Related Procedures:

- None

Policy Owner:

Professional Standards Office
Chief Investigator

Approved

Fariborz Pakseresht, Director

I. PURPOSE:

This policy provides staff with OYA's expectations regarding professional boundaries with youth, former youth, and youth families in the following circumstances:

1. When a relationship with a youth or the youth's family exists prior to the youth entering custody;

2. When a professional relationship is established with a youth or the youth's family after the youth enters OYA physical or legal custody;
3. Any other relationship where a potential conflict of interest or violation of professional boundaries may exist.

A Frequently Asked Questions (FAQ) document is attached to the policy to address situations staff may experience about interacting with youth or former youth and their families in the community. The FAQ also lists "red flag" behaviors identified by the National Institute of Corrections staff must mindfully avoid in order to maintain professional boundaries.

II. POLICY DEFINITIONS:

Dual relationships: Simultaneously maintaining a professional relationship and a private or family relationship with a youth, former youth, or the youth's family.

Family: Includes the biological or legal parents, siblings, child, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers and other primary relatives to a youth whether by blood, adoption, legal or social relationships. Family also includes any person identified by the youth (other than an OYA employee) who provides formal or informal support and whose positive involvement helps sustain the youth's reformation process.

Former youth: 1) Any youth no longer in OYA legal or physical custody who has not reached the age of majority (18); and 2) any youth who is at least 18 years old for whom less than three years have elapsed since OYA legal or physical custody has terminated, and since supervision in the community by any supervising authority for the adjudication or conviction that resulted in OYA legal or physical custody has terminated.

Inappropriate relationship: A relationship that develops between staff and youth outside a staff member's professional capacity including but not limited to dating, sharing living accommodations, and intimate or sexual relationships, regardless of gender. Inappropriate relationships also include giving or accepting favors, special consideration, or unauthorized gifts.

Potential conflict of interest: Any action, decision, or recommendation by a public official in official capacity, the effect of which **could** be the private economic gain or detriment of the official, relative, or business of the official or relative. Any relationship that is or appears to be not in the best interest of OYA. A conflict of interest could interfere with an individual's ability to perform his or her duties and responsibilities objectively.

Private business relationship: For purposes of this policy, a private business relationship involves lending or borrowing money; or being a partner, associate, consultant, or advisor in business matters.

Professional capacity: Actions that are directly related to job responsibilities and are conducted during approved work hours in relation to a youth's reformation.

Professional relationship: A caring and supportive relationship that occurs between staff and youth while staff are performing official job duties in a professional capacity.

Youth: A person placed in OYA legal or physical custody, who is supervised by OYA staff either in a close-custody facility or on parole or probation status in the community. Such persons include youth placed in the legal custody of the Oregon Department of Corrections (DOC) or other agencies, and placed in OYA physical custody.

III. **POLICY:**

OYA expects its staff to adhere to and demonstrate the values and standards expressed in the Principles of Conduct (OYA policy 0-2.0).

This policy applies to relationships between OYA staff and – youth, former youth, and youths'/former youths' families. Former youth include any youth no longer in OYA legal or physical custody who has not reached the age of majority (18); and any youth who is at least 18 years old for whom less than three years have elapsed since OYA legal or physical custody has terminated, and since supervision in the community by any supervising authority for the adjudication or conviction that resulted in OYA legal or physical custody has terminated.

Professional relationships with youth, former youth, and their families are based on:

- Respectful and productive communication where individual perspectives are acknowledged;
- Supportive and encouraging interactions that provide opportunities for positive growth and learning new skills;
- Trauma-informed conflict resolution; and
- Individualized care that is responsive to cultural and developmental needs.

OYA staff provide professional services to youth and youth families to assist youth in achieving reformation goals. A professional relationship begins the moment a youth is placed in OYA's custody and staff interact with the youth while performing official job duties. Once a professional relationship is established with a youth, appropriate boundaries must be continued while the youth is in OYA physical or legal custody and as a former youth.

