

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to protective locked environment for certain children

The Department of Health and Human Services hereby amends Chapter 105, “Juvenile Detention and Shelter Care Homes,” Chapter 106, “Certification Standards for Children’s Residential Facilities,” Chapter 114, “Licensing and Regulation of All Group Living Foster Care Facilities for Children,” and Chapter 115, “Licensing and Regulation of Comprehensive Residential Facilities for Children,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 237C and 2025 Iowa Acts, Senate File 474.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237C and 2025 Iowa Acts, Senate File 474.

Purpose and Summary

This rulemaking adds clarification to existing rules and implements 2025 Iowa Acts, Senate File 474, sections 33 through 37, regarding a protective locked environment for certain children.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9845C**. Public hearings were held on the following date:

- January 13, 2026

One public comment was received in support of adding more facilities with protective locked environments within Iowa. No other public comments were received. A change from the Notice has been made to update the Iowa Code reference in Items 1, 3, 4, and 5.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** definition of "Protective locked environment" in rule **441—105.1(232)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 2. Adopt the following **new** paragraph **105.8(10)“g”**:

g. Defining protective locked environment and how it is utilized to provide safety and security for children.

ITEM 3. Adopt the following **new** definition of "Protective locked environment," in rule **441—106.1(237C)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 4. Adopt the following **new** definition of "Protective locked environment," in rule **441—114.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 5. Adopt the following **new** definition of "Protective locked environment," in rule **441—115.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 6. Rescind the definition of "Nonsecure facility" in rule **441—115.2(237)**.

ITEM 7. Amend subrule 115.6(1) as follows:

115.6(1) ~~*Nonsecure*~~ *Protective locked environment facilities*. Physical restraints and a control room are permitted in ~~nonsecure~~ protective locked environment facilities.

ITEM 8. Amend subrule 115.6(3) as follows:

115.6(3) *Written policies*. A facility ~~which~~ that uses restraints shall have a written policy on their use. This policy shall include:

a. and b. No change.

c. Identification of staff or licensed professionals authorized to approve and use each form of restraint.

d. to f. No change.

ITEM 9. Amend paragraph **115.6(4)“b”** as follows:

b. A facility shall not use restraint as a disciplinary or punitive measure, for staff convenience, as a preventive measure, or as a substitute for programming.

ITEM 10. Amend paragraph **115.6(4)“d”** as follows:

d. A secure facility shall continually review any use of a restraint on a child, other than physical restraint. ~~The facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.~~

ITEM 11. Adopt the following **new** paragraph **115.6(4)“e”**:

e. A facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

ITEM 12. Amend paragraph **115.7(4)“g”** as follows:

g. The child shall remain in the control room longer than one hour only with consultation and approval from the ~~supervisor~~ authorized staff or licensed professional. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall

occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours.

[Filed 2/3/26, effective 5/1/26]

[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.