RA 26-397

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 105
"Juvenile Detention Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.142
State or federal law(s) implemented by the rulemaking: Iowa Code section 232.142

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Lucas State Office Building
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Purpose and Summary

This proposed chapter was reviewed under Executive Order 10. As part of this review, restrictive terms were reduced and outdated information was eliminated. In addition, the rules were updated to reflect only juvenile detention homes because juvenile shelter care homes provide a different type of care. The shelter care language was separated out to become new 441—Chapter 104 (**RA 26-396**, IAB 11/11/26).

This proposed rulemaking outlines the requirements for establishing, maintaining, and regulating juvenile detention homes. To update the proposed rules, the Department obtained input from interested parties, including the facility directors of all nine juvenile detention homes, survey staff from the Department of Inspections, Appeals, and Licensing (DIAL), subject matter experts from the Department, the Iowa Juvenile Justice Advisory Council, and the Youth Justice Council. Numerous factors were considered, including but not limited to public safety, safety and well-being of youth in custody, safety of staff working in juvenile detention homes, operational factors, and the services that juvenile detention homes provide to their communities.

Notable updates include:

- Basic standards for facilities to maintain, including standards for lighting, bedding, and heating and cooling.
- Best practice language and standards based upon the Prison Rape Elimination Act (PREA).

- A requirement that all children in a detention home receive educational programming due to reports of facilities not providing education to youth waived to adult court for prosecution.
- Requirements for children to go outside for fresh air when the weather permits.
- Updated standards for children's basic needs, including clothing and hygiene.
- Language permitting other individuals who are significant to children, but who are not necessarily family members, to visit.
- Staff participation in physical restraints limited to those who have received the necessary training.
- Time period for decisions on facility license renewals increased from 60 days to 90 days to allow ample time for the DIAL to complete DIAL's onsite renewal surveys prior to the expiration of the current certificate of approval.
- Reporting duties for staff required to ensure they understand the policies and processes within a facility when child abuse is suspected.

References to Iowa Code chapter 148C are to that chapter as amended by 2026 Iowa Acts, Senate File 2190.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Facilities that contract with the Department, as well as the children residing in the facilities, will benefit from updated rules.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Iowa currently has 13 licensed juvenile detention homes throughout the State.

- **Qualitative description of impact:**

Facilities that contract with the Department, as well as the children who utilize the facilities, will benefit from clear, well-organized rules.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no other implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The rules set forth in this proposed chapter are appropriate under Iowa Code section 232.142.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
JUVENILE DETENTION HOMES

441—105.1(232) Definitions.

"Authorized prescriber" means those persons identified in Iowa Code section 147.107 and chapter 154.

"Chemical restraint" means the use of chemical agents including psychotropic drugs as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

"Child," for purposes of this chapter, means anyone under the age of 18, including but not limited to those under the jurisdiction of the juvenile court, those being prosecuted criminally as an adult in district court, those from out-of-state jurisdictions, and those under the jurisdiction of a federal agency.

"Child care worker" means an individual employed by a facility whose primary responsibility is the direct care of the children in the facility.

"Coed facility" means a facility that has both sexes in the residence.

"Control room" means a locked room in a juvenile detention home, used for the purpose of the management of a child's behavior as detailed in the discipline section. A control room may additionally be used for the purpose of isolating a child with a contagious disease or for the purpose of allowing a child to become sober when the child is brought to the facility while under the influence of alcohol or an illicit substance as detailed in the discipline section.

"Corporal punishment" means the intentional physical punishment of a child. It includes the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain.

"County or multicounty" means that the governing body is a county board of supervisors or a combination of representatives from county boards of supervisors.

"Facility" means a juvenile detention home as defined in Iowa Code section 232.2 that meets the requirements of being county or multicounty or a private juvenile detention home as defined in Iowa Code section 232.2 that does not meet the requirements of being county or multicounty.

"Immediate family," for the purposes of this chapter, means persons who have a blood relationship with the child, including but not limited to parents, grandparents, siblings, and the detained child's own children, or who have a legal relationship with the child, including but not limited to the parents or legal guardians of the detained child's siblings, the detained child's own children, or both.

"Mechanical restraint" means restriction by the use of a mechanical device of a child's mobility or ability to use the hands, arms or legs.

"Medical staff" means physicians and surgeons as described in Iowa Code chapter 148, physician associates as defined in Iowa Code chapter 148C, and advanced registered nurse practitioners as defined in Iowa Code chapter 152.

"Medication management and administration" means to properly tend to prescription and nonprescription medications, including but not limited to:

1. Properly obtaining and storing medication;
2. Removing medication from its storage place;
3. Ensuring to the extent possible that the child ingests, applies, or uses the appropriate dosage at the appropriate time of day; and
4. Documenting the dosage and the time and date that the child ingested, applied, or used the medication.

"Night hours" means those continuous hours of the day dedicated toward the needs of sleep. Night hours shall not exceed 10 hours in length within a 24-hour period during the week and shall not exceed 12 hours in length within a 24-hour period during the weekend and holidays.

"Nonprescription medication" means any drug or device that is not a prescription medication as defined in this chapter.

"Pat-down search" means a running of the hands over the clothed body of a child by a staff person to determine whether the child possesses contraband.

"Personal search" means a search that requires a child to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

"Physical restraint" means direct physical contact required on the part of a staff person to prevent a child from hurting self, others, or property.

"Prescription medication" means a prescription drug as defined in Iowa Code section 155A.3(30).

"Prone restraint" means a physical restraint in which a child is held face down on the floor.

"Room restriction" means the temporary and short-term restriction of a child to a bedroom or control room. Children may be restricted to a bedroom either through the use of a locked door or child care worker physically preventing the child from leaving the bedroom.

"Schedule II medications" means those controlled substances identified in Iowa Code chapter 124.

"Staff" means any person providing care or services to or on behalf of the children, whether the person is an employee of the facility; an independent contractor or an employee of an independent contractor; any other person who contracts with the facility; or a volunteer.

