



OREGON YOUTH AUTHORITY

Policy Statement

Part III – Youth Services (Community)



Subject:

Religious Practices in Substitute Care Placements

Section – Policy Number:

D: Case Management – 8.0

Supersedes:

III-D-8.0 (11/07)

Effective Date:

02/27/2012

Date of Last

Review:

02/27/2016

Related Standards and References:

- U.S. Code: [Title 42, Section 2000bb-1 through 2000bb-4](#), Religious Freedom Restoration Act
- [Protection of Religious Exercise in Land Use and Institutionalized Persons](#) Act of 2000
- [OYA policy](#): III-B-4.0 (Youth Rights, Responsibilities and Grievances)
III-A-4.0 (Searches of Youth and Areas; Processing of Contraband or Evidence in Community Placements)

Related Procedures:

None

Policy Owner:

Community Services Assistant Director

Approved:


Fariborz Pakseresht, Interim Director

I. PURPOSE:

This policy provides guidelines for OYA staff when addressing issues related to youth religious practices while in community substitute care.

II. POLICY DEFINITIONS:

Religious practice: Any exercise of religion, whether or not such exercise is compelled by, or central to, a system of religious belief. It includes access to religious publications, religious symbols, congregate worship/religious services, religious study classes and ceremonies, and adherence to dietary requirements.

Substitute care: Placements in the community that provide 24-hour-a-day care and/or treatment, excluding a relative's home. Such placements include, but are not limited to, foster care, proctor care, or contracted residential treatment programs.

III. POLICY:

Federal laws allow all people to hold individual religious beliefs. Youth in OYA substitute care placements maintain this same right. Youth are not required to participate in religious practices or rituals.

In some situations, federal laws allow states to limit a youth's expression of religious beliefs through religious practice or rituals. While OYA makes every reasonable effort to allow youth the right of religious practice, the agency may restrict religious actions or rituals when:

- There is a compelling interest to do so, including, but not limited to, legitimate security and operational considerations such as safety, health and order; rehabilitation or treatment-related issues; or limitations of resources; and
- The imposed limitation is the least restrictive means of addressing the compelling interest.

IV. GENERAL STANDARDS:

A. OYA contracted residential treatment programs.

1. Contracts between OYA and each residential treatment program must specify that programs will develop written procedures to implement specific OYA policies, including OYA policy III-D-8.0 (Religious Practices in Substitute Care Placements).
2. OYA staff who observe or receive reports of alleged actions or practices by residential treatment programs or their staff that are in conflict with OYA policy III-D-8.0 must inform the Community Resources Manager, or designee, of the alleged action or practice.

B. Youth in OYA substitute care

1. OYA staff must be aware of youth rights to practice the religion of their choice while in substitute care and to have reasonable access to religious activities. Religious activities may include, but are not limited to:
 - a) Religious classes (lectures, instruction, discussion);
 - b) Religious forums;
 - c) Prayer groups;
 - d) Religious choirs, ensembles and singing groups;
 - e) Self-study or group studies;
 - f) Religious group counseling;

- g) Spiritual maturity groups;
- h) Ceremonies;
- i) Instruction in doctrines, rituals and ideals of various religious faiths; access to religious publications;
- j) Provision of religious diets;
- k) Wearing or carrying a religious emblem, medal, medallion or other religious item; and
- l) Celebration of rituals necessary to meet the requirements of a given faith.
 - (1) Religious requirements relating to head or facial hair may be allowed consistent with the substitute care placement rules on hygiene and grooming.
 - (2) Whenever possible, youth work assignments and schedules will accommodate religious practice that requires abstinence from work on certain holidays. Such accommodation will not penalize the youth.

- 2. Staff who observe or receive reports of alleged actions or practices by a substitute care provider that are in conflict with this policy must inform the Community Resource Manager, or designee.
- 3. Staff must refer a youth who desires to participate in a religious activity that is not currently available within the community where the youth is placed to the youth's JPPO.

The youth's JPPO must facilitate the youth's request for a reasonable accommodation to access religious activities or materials by having the youth complete a written request with the following information:

- a) The name of the religion or belief; and
- b) The title and brief description of religious activity requested, including:
 - (1) The significance of the activity in the practice of the religion;
 - (2) How often or under what circumstances the religious activity will be held in the community;
 - (3) Minimum time and any physical requirements within which the religious activity may take place;

- (4) Any materials that are required for the religious activity and their purpose or use, including a list of any items associated with the religious activity that the youth would retain, if any;
 - (5) The title (if any), function, and eligibility requirements for participants in the activity; and
 - (6) The name, address and phone number of a recognized religious representative who can verify the above information.
4. The JPPO and Community Resource Manager must review the request and consider:
 - a) The effects of the request on the safety and security of persons and order of the substitute care placement;
 - b) Available resources to provide the activity;
 - c) Alternative means of meeting the request; and
 - d) Other issues specific to the request.
5. The Community Resource Manager must provide a written response. A copy must be sent to the youth, JPPO, and field supervisor.
6. A youth may appeal a response result by filing a grievance according to OYA policy III-B-4.0 (Youth Rights, Responsibilities and Grievances).
 - a) If there is a conflict between a request for a religious practice and the substitute care provider's interest, the matter will be resolved by OYA in consultation with the affected parties. When necessary, OYA will consult with appropriate religious representatives and other authorities as needed to clarify issues.
 - b) The decision of the OYA Director is final.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO