

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to the civil commitment unit for sexual offenders

The Department of Health and Human Services hereby rescinds Chapter 31, “Civil Commitment Unit for Sexual Offenders,” Iowa Administrative Code, and adopts a new Chapter 31 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 229A.15B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 229A.

Purpose and Summary

This rulemaking outlines requirements for patients at the Civil Commitment Unit for Sexual Offenders (CCUSO). CCUSO provides a secure, long-term, and highly structured setting to treat sexually violent predators who have served their prison terms but who, in a separate civil trial, have been found likely to commit further violent sexual offenses.

This chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of that review, the Department removed duplicative and outdated information and restrictive terms where appropriate.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026, as **ARC 0410D**. Public hearings were held on the following date:

- July 28, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made. In order to better tether the definition of “patient” to Iowa Code chapter 229A, the Department added clarifying language to that definition to indicate that the person has been determined to be a sexually violent predator and civilly committed to CCUSO.

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 14, 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 2504.

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 November 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31
CIVIL COMMITMENT UNIT FOR SEXUAL OFFENDERS

441—31.1(229A) Definitions.

“Contraband” means weapons; ammunition; tobacco; alcohol; drugs; money; altered authorized property; mood-altering plant materials or chemicals; obscene materials as defined in Iowa Code section 728.1(5); explosives; materials that can be used in the manufacture of explosives; or materials advocating disruption of or injury to patients, employees, programs, or physical facilities. *“Contraband”* includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. *“Contraband”* also includes anything determined to be banned from individual possession by published facility rules.

“Facility” means the civil commitment unit for sexual offenders (CCUSO).

“Grievance” means a written complaint by or on behalf of a patient that involves a rights or rule violation or unfairness to the patient.

“Guardian” means the person other than a parent of a child who has been appointed by the court to have custody of the person of the patient as provided under Iowa Code section 232.2(26) or 633.3(22).

“Institutional superintendent” means the person appointed as the administrator of CCUSO.

“Patient” means a person who has been determined to be a sexually violent predator and civilly committed to CCUSO under Iowa Code chapter 229A.

441—31.2(229A) Visitation. CCUSO will maintain policies and procedures for visitation for patients.

441—31.3(229A) Grievances. CCUSO will maintain policies and procedures for patients to file a grievance. A patient's family or guardian may file a grievance on the patient's behalf.

441—31.4(229A) Photographing and recording patients. CCUSO will utilize video surveillance for security and investigations. Photographing and video and audio recording of patients for any other purpose are subject to CCUSO's policies and procedures for prior authorization.

441—31.5(229A) Public media. Photographs and video and audio recordings by public media inside the facility and of patients will be permitted only with the prior authorization of the institutional superintendent and of the patient or the patient's guardian.

31.5(1) For the security or confidentiality of other patients, the institutional superintendent may limit the scope of what is photographed or recorded.

31.5(2) Public media representatives authorized to take photographs or recordings shall make every effort to preserve the inherent dignity of the patient and to preclude the exploitation or embarrassment of the patient.

441—31.6(229A) Communication with patients.

31.6(1) *Incoming telephone calls.* CCUSO does not allow patients to receive incoming telephone calls.

31.6(2) *Outgoing telephone calls.* CCUSO will maintain policies and procedures for patients to make outgoing telephone calls.

31.6(3) *Attorney contacts.* A patient's attorney shall have the right to visit or have telephone contact with the patient at any reasonable time. The patient shall have the right to call the individual's attorney during normal business hours and at other times with the consent of the attorney. The patient or the attorney shall be responsible for any costs associated with the call.

31.6(4) *Interviews.* Interviews of a patient by the news media or other outside persons or groups shall be permitted only with the prior consent of the patient or the patient's guardian. Requests for interviews shall be made to the institutional superintendent.

31.6(5) *Mail and packages.* CCUSO will maintain policies and procedures for incoming and outgoing mail, including a policy that correspondence is not permitted between a patient and a patient's victim, a registered sex offender, or another patient residing at CCUSO. Should mail or packages be rejected by the facility for any reason, such as containing contraband, being a security risk, or being counter-therapeutic, notice will be provided to the sender and the recipient via the CCUSO form Notice of Rejection of Mail within two business days.

441—31.7(229A) *Building and grounds.* The facility's building and grounds are not available for general public use.

441—31.8(229A) *Cost of care.* The facility will seek to recover the full cost or a portion of the cost of care from the patient or another responsible person. The cost of the patient's care will be determined for each fiscal year included in the length of stay using the average per diem cost multiplied by the total number of days of care.

31.8(1) *Social security benefits.* The facility will seek recovery from the patient when the patient receives a benefit pursuant to the Social Security Act as amended to August 1, 2026. In such case, the patient will be allowed to retain for personal use an amount equal to the personal allowance amount established by the Social Security Administration.

31.8(2) *Other income.* The facility will seek recovery from the patient when the patient has other income; a trust fund; individually owned real estate, stocks, or bonds; an individually owned savings account, checking account, or certificate of deposit; an individual retirement account; or proceeds from the disposal of real estate or other property.

31.8(3) *Other person legally liable.* The facility will seek recovery from a person who is legally liable for the support of the patient up to the amount of the person's legal liability. The facility will seek recovery from a person who is bound by contract to support the patient up to the amount of the contract. A person legally liable to support the patient does not include a political subdivision.

These rules are intended to implement Iowa Code section 229A.15B.

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