"Time-out" means the temporary and short-term restriction of a child for a period of time to a designated area, unlocked bedroom or bedroom with the door open, for the purpose of providing the child an opportunity to regain self-control.

441—105.2(232) Buildings and grounds.

105.2(1) *General.*

a. Facilities shall take sufficient measures to ensure the safety of the children in care.

b. Stairways, hallways and aisles shall be of substantial nonslippery material, maintained in a good state of repair, adequately lighted, and kept free from obstructions at all times. All stairways shall have handrails.

c. Radiators, registers, and steam and hot water pipes shall have protective covering or insulation.

d. Electrical outlets and switches shall have wall plates.

e. Electrical panels shall be inaccessible to children.

f. All electrical switches and outlets shall be maintained in an operational condition.

g. Facilities shall have written procedures for the handling and storage of hazardous materials. Storage shall be inaccessible to children.

h. Firearms are prohibited inside of juvenile detention homes during nonemergency situations, with the exception of an entryway or a sally port used by law enforcement. A secure firearm locker located in a place inaccessible to children shall be provided where law enforcement officers entering the facility can store firearms.

105.2(2) *Grounds.*

a. An outdoor play area of a minimum of 75 square feet per child shall be provided.

b. The play area shall be identified and kept free from hazards that could cause injury to a child.

c. Rubbish and trash shall be kept separated from the play area.

d. The grounds shall be adequately drained.

105.2(3) *Buildings.*

a. All living areas shall:

(1) Have screens on windows used for ventilation.

(2) Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases, and objectionable odors.

(3) Be in safe repair.

(4) Provide for adequate lighting when natural sunlight is inadequate and shall:

1. Have lighting that shall be a minimum of 400 lumens at the tabletop for purposes of reading and writing.

2. Ensure living areas are devoid of dark areas.

3. Ensure hallways, entrances and exits are sufficiently lighted to identify a person entering or exiting.

4. Ensure light controls are kept out of the control of children.

5. Ensure that housing areas may be variably illuminated to allow sleep or for specific activities, such as watching a movie, but continuous observation of children must be maintained.

6. Ensure that all exits are equipped with independent lighting sources.

(5) Have heating and storage areas separated from sleeping or play areas.

(6) Have walls and ceilings surfaced with materials that are asbestos-free.

b. Reserved.

105.2(4) *Bedrooms.*

a. All sleeping rooms shall be of finished construction and provide a minimum of 60 square feet per child for multiple occupancy, 80 square feet per child for single occupancy, and not sleep more than two children per room.

b. All rooms aboveground shall:

(1) Have a ceiling height of at least 7 feet, 6 inches.

(2) Have a window area of at least 8 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

c. All rooms belowground shall:

(1) Have a ceiling height of at least 6 feet, 8 inches.

(2) Have a window area of at least 2 percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

(3) Have floor and walls constructed of concrete or other materials with an impervious finish and free from groundwater leakage.

d. Each child in care shall have a solidly constructed bed.

e. Each child in care shall have sufficient bedding.

(1) Sheets, pillowcases and blankets shall be provided for each child and shall be kept clean and in good repair.

(2) Bedding shall be provided that allows the child to sleep comfortably based upon the temperature of the living quarters, like a blanket and sheet in a living quarter maintained at 75 degrees Fahrenheit or higher, and a quilt and sheet in a living quarter maintained at 74 degrees Fahrenheit or lower.

(3) Deprivation of bedding shall not be used as discipline, punishment, a consequence, or as an incentive or motivator for positive behavior.

(4) These items shall not be withheld from any child and only withheld when the staff reasonably believes and documents that the child would destroy such items or use them as weapons, for self-injury or to aid in escape.

(5) If a child is deprived of sheets, pillowcases, blankets, or quilts or all of these items for more than two nights in a row, or three nights within a seven-day period, a special plan will be developed and approved by the facility director and maintained in the child's case file to ensure that the child has the opportunity to be provided with these essential needs.

f. Children shall only occupy a bedroom with a member of the same sex.

g. Bedroom assignments shall be made on the basis of the individual child's needs for privacy, independence of group support, and safety.

h. Bedrooms shall be cleaned, sanitized and disinfected by staff between the occupancy of different children.

105.2(5) *Heating, ventilation, and air conditioning (HVAC).*

a. The heating unit shall be so located and operated as to maintain the temperature in the living quarters at a minimum of 65 degrees Fahrenheit and a maximum of 85 degrees Fahrenheit. Variances may be made in case of health problems. Temperature is measured 24 inches above the floor in the middle of the room.

b. All living areas, kitchens, bedrooms, and bathrooms shall be reasonably ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthy and comfortable living and working conditions for children and staff.

c. All gas and oil lines for heating systems, water heaters, and stoves/ovens shall meet existing building and health code requirements.

d. The heating and cooling system shall be checked yearly by a qualified HVAC professional and maintained in a safe working condition at all times.

105.2(6) *Bathroom facilities.*

a. Bathrooms shall have an adequate supply of hot and cold running water.

b. Each bathroom shall be properly equipped with toilet tissue, towels or air dryers, and soap. Paper towels, when used, and toilet tissue shall be in dispensers. Children shall be provided items required for personal hygiene but shall not be required to keep items in the bathrooms.

c. Toilets and baths or showers shall provide for individual privacy.

d. There shall be a shower or tub for each ten children or portion thereof.

e. Tubs and showers shall have slip-proof surfaces.

f. At least one toilet and one lavatory shall be provided for each six children or portion thereof.

g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.

h. Toilet facilities adjacent to a food preparation area shall be separated completely by a windowless door that completely fills the doorframe or by a windowless wall.

i. All toilet facilities shall be kept clean.

j. When more than one toilet is used in one bathroom, partitions providing privacy shall be used.

k. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition and free of stains and hard water buildup.