Staff may not have dual relationships with youth, former youth, or youth families. Dual relationships may compromise staff and youth safety or objectivity. Dual relationships may also constitute criminal activity, result in staff loss of employment, or cause OYA to deny staff access to facilities or youth.

IV. GENERAL STANDARDS:

- A. Relationships with youth, former youth, or youth families that were established prior to OYA physical or legal custody.
1. If staff have an established relationship with a youth or the youth's family that existed prior to OYA assuming the youth's custody, staff must report this relationship immediately to the staff's supervisor when the staff becomes aware of the youth's commitment or transfer to OYA.
 - a) Staff must also notify their supervisors when staff become aware of an established relationship with a former youth or former youth's family.
 - b) Supervisors must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification and Review) to document the notification.
 2. OYA will take action to limit the contact between the staff member and the youth during the youth's placement in OYA physical or legal custody.

Staff must avoid any circumstance where they provide direct or indirect supervision of or have any case management influence over a youth or former youth with whom a preexisting relationship exists.
 3. Staff must not access information regarding the youth or former youth or share this information with the youth's or former youth's family. This includes:
 - a) Case file records and information;
 - b) Any JJIS information; and
 - c) Information regarding the youth or former youth from other staff members.
 4. Supervisor responsibilities
 - a) The supervisor who receives notification from a staff member regarding the staff member's preexisting relationship with a youth, former youth or a youth's/former youth's family must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification and Review) pursuant to OYA policy 0-2.4 (Conflict of Interest) and inform other affected management staff.

- b) If cause exists to initiate corrective action, the supervisor must inform the appropriate assistant director and the Human Resources Office.
- c) The supervisor must develop and document a plan with the staff member to ensure a dual relationship does not exist.

B. Relationships with youth, former youth, or their families established while the youth is/was in OYA physical or legal custody.

- 1. Staff must not engage in an inappropriate relationship with a youth, former youth, or a youth's/former youth's family.
- 2. Staff may contact and interact with youth, former youth, and youth's/former youth's families in a professional capacity.

- a) Contact and interactions in a professional capacity may occur during a staff member's non-working hours as long as the contact or interaction does not constitute an "inappropriate relationship" or "private business relationship," as defined in this policy.

- b) Any interaction or contact during a staff member's non-working hours other than incidental may be perceived as inappropriate and must be reported by the staff member to the staff member's supervisor via a YA 8130 (Conflict of Interest Notification and Review).

The contact must also be documented in JJIS notes by the staff member or the supervisor.

- c) The supervisor will follow steps outlined above (section IV.A.4.) to determine whether the staff member's reported contact or interaction is allowable, and notify the youth's JPPO of the contact if the youth is on OYA community supervision.

3. Business relationships

A staff member and staff member's immediate family must not have private business relationships with youth, former youth, or their families. Private business relationships include either party lending or borrowing money; or being a partner, associate, consultant, or advisor in business matters.

- a) Exception:

When no option is available but to have a private business relationship with a youth's or former youth's **family member**, the staff member must notify the staff member's supervisor of the situation through the conflict of interest notification process described in OYA policy 0-2.4 (Conflict of Interest).

- b) Sale of items produced by youth

Staff may purchase items produced by youth through vocational or educational programs when the items are available to members of the general public in the same way. This is not considered a private business relationship.

- 4. The development of an inappropriate or private business relationship with a youth or former youth may constitute criminal activity, result in a loss of employment, or denial of access to facilities or youth.

C. Gifts

- 1. Youth on community supervision, former youth, and their families

Staff may purchase youth on community supervision, former youth, or youth/former youth families an inexpensive meal, food item, or non-alcoholic beverage during a professional meeting or professional contact.

- a) A staff member must have documented authorization from the staff member's supervisor prior to the purchase.
- b) The staff member's supervisor must ensure there is no conflict of interest associated with the purchase, and that the purchase has a monetary value of \$10 or less (see OYA policies 0-2.4 Conflict of Interest and 0-2.1 Professional Standards).