105.2(7) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

105.2(8) *Private water supplies.*

a. Maintenance and operation. Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water. Each water supply used as part of a facility shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected by a well contractor certified by the state within 30 days of discovery.

b. Evaluation and water testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO3-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectable coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 µg/L or less. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

c. Multiple wells supplying water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

d. Deficiencies. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

e. When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is unsafe for drinking water uses. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within ten days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days after any water test analysis report that indicates the water supply is unsafe for drinking water uses.

f. Other sources. Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

105.2(9) *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

105.2(10) *Sewage treatment.*

a. Facilities shall be connected to public sewer systems where available.

b. Private disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

105.2(11) *Garbage storage and disposal.*

a. A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be fly-tight, leakproof, and rodent proof and shall be maintained in a sanitary condition.

105.2(12) *Emergency evacuation and safety procedures.* Upon admission, all children shall receive instruction regarding evacuation and safety procedures. All living units utilized by children shall have a posted plan for evacuation and safety procedures regarding severe weather events, fire or other natural or man-made disasters. Practice fire drills shall be held monthly, and severe weather drills shall be held twice annually.

105.2(13) *Fire inspection.* Each facility shall procure an annual fire inspection approved by the state fire marshal or designee and shall meet the recommendations thereof. A current fire inspection

report will be submitted to the department and shall be required as part of the application for a certificate of approval.

105.2(14) *Local codes.* Each facility shall meet local building, zoning, sanitation and fire safety ordinances. Where no local standards exist, state standards shall be met.

441—105.3(232) Food preparation, storage and disposal.

105.3(1) *Food preparation and storage.*

a. Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.

b. Storage areas for perishable foods shall be kept at 39 degrees Fahrenheit or below.

c. Storage areas for frozen food shall be kept at zero degrees Fahrenheit or below.

d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.

e. Food that is to be served cold shall be maintained at 40 degrees Fahrenheit or less.

f. The kitchen and food storage areas shall be kept clean and neat. Food shall not be stored on the floor.

g. The floor and walls shall be of smooth construction and in good repair.

h. There shall be at least one staff responsible for the preparation or distribution of food that has been trained in or is in the process of being trained in a safe food handling practice.

105.3(2) *Staff preparing or handling food.* While preparing or handling food, a staff person shall:

a. Be free of infection.

b. Be clean and neatly groomed.

c. Wear clean clothes.

d. Not use tobacco in any form.

105.3(3) *Dishwashing facilities.*

a. Manual dishwashing will be allowed in facilities that normally serve 15 or fewer people at one meal.

b. Automatic or commercial dishwashers shall be used in facilities normally serving more than 15 people at one meal, as long as the following conditions are met:

(1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.

(2) Machines using hot water for sanitizing must maintain the wash water at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.

(3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

d. All hand-held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns and similar equipment shall be cleaned and sanitized daily.

105.3(4) *Foods not prepared at site of serving.*

a. The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

b. Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

c. During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food maintained at 40 degrees Fahrenheit or below.

105.3(5) *Milk supply.* When fluid milk is used, it shall be pasteurized Grade A.

441—105.4(232) Personnel policies.

105.4(1) *Policies in writing.* The following personnel policies and practices relating to a specific facility shall be described in writing and accessible to staff upon request:

a. Affirmative action and equal employment opportunity policies and procedures covering the hiring, assignment and promotion of employees.

b. Job descriptions for all positions.

c. Provisions for vacations, holidays and sick leave.

d. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.

e. Authorized procedures, consistent with due process for the suspension and dismissal of an employee for just cause.

f. Written procedures for annual employee evaluation shall be in place for each facility and available to all staff upon request.

105.4(2) *Health of employees.* Each staff person who has direct client contact or is involved in food preparation shall be tested for tuberculosis and have had a physical examination within six months prior to hiring, unless the staff can produce valid documentation of the physical and tuberculosis test from within the previous three years. Physical examinations shall be completed at least every three years thereafter, or whenever circumstances require them more frequently. Evidence of these examinations or tests shall be included in each personnel file. The examinations or tests shall be completed by one of the following:

a. A physician as defined in Iowa Code section 135.1(4);

b. An advanced registered nurse practitioner who is registered with and certified by the Iowa board of nursing to practice nursing in an advanced role; or

c. A physician associate licensed under Iowa Code chapter 148C.

105.4(3) *Personnel records.* A record shall be maintained by the facility as applicable for each employee, intern and volunteer who has direct responsibility for a child or access to a child when the child is alone with the employee, intern or volunteer. The record shall contain at least the following:

a. Name, address, and social security number of the volunteer or employee.

b. A job application containing sufficient information to justify the initial and current employment or approved volunteer status.

c. Verification of education and experience. Applicants for positions having educational requirements shall be permanently employed only after the facility has obtained a certified copy of the transcript, diploma, or verification from the school or supervising agency. Applicants for positions having experience requirements shall be permanently employed only after the facility has obtained verification from the agency supervising the experience.

d. Verification of license. Applicants for positions requiring licenses shall be permanently employed only after the facility has obtained written verification of their licenses. Evidence of renewal of licenses as required by the licensing agency shall be maintained in the personnel record.

e. References. At least two written references or documentation of oral references shall be contained in the volunteer's or employee's personnel record.

f. A written, signed and dated statement that discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the volunteer or job applicant.

g. Documentation of the submission of the Request for Child Abuse Information form to the central abuse registry, the registry response, the department's evaluation of any abuse record discovered, and a copy of the Record Check Evaluation form, if the volunteer or staff person has completed and submitted it.

h. Documentation of a background check with the department of public safety on all new volunteers and applicants for employment using the Criminal History Record Check; a copy of the department's evaluation of any criminal record discovered; and a copy of the Record Check Evaluation form, if the volunteer or applicant has completed and submitted it.

i. Current information relative to work performance evaluation.

j. Records of preemployment health examination or a record of a health report as required in subrule 105.4(2) as well as a written record of subsequent health services rendered to an employee as necessary to ensure that all facility employees are physically able to perform their duties.

k. Information on written current reprimands or commendations.

l. Position in the agency, and date of employment.

441—105.5(232) Staff.

105.5(1) *Number of staff.*

a. Generally. A sufficient number of child care workers shall be on duty at all times so as to provide adequate coverage. The number of staff required will vary depending on the size and complexity of the program. All facilities shall have at least one staff person on duty. A minimum staff-to-child ratio of one child care worker to five children shall be maintained at all times children are awake and present in the facility. All child care workers shall be at least 18 years of age. Only child care workers in the building and providing direct supervision to children can be used for this ratio.

b. On-call system. There shall be an on-call system to provide supervisory consultation that is available 24 hours a day, seven days a week. There shall be a written plan documenting this system.

c. Night hours. At night, there shall be a staff person awake in each living unit who maintains regular visual checks throughout the night. The visual checks shall be made at least every half hour in detention. A log shall be kept of all checks, including the time of the check and any significant observations. The minimum child care worker-to-child ratio of one child care worker to 16 children shall be maintained, with a minimum of two child care workers present at all times. Only child care workers in the building and supervising children can be used for this ratio.

d. Direct supervision. Child care workers shall provide direct supervision by being in the immediate visual and auditory vicinity of children. Only child care workers in the immediate visual and auditory vicinity of children shall be considered when determining the minimum staff-to-child ratio requirements. The requirement for direct supervision does not supersede subrule 105.11(4), where children shall be allowed to shower, perform bodily functions and change clothes without nonmedical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances. The requirement for direct supervision does not supersede paragraph 105.5(1)*"c,"* where child care workers are required to provide visual checks at least every half hour during night hours.

105.5(2) *Staff composition.* The composition of the program staff shall be determined by the facility, based on an assessment of the needs of the children being served, the facility's goals, the programs provided, and all applicable federal, state and local laws and regulations.

105.5(3) *Staff development.* Staff development shall be appropriate to the size and nature of the facility. There shall be an individual designated responsible for staff development and training who will complete a written staff development plan that is updated annually. At a minimum, this staff development and training shall require every child care worker to receive a minimum of six hours of training per year. The written staff development plan shall include:

a. Orientation for all new employees, to acquaint them with the philosophy, organization, program practices, and goals of the facility.

b. Training of new employees in areas related to their job assignments. For new child care workers this may include but is not limited to specialized training in de-escalation, behavior management, trauma-informed care, and physical restraint requirements within six months of employment.

c. Provisions in writing for all staff members to improve their competency through such means as:

(1) Attending staff meetings;

(2) Attending seminars, conferences, workshops, and institutes;

(3) Visiting other facilities;

(4) Access to consultants;

(5) Access to current literature, including books, monographs, and journals relevant to the facility's services.

d. Topics of mandatory child abuse reporting in accordance with Iowa Code section 232.69 for those child care workers responsible for distribution of medication, completion of a medication management training, and for child care workers certification in a nationally recognized de-escalation

and physical management program. Other topics may include sexual safety as detailed by the federal Prison Rape Elimination Act of 2003, Juvenile Standards (Public Law 108-79) as amended to August 1, 2026, identifying human trafficking, suicide prevention, first aid and CPR, trauma-informed care and healing-centered engagement, youth and family engagement, positive youth development, adolescent brain development, sex-specific training and responsiveness, cultural awareness, and appropriate staff-child relationships and boundaries.

105.5(4) *Organization and administration.* Whenever there is a change in the name of the facility, the address of the facility, the facility director, or the capacity, the information shall be reported to the department within ten calendar days. A table of organization, including the identification of lines of responsibility and authority from policymaking to service to clients, shall be available to the licensing staff. A facility director shall have full administrative responsibility for carrying out the policies, procedures and programs of the facility.

105.5(5) *Record checks.* Record checks are required for any person being considered for employment, internship, contract services, or a volunteer position. Record checks will be used to determine whether any founded child abuse reports, convictions for crimes for the mistreatment or exploitation of children, or criminal convictions exist related to the person having been placed on a sex offender registry. The facility shall not employ, provide an internship, contract with or use the volunteer services of any person if that person has been convicted of a crime involving the mistreatment or exploitation of a child. The facility shall not employ, provide an internship, contract with or use the volunteer services of any person if that person has a record of a criminal conviction or founded child abuse report unless the department has evaluated the crime or abuse and determined that the crime or abuse does not merit prohibition of employment, internship, contract services or volunteering.

a. If a record of criminal conviction or founded child abuse exists, the person shall be offered the opportunity to complete and submit the Record Check Evaluation form.

b. In its evaluation, the department shall consider:

(1) The nature and seriousness of the crime or founded abuse in relation to the employment, internship, contract services or volunteer position sought;

(2) The time elapsed since the commission of the crime or founded abuse;

(3) The circumstances under which the crime or founded abuse was committed;

(4) The degree of rehabilitation; and

(5) The number of crimes or founded abuses committed by the person involved.

105.5(6) *Record check procedure.* Each person being considered for employment, internship, contract services, or volunteering shall be checked for all of the following:

a. Records with the Iowa central abuse registry;

b. Records with the Iowa division of criminal investigation;

c. Records with the Iowa sex offender registry; and

d. Records with the child abuse registry of any state where the person has lived during the past five years.

105.5(7) *Evaluation of record.* If the person for whom background checks are required has a record of founded child or dependent adult abuse, a criminal conviction, or placement on a sex offender registry, the department shall complete an evaluation to determine that the abuse, criminal conviction, or placement on a sex offender registry does not warrant prohibition of employment, contract services, or volunteering.

105.5(8) *Evaluation form.* The entity with the founded child or dependent adult abuse or criminal conviction report shall complete and return Record Check Evaluation forms required by the department within ten calendar days of the date of receipt to be used to assist in the evaluation.

105.5(9) *Evaluation decision.* The department shall conduct the evaluation and issue a notice of decision to the requesting entity.

441—105.6(232) Intake procedures.

105.6(1) *Admissions.* Admission to detention homes shall be in accordance with Iowa Code sections 232.20 and 232.22. In no case shall a youth be admitted to detention when the resulting admission would exceed the facility's approved client capacity. The facility and referring agency shall agree upon service responsibilities at the time of admission.