- 2. Youth on community supervision and their families

- a) A youth's assigned JPPO or field supervisor may purchase a youth on community supervision or the youth's family an inexpensive meal, food item, or non-alcoholic beverage during an **unplanned** professional meeting or contact if the purchased item meets the criteria listed in paragraph 1.b above.

- b) After-action authorization must be requested by the staff member, and documented in the youth's JJIS notes by the staff member or the staff member's supervisor.

- 3. Former youth and their families

- a) A purchase of an inexpensive meal, food item, or non-alcoholic beverage for a former youth or former youth's family by a staff member during an **unplanned** professional meeting or professional contact may be appropriate if the item meets the criteria listed in paragraph 1.b above.

- b) After-action authorization must be requested by the staff member, and documented in the former youth's JJIS notes by the staff member or the staff member's supervisor.

4. Youth residing in facilities

- a) Staff may not give gifts, including food or beverages, to youth who reside in OYA facilities. Youth who reside in OYA facilities may receive incentive awards, stipends, or donations as described in OYA policy (I-B-5.0 Agency Acceptance of Donations; I-B-3.1 Offender Welfare Account; I-B-3.0 Youth Trust Accounts; II-B-2.0 Behavior Management – Incentives and Reinforcement).
- b) A youth's assigned JPPO or field supervisor may purchase the youth an inexpensive meal, food item, or non-alcoholic beverage during a professional contact in an OYA facility, if the item meets the criteria and approval listed in paragraph 1 above and does not conflict with the facility's operating protocols.

5. Accepting gifts from youth, former youth, or their families

- a) Staff may accept unsolicited tokens or awards of appreciation of nominal value from youth, former youth, or youth/former youth families.
- b) The staff member must notify the staff member's supervisor of the gift.
- c) The staff member's supervisor must ensure there is no conflict of interest associated with the gift (see OYA policies 0-2.1 Professional Standards and 0-2.4 Conflict of Interest).

- D. In the event of a circumstance where a potential conflict of interest, conflict with this policy, or breach of professional boundaries exists, the staff member must notify, in writing, the staff member's supervisor as soon as the staff member knows of the event or circumstance.

OYA form YA 8130 (Conflict of Interest Notification and Review) will be used to document the notification.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO

A Frequently Asked Questions (FAQ) document is attached to this policy to provide additional information for staff.

1. What is the agency's concern regarding staff relationships with youth and youth families?

OYA is concerned about making sure that staff always establish professional boundaries with youth and youth families so they can maintain their objectivity. The ethics of our profession require that staff do not establish “dual relationships” with youth. Dual relationships occur when staff simultaneously maintain relationships with a youth, former youth, or youth's/former youth's family as a juvenile justice professional and as a private person.

OYA will take action to avoid dual relationships in the event a staff member has a relationship with a youth that existed prior to the youth entering OYA physical or legal custody. In essence, OYA will prohibit the staff from working in a professional capacity with the youth if this circumstance exists.

2. Why is this important?

Professional relationships between OYA staff and youth in OYA custody result in imbalances of power. Many staff have control of or influence over youth while in our facilities or on community supervision. Staff also have access to restricted information (e.g., psychological, medical, abuse and neglect information) about youth, former youth, and their families. This information would not be disclosed to staff in a non-professional capacity. Because of this access to information and possible control or influence over youth, staff must engage in activities limited to those in a professional capacity. Some careers have ended because of disregard for these limits.

3. My nephew, niece, grandson, or granddaughter has been committed to OYA. What steps must I take to comply with this policy?

This needs to be reported to your supervisor immediately. A plan will be developed to ensure that you will have no professional responsibility for the care, supervision or treatment of the youth (hence, avoiding a dual relationship). Policy also prohibits staff from accessing case file information or other information concerning the youth.

4. What about contacts within the community with OYA youth or former youth that occur while I'm off duty?

OYA is not concerned with incidental contact with youth or former youth that take place in the community (e.g., while shopping, or contact with a youth who is working at a gas station where you purchase fuel). These interactions are referred to as “incidental” and staff need not take action if these contacts occur. However, brief contacts with youth that lead to social or business interactions must be reported (e.g., contact that leads to a professional conversation over coffee in a public area). The same is true if social or private business relationships are entered into with members of the youth's family. OYA staff must not jeopardize their professional objectivities or appear to violate professional boundaries. Reporting the contact allows the staff member's supervisor to determine whether the contact is/was appropriate and may continue or not.