105.6(2) *Agency or court order placement.* Each agency or court placing a child in a facility shall make available to the facility the following:

a. For court-ordered placements, a copy of the court order authorizing placement shall be requested within one business day.

b. When the child is in the facility more than seven days, the following information shall be requested by the facility if not yet received:

(1) Any available mental and physical health history.

(2) Any available family social history.

105.6(3) *Self-referrals.* Self-referrals shall not be accepted for placement in detention.

105.6(4) *Person responsible.* Each agency shall document which staff members have the authority to do intake.

105.6(5) *Intake sheet.* An intake sheet shall be completed for each child containing, at a minimum, the information specified in subrule 105.16(2).

441—105.7(232) Searches.

105.7(1) *Pat-down searches.* Any staff involved in pat-down searches will be trained in how to perform pat-down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

105.7(2) *Restrictions to pat-down searches.* Mixed sex pat-down searches shall not be conducted, except in exigent circumstances. Any mixed sex pat-down search shall be documented and maintained in the child's file, including justifying the exigent circumstances that required a mixed sex pat-down search.

105.7(3) *Personal searches.* Any staff involved in personal searches will be trained in how to perform personal searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

105.7(4) *Restrictions to personal searches.* Mixed-sex personal searches shall not be conducted, except in exigent circumstances or when performed by a medical staff. Any mixed-sex personal search shall be documented and maintained in the child's file, including justifying the exigent circumstances that required a mixed-sex personal search.

441—105.8(232) Assessments.

105.8(1) *Personal needs.* At the time of intake and throughout a child's stay, individual needs will be identified by staff. The initial and ongoing determination of each child's needs will be based on written and verbal information from referral sources, observable behavior at intake, initial interview with the youth or family, school contacts, physical examination, and other relevant materials. The individual assessment shall provide the basis for development of a service plan as detailed in subrule 105.9(1).

105.8(2) *Educational.* Any educational assessment shall be completed by the Iowa area education agency that provides educational services at the facility.

441—105.9(232) Program services.

105.9(1) *Service plan.* There shall be a written service plan developed for each child remaining in the facility over 30 days and completed by the thirty-fifth day of detention. The service plan will be based on individual needs determined through the assessment of each youth. The service plan shall be developed in consultation with child care services, probation services, social services and educational, medical, psychiatric and psychological personnel as appropriate. The service plan shall be reviewed

and updated as necessary, at a minimum of every 180 days, if the child has been continuously detained at any facility. The service plan shall include:

a. Identification of specific needs;

b. Description of planned service;

c. Which staff person(s) will be responsible for each element of the plan;

d. Where services are to occur;

e. Frequency of activities or services.

105.9(2) *Educational programs.* All children, including children being prosecuted criminally as an adult in district court, children being held under the authority of a federal agency, and children being held from a jurisdiction outside of Iowa, currently enrolled in a school shall continue to receive educational programming from that home school district when possible or in an appropriate alternative when the home school district is not able to provide educational programming. Where educational assessments indicate an educational need for a child not currently enrolled in public schools, an alternative shall be developed in cooperation with public schools, the area education agency, and the referring worker. When an educational program is established within the facility, it shall meet the educational and teaching standards established by the state department of education. A child should be compelled to participate in an educational program only in compliance with Iowa Code chapter 299.

105.9(3) *Daily program.* The daily program shall be planned to provide a consistent, well structured, yet flexible framework for daily living and shall be periodically reviewed and revised as the needs of the individual child or the living group change.

a. All children shall be involved in daily programming regardless of the public authority authorizing the placement at the detention facility, including those under the jurisdiction of the juvenile court, those who have been waived to the criminal district court as an adult, those from out-of-state jurisdictions, and those under the jurisdiction of a federal agency.

b. All children shall be involved in daily programming in the communal areas of the facility.

c. A standard daily programming agenda shall be developed for school days, weekends, and holidays. These agendas shall be provided to staff and children, upon request to parent(s) or guardian(s), and referring worker and attorney.

d. Children may be restricted to their locked bedroom as part of the standard daily program for the purposes of sleeping. If a toilet is not available inside of the bedroom, a child shall be permitted to leave the bedroom during the scheduled sleeping hours to perform bodily functions.

e. Children may be restricted to either a locked or unlocked bedroom as part of the standard daily program for the purpose of structured quiet time. Quiet time shall not exceed 90 minutes in duration at a time, with a maximum of three hours of quiet time in every standard daily program. Structured quiet time shall be for purposes such as during shift changes of child care workers, during staff meetings of child care workers, when child care workers are preparing for or cleaning up after a meal, and free time for children.

f. Children may voluntarily request to spend time in their bedroom with the door unlocked. A detention worker shall document when a child requests to voluntarily spend time in the child's room and the duration during which the child was in the bedroom.

g. Children may be isolated in their bedroom during standard daily programming due to illness or disease. The bedroom door shall be kept unlocked when a child is in the bedroom for illness or disease. A child care worker shall complete and document safety checks on the child every half hour when a child is isolated for an illness or disease. A child shall be returned to daily standard programming when the child is no longer affected by the illness or disease.

h. Children may be restricted to a locked bedroom due to a major disruption of the standard daily programming. Major disruptions would include events such as the extremely unsafe behavior of another child or children, facility mechanical failures (e.g., failed water heater or broken water pipe), or other unpredictable major disruptions. Children shall be released from bedrooms and returned

to standard daily programming as soon as it is safe. A detention worker shall document the major disruption and the reasons for restricting children during such an event.

105.9(4) *Optional services.* When a facility provides services in addition to those required by these rules, the services shall be clearly defined in writing. As detailed in subrule 105.6(1), these services will be agreed upon at intake.

105.9(5) *Recreation program.* The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group that the facility serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other large motor activities.

a. Games, toys, equipment, and arts and crafts materials shall be selected according to age, number of children, and with consideration of the needs of children to engage in both active and quiet play. All materials shall be of a quality to ensure safety and shall be of a type that allows imaginative play and creativeness.

b. Outdoor activities shall be provided except when the temperatures are below 15 degrees Fahrenheit, including the wind chill factor; are above 100 degrees Fahrenheit, including the heat index; or inclement weather prohibits these outdoor activities. A minimum of 30 minutes a day of large muscle, physical activity shall be offered unless documented security issues or medical issues prohibit a child from participating, in which case accommodations should be made that promote physical activity and exercise as much as reasonably possible.

105.9(6) *Health care.*

a. Health assessment at intake. Facility staff shall review each child's health status at intake to identify medication needs and problems that need immediate medical attention. Within seven days of intake, all reasonable efforts shall be made to perform a more comprehensive health assessment on each child who has not had a comprehensive health assessment within the past year. If the assessment cannot be performed within seven days, it shall be arranged for the earliest possible time, and the reasons for the delay shall be documented. A registered nurse, an advanced registered nurse practitioner, a physician associate, or a physician shall perform the comprehensive health assessment.

b. Existing health needs. Facilities shall provide or secure medical treatment for a child's illnesses and injuries that come to the facility's attention during the child's stay.

c. Monitoring side effects of medications. Facilities shall monitor each child's use of medications and shall inform the authorized prescriber if adverse reactions are noted.

d. Sharing medical information. Facilities shall share information about significant changes in medical status with the child's referring agency and parent(s) or guardian(s). Discharge information shall include information about significant medical changes that occurred while the child was at the facility.

105.9(7) *Mental health counseling program.* Mental health counseling services shall be related to the immediate problem, daily living skills, peer relationships, educational opportunities, vocational opportunities, future planning and preparation for placement, family counseling, and any other factors identified in the individual service plan. Mental health counseling shall be done by appropriate and qualified mental health professionals as defined in Iowa Code section 228.1(7)*"b."*

105.9(8) *Dietary program.* The facility shall provide properly planned, nutritious and inviting food and take into consideration the dietary and health needs of children, ensuring children with diabetes, other medically necessary food requirements, and food allergies receive proper dietary needs. The facility shall follow all dietary recommendations prescribed by medical staff or a dietitian licensed in the state of Iowa. An acceptable alternative option will be provided to a child when there is a religious practice that prohibits the child from consuming the offered meal or snack.

105.9(9) *Safety, protection, and well-being of children in care.* Facilities shall develop and follow written policies that ensure the safety, protection, and well-being of children in care. Policies shall address but may not be limited to the following:

a. Supportive leadership of the facility that promotes protecting each child from abuse or bullying from other children and staff.

b. Defining the facility's culture to reduce the use of unnecessary restraint.

c. Clear definitions of unsafe behavior and the emergency situations when it is appropriate to use physical interventions.

d. Staff training and development that give staff confidence that they are supported by leadership with proper supervision and ongoing access to information about best practices and evidence-based approaches to care.

e. Adequate supervision of children while the children are using any hazardous or dangerous objects or equipment and when children are using the internet or other social media.

f. The social, cultural, and developmental needs of children in care.

105.9(10) *Staff duties.* The staff duties include but are not limited to the following:

a. Providing a supportive atmosphere for each child.

b. Providing for coordination of activities of each child as needed.

c. Providing leadership and guidance to each child as needed.

d. Being responsible for overseeing and maintaining the general health and well-being of each child.

e. Supervising all living activities.

f. At all times, knowing where the children are and where they are supposed to be to ensure ongoing safety.

g. Providing for a liaison with the referring agency.

h. Monitoring and recording behavior on a daily basis.

105.9(11) *Volunteers.* A facility that utilizes volunteers to work directly with a particular child or group of children shall have a documented plan for using volunteers within the detention home. This plan shall be given to all volunteers. The plan shall indicate that all volunteers shall:

a. Be directly supervised by a paid staff member.

b. Be oriented and trained in the philosophy of the facility and the needs of children in care and methods of meeting those needs.

c. Be subject to character, reference, and record check requirements as described in this chapter.

441—105.10(232) Medication management and administration. The facility shall have and follow written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the facility. No prescription or narcotic drugs are allowed in the facility without the authorization of a licensed physician or other prescriber authorized by law. Only drugs that have been approved by the federal Food and Drug Administration for use in the United States may be used. No experimental drugs may be used.

105.10(1) *Obtaining prescription medications.* Facilities shall permit prescription medications to be brought into the facility for a child.

a. Prescription medication in its original container, clearly labeled and prescribed for the child, may be accepted as legitimate prescription medication for the child. The label serves as verification that the medication was ordered by an authorized prescriber. Medication shall be prescribed by a provider authorized to prescribe the medication. Medication provided to children shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the pharmacy laws in the Iowa Code, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

b. Facilities shall review size, shape, color, and dosages and contact the identified pharmacy or authorized prescriber to confirm legitimacy if contraband is suspected.

105.10(2) *Obtaining nonprescription medications.* Detention facilities shall maintain a supply of standard nonprescription medications for use by children residing at the facility. Examples of standard nonprescription medications include cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication; nonprescription medications

shall not include nonprescription body lotions, lip balm, nonprescription shampoo, nonprescription soap or other typical hygiene products.

a. All nonprescription medications kept on the premises for use by children shall be approved annually by a licensed pharmacist or an authorized prescriber.

b. Facilities shall maintain a list of all approved nonprescription medications. The list shall indicate standard uses, standard dosages, contraindications, side effects, and common drug interaction warnings. The facility director or the facility director's designee shall be responsible for determining the scope of the list and brands and types of medications included.

c. Only nonprescription medications on the approved list shall be available for use. However, the facility director or the facility director's designee, in consultation with an authorized prescriber or licensed pharmacist, may approve use of a nonprescription medication that is not on the approved list for a specific child.

d. Nonprescription medication shall be examined annually to determine if any of the medication has expired. Expired nonprescription medication shall be destroyed as detailed in subrule 105.10(9).

105.10(3) *Storing medications.* Prescription and nonprescription medications shall be stored in a locked cabinet, a locked refrigerator, or a locked box within an unlocked refrigerator.

a. Schedule II medications shall be stored in a locked box within a locked cabinet. Nothing other than Schedule II medications shall be stored in the locked box. Schedule II medications requiring refrigeration also shall be maintained within a double-locked container separate from food and other items.

b. The facility director shall determine distribution and maintenance of keys or other access to the medication storage cabinets and boxes.