5. Can I communicate with youth, former youth, or their families through social media?

Allowing youth, former youth, or their families to view your personal life information is not appropriate. You must continue to maintain professional boundaries with youth, former youth, and their families outside of the workplace. For example, friending a youth or former youth on your personal Facebook account is not appropriate as they may be exposed to your personal life. If you maintain a professional social media site for professional information and communication (e.g., LinkedIn), it *may* be appropriate for use with youth, former youth, or their families. Your supervisor can help make that determination.

Any social media contact (or request for contact) must be reported (via YA 8130 Conflict of Interest Notification and Review) to your supervisor for discussion and approval, and to establish a plan to prevent an inappropriate or private business relationship, if needed.

6. What are the circumstances that constitute a violation of professional boundaries with youth or former youth?

The following behavior is prohibited:

- a) Engaging in inappropriate relationships or private business relationships with youth, former youth, or their families.

This includes:

- dating;
- sharing living accommodations;
- intimate or sexual relationships;
- lending or borrowing money; or
- being a partner, associate, consultant, or advisor in business matters.

- b) Giving or accepting money;

- c) Giving or accepting unauthorized gifts;

- d) Favors or special considerations of any kind (no matter how trivial they may seem).

- e) Exchanging personal information (e.g., personal phone numbers, home addresses, personal e-mail addresses, personal social media networking).

- f) Inappropriate physical contact and any type of horseplay.

- g) Having youth perform services or produce items for staff outside of OYA policy or procedure.

- h) Contacting the youth, former youth, or their family via telephone, e-mail, fax, mail, or social media networking, except in a professional capacity.

- i) Allowing youth or former youth to access a staff member's personal property. This includes entering a staff member's vehicle or residence. (See question 7 for reporting potential conflicts of interest in this scenario.)
- j) Giving prohibited items (contraband) to youth.
- k) A staff member using a professional relationship with a youth, former youth, or youth's family to further the staff member's personal, religious, political, sexual, or financial interests.

7. What am I required to do if a potential violation of professional boundaries exists?

This is considered a potential conflict of interest and must be reported in writing (via YA 8130 Conflict of Interest Notification and Review) to your supervisor for discussion and to establish a plan to prevent an inappropriate or private business relationship, if needed. The following are examples of circumstances that must be reported.

- a) A staff member enters into a dating relationship with a person and learns the person has a child in OYA physical or legal custody in another facility or state region.
- b) A staff member learns that the staff member's son or daughter is dating a former youth who was supervised by the staff member while the former youth was in OYA physical or legal custody.
- c) A former youth and staff member who had a previous OYA professional relationship attend the same organization meetings or events (e.g., church, sports club/team, and community service clubs) and interact with each other during the meetings or events.

8. What action should the supervisor take in response to the circumstance described in Question # 7?

The supervisor should respond to the circumstance as a potential conflict of interest. The supervisor must ensure the staff member completes OYA form YA 8130 (Conflict of Interest Notification and Review) pursuant to OYA policy 0-2.4 (Conflict of Interest). Depending on the details of the circumstance, a plan may be established with the staff member to prevent an actual conflict of interest.

9. Sometimes youth contact me at work to inform me of their progresses or significant events in their lives. What is the agency's expectation in this circumstance?

As long as this contact remains within the scope of a professional capacity (the youth contacts you at work and the interaction is restricted to issues concerning the youth's reformation), then it is acceptable. This is especially true if the contact is part of the youth's case plan. For example, the case plan could include language that directs the youth to call the QMHP every two weeks for the first three months after release from a YCF. The contact must be documented in the youth's JJIS case notes.