105.10(4) *Labeling medications.* Schedule II medications and prescription medications shall be maintained in their original containers, clearly labeled by an authorized prescriber and prescribed for the child. Sample prescription medications shall be accompanied by a written prescription. Nonprescription medications shall be maintained as purchased in their original containers.

105.10(5) *Administering Schedule II medications.* Only staff who have completed a medication management course shall be allowed to administer Schedule II medications.

105.10(6) *Administering prescription and nonprescription medications.* The facility director shall determine and provide written authority as to which staff may administer prescription and nonprescription medications.

a. Prescription medications shall be administered only in accordance with the orders of the authorized prescriber. Nonprescription medications shall be administered by following the directions on the label.

b. The facility director or the facility director's designee may allow a child to self-administer prescription medication with written authorization by the authorized prescriber. The facility shall have written policies relating to self-administration of prescription and nonprescription medications. The facility shall require documentation if the child self-administers a medication.

105.10(7) *Documenting errors in administering medications.* All errors in administering prescription and nonprescription medications shall be documented. Facilities shall review and take appropriate action to ensure that similar errors do not recur.

105.10(8) *Medication for discharged children.* When a child is discharged or leaves the facility, the facility shall turn over to a responsible agent Schedule II medications and prescription medications currently being administered. The facility may send nonprescription medications with the child as needed. The facility shall document in the child's file:

a. The name, strength, dosage form, and quantity of each medication.

b. The signature of the facility staff person turning over the medications to the responsible agent.

c. The signature of the responsible agent receiving the medications.

105.10(9) *Destroying outdated and unused medications.* Unused Schedule II medications and prescription medications may not be kept at the facility for more than 15 days after the child has left

the facility and the Schedule II medications, and prescription medications shall be destroyed in the presence of at least one witness in a manner approved by the U.S. Food and Drug Administration. Outdated, discontinued, or unusable nonprescription medications shall also be destroyed in a similar manner. The person destroying the medication shall document:

a. The child's name.
b. The name, strength, dosage form, and quantity of each medication.
c. The date the medication was destroyed.
d. The names and signatures of the witness and staff person who destroyed the medication.

441—105.11(232) Basic needs.

105.11(1) *Clothing.* All children shall be provided clothing, including socks and undergarments, that are suited to existing climate and seasonal conditions and that are clean, dry and in good repair. All children shall be provided with new, unused socks and undergarments when they arrive at the facility. All children shall be provided a mess bag or laundry loop to keep together their clothing, socks, and undergarments during the laundry process to ensure that they will be able to wear their own socks and undergarments.

105.11(2) *Personal hygiene.* All children shall immediately and continuously be provided with hygiene products that reflect the individual religious, race and ethnic needs of the child. Hygiene items include but are not limited to shampoo, conditioner, soap, lotion, deodorant, toothpaste, toothbrush, dental floss, feminine hygiene products, hairbrush, comb, protective coverings, and shaving cream and balm. Shaving razors will be provided in a manner that ensures the safety of the child, other children, and staff. Those items of a personal nature, including toothbrush, dental floss, and deodorant, shall not be shared between children.

105.11(3) *Showers.* All children shall be offered a shower or bath on a daily basis. A minimum of ten minutes of time shall be allotted to each child to shower or bathe, with additional time provided for children with disabilities.

105.11(4) *Limits to the opposite sex viewing.* In compliance with the federal Prison Rape Elimination Act of 2003, Juvenile Standards (Public Law 108-79), section 115.315(d) as amended to August 1, 2026, there shall be policies and procedures that enable children to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances. Staff of the opposite sex shall be required to announce their presence when entering an area where children are likely to be showering, performing bodily functions, or changing clothing. Any incidences of the opposite sex viewing the breast, buttocks, or genitalia of a child shall be documented in the child's record, with an explanation of why the opposite sex viewing occurred.

441—105.12(232) External staffings. The staff shall be available to participate in staffings of the referring agency or court or upon request to provide a written summary of the child's progress and behavior while in the facility program.

441—105.13(232) Child abuse. Pursuant to Iowa Code sections 232.69 and 232.70, written policies consistent with mandatory reporting laws shall prohibit mistreatment, neglect, abuse, or sexual abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director or assistant director or appointed designee of the facility and the department's abuse hotline. Any employee for whom there is a substantiated instance of child abuse or failure to report child abuse shall be subject to the agency's policies concerning dismissal.

441—105.14(232) Program reports.

105.14(1) *Daily log.* The facility shall maintain a daily log to generally record noteworthy occurrences regarding the children in care.

105.14(2) *Incident reports.* Problem areas or unusual behavior for specific children shall be documented as an incident report and noted on the daily log. A copy of the incident report shall be maintained in the child's case file.

105.14(3) *Record retention.* Records, files and reports shall be retained for a period of at least ten years or until the child turns 18, whichever comes first.

441—105.15(232) Children's rights.

105.15(1) *Policies in writing.* All policies and procedures of the facility shall be in writing and provided to the child upon admission and made available to the child's parent(s) or guardian(s) upon request. All policies and procedures provided to children shall be written at a fifth-grade reading level to enable comprehension by children. If the child's reading comprehension does not enable the child to understand the policies and procedures, the child care workers shall provide verbal explanation. If the child remains in care over four days, the policies and procedures shall be made available either by electronic means or by traditional mail, if requested by the child's parent(s) or guardian(s). The rationale and circumstances of any deviation from these policies shall be discussed with the child's parent(s) or guardian(s) and the referring worker, documented, and placed in the child's case record.

105.15(2) *Confidentiality.* Information regarding children and their families shall be kept confidential and released only with proper written authorization, in accordance with Iowa Code section 232.147, or for purposes of certification during reviews by the department of inspections, appeals, and licensing. Policies and procedures shall be developed to maintain the confidentiality of children and shall have a process that documents staff are aware of these confidentiality requirements.

105.15(3) *Communication.*

a. Unless specifically regulated by the court, visitation shall be allowed with members of the child's immediate family or legal guardian(s), and efforts shall be made to allow visitation for persons with a significant committed positive relationship (e.g., mentor, pastor or priest, therapist, educator, or coach).

b. At minimum, children will be allowed one phone call per day with the child's immediate family or legal guardian(s) and, at minimum, one visit with the child's immediate family or legal guardian(s) every other day.

c. Family or legal guardian visits shall be monitored only to the extent necessary to ensure the child's safety and facility security. Rationale for monitoring shall be explained to the child and family or legal guardian(s) and documented in the child's record.

d. Direct-contact family or legal guardian visits shall be permitted unless there are restrictions ordered by the court or there are safety concerns for the child or the facility. Rationale for prohibiting direct-contact family or legal guardian visits shall be explained to the child and family or legal guardian(s) and documented in the child's record.

e. The facility shall make efforts to accommodate family-friendly visit hours, including evening hours during the standard work week (Monday through Friday) and mornings, afternoons, and evenings during the weekend (Saturday and Sunday) and state holidays.

f. Conversations with family members or legal guardian(s) shall be permitted in the preferred language of the child and family or legal guardian(s).

g. The child shall be permitted to communicate privately with legal counsel and the referring worker, and the child shall be permitted to initiate the contact with legal counsel, presiding judge and referring worker.

h. The child shall be allowed to conduct telephone or virtual conversations with family members or legal guardian(s). Telephone or virtual calls shall be monitored only to the extent necessary to ensure the child's well-being and facility security. Rationale for monitoring a child's conversation shall be explained to the child and family member or legal guardian and documented in the child's record. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

i. In accordance with U.S. Code Title 18, Part I, Chapter 83, as amended to August 1, 2026, the staff shall not open or read children's mail. The child shall be allowed to send and receive mail. The facility may require the child to open incoming mail in the presence of a staff member when the mail is suspected to contain contraband articles or to contain money that should be receipted and deposited. Mail shall immediately be provided to a child and cannot be withheld from the child until the child's discharge from the facility.

j. When limitations on visitation or other communications are indicated, the limitations shall be determined with the participation or knowledge of the child, family or legal guardian(s), and the referring worker or agency. All restrictions shall have a specific basis that shall be made explicit to the child and family or legal guardian(s) and documented in the child's case record.

k. Communication with the child's immediate family or legal guardian(s), attorney, judge, or referring worker shall never be prevented based upon contingency of behavior or the specific privileges of a level system. Communications with these particular parties are a right, not a privilege. Staff will not serve as the deciding factor as to whether a child is permitted communication with the child's immediate family or legal guardian(s), attorney, judge, or referring worker.

105.15(4) *Privacy.* Reasonable provisions shall be made for the privacy of children.

441—105.16(232) Discipline.

105.16(1) *Generally.* A facility shall have written policies regarding methods used for control and discipline of children that shall be available to all staff, children, the child's family or legal guardian(s), and the child's legal representation. Discipline shall not include withholding of basic necessities, such as food, water, clothing, medications, hygiene products, sleep, bedding for sleeping, access to a toilet, or the opportunity to shower or bathe on a daily basis. Discipline shall not be used for anyone other than a child whose actions resulted in consequences. Group discipline shall not be used because of actions of an individual child or other children. Agency staff shall be in control of and responsible for discipline at all times; no child may discipline another child for any reason.

105.16(2) *Written policies.* The facility shall provide to the children written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and the grievance process available to the child. Upon request, the above information shall be provided to the child's parent(s) or legal guardian(s) and referring worker. Prohibited behaviors shall be those that are disruptive to the detention environment or dangerous to the child, other children, staff, volunteers, or the property of the facility.

105.16(3) *Corporal punishment prohibited.* The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or correcting children. This policy shall be communicated in writing to all staff of the facility.

105.16(4) *Withholding of communication prohibited.* The facility shall have a policy that clearly prohibits the withholding of communication with the child's immediate family, legal guardian(s), legal counsel, case worker, judge, or referring worker as a form of punishment, consequence, or discipline.

105.16(5) *Physical restraint.* The use of physical restraint shall be employed only to prevent a child from injury to self, others, or property. Physical restraint must be conducted with the child in a standing position whenever possible.

a. Only child care workers that have successfully completed a bonded or licensed program that teaches proper physical restraint procedures and techniques may perform or help perform a physical restraint.

b. No other children in the facility shall be permitted to participate or help in a physical restraint in any manner. Participation in a physical restraint should not be grounds for discipline but should otherwise be discouraged.

c. No staff person shall use any restraint that obstructs the airway of a child.

d. Prone restraint is prohibited. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint.

e. If a staff person physically restrains a child who uses sign language or an augmentative mode of communication as the child's primary mode of communication, the child shall be permitted to have the child's hands free of restraint for brief periods unless the staff person determines that such freedom appears likely to result in harm to the child, others, or property.

f. The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be clearly documented in the child's record by the responsible staff persons.

105.16(6) *Physical restraint of a pregnant child.* A child known to be pregnant may not be restrained during labor, delivery, and postpartum recovery unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting the child, staff, or others. Any restraint of a pregnant child during labor, delivery, or postpartum recovery must be documented and maintained in the child's file.

a. A facility may not use abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on a known pregnant child unless credible, reasonable grounds exist to believe the child presents an immediate and serious threat of hurting the child, staff, or others or reasonable grounds exist to believe the child presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method. Any use of an abdominal restraint, leg or ankle restraints, wrist restraints behind the back, or a four-point restraint of a known pregnant child shall be documented and maintained in the child's file. Documentation shall include why other methods would not be effective in minimizing the immediate and serious threat of hurting the child, staff, or others, or reducing the immediate and credible risk of escape.

b. Abdominal, waist, or behind-the-back restraints shall never be used on a known pregnant child who is 22 weeks or more into the pregnancy.

105.16(7) *Room confinement.* A juvenile detention home may confine a child to the child's room during normal sleeping hours or for disciplinary reasons if the facility has written policies and procedures that include, at a minimum, the reasons for