If a youth or former youth contacts a staff member for reasons that are outside of the case plan, to avoid any appearance of a violation of professional boundaries, the staff member should report the contact to the staff member's supervisor after. For case management reasons, if the youth is in OYA physical or legal custody the youth's juvenile parole/probation officer (JPPO) should be notified of the contact. The JPPO or contacted staff member will document the contact in the youth's JJIS case notes. However, if a staff member provides the youth the staff member's home address or personal contact information (actions that may lead to a relationship beyond the scope of a professional relationship), then a violation of this policy has occurred.

10. The policy refers to activities that may constitute criminal activity. What conduct is the policy referring to?

There are at least two types of crimes that staff could be charged with depending on the nature and circumstances of on- or off-duty conduct. If a dating, intimate, or sexual relationship is established, the crime of Custodial Sexual Misconduct may have been committed. Regardless of whether a crime has been committed, establishing a dating, intimate, or sexual relationship with a youth is unethical and a violation of OYA policy.

Another crime that staff could be charged with is Official Misconduct. Official Misconduct occurs when a staff member, with intent to obtain a benefit or to harm another, knowingly fails to perform a duty imposed upon the public servant by law or one clearly inherent in the nature of office or if the staff knowingly performs an act constituting an unauthorized exercise in official duties.

11. Sexual misconduct by corrections and juvenile justice staff has received media attention. What can I do to protect myself or avoid the appearance of such conduct?

Sexual misconduct in juvenile corrections does occur. It is imperative that staff continually reevaluate themselves in light of the ethics of their profession, professional standards, OYA policy, the national Prison Rape Elimination Act (PREA) standards, and possible risk factors associated with sexual misconduct. If issues related to professional boundaries are indicated through self-assessment, staff should seek guidance from a supervisor.

The following events, actions, and activities have been identified by the National Institute of Corrections as "Red Flags" indicating the potential of staff sexual misconduct.

If staff observe a coworker engage in one or more of the "Red Flags" listed below, they should address their concerns with their coworker and seek guidance from a supervisor. This is difficult to do. If experience is our guide, experience has demonstrated that staff we would never suspect or believe capable of sexual misconduct have unfortunately engaged in such behavior. Stressful events and difficult circumstances can have a debilitating effect on staff judgment. Addressing the "Red Flag" behaviors listed below can help staff avoid the tragedy of sexual misconduct.

Indicators of possible staff sexual misconduct:

- Over-identifying with the youth (“my youth”) or their issues (i.e. blind to youth’s actions);
- Reluctance to closely supervise a particular youth;
- Early termination of supervision outside of normal practices;
- Horseplay, interaction with sexual overtones between staff and youth;
- Youth knowing personal/private information about staff;
- Staff isolation from others;
- Youth has letters or photos of staff;
- Staff granting special requests or showing favoritism;
- Youth appearing in the office when not scheduled or required;
- Staff spending an unexplainable amount of time with a youth;
- Excessive telephone calls to and from staff/youth with no official purpose;
- Staff in the office during “off hours”;
- Staff overly concerned about a youth;
- Drastic change in behavior or appearance of a youth or staff – dress, makeup, hair;
- Staff allowing youth to perform a service such as a car repair, housecleaning etc.;
- High/low number of youth grievances;
- Staff intercepting youth violation (incident) reports, or attempting to persuade another staff from filing a probation/parole violation against the youth;
- Staff can’t account for time;
- Staff’s family being involved with youth’s family;
- Staff transporting youth in their private car to appointments, etc.;
- Staff in personal crisis (divorce, ill health, bankruptcy, death in family) and appears to be participating in any of the scenarios on this list;
- Staff consistently works more overtime than peers;
- Staff has excessive knowledge about a youth and the youth’s family;
- Staff intervening, or helping with the youth’s personal life, legal affairs, etc., when it is not necessary to the supervision of that youth;
- Staff accepting or giving unauthorized gifts to or from a youth;
- Staff testifying for a youth, or requesting special treatment for a youth;
- Overheard conversations between staff and youth that are sexualized in nature, or refer to the physical attributes of staff or youth;
- Sexual or personal banter between staff or staff and youth;
- Youth using staff’s first name when it is not the standard procedure in the agency, facility, or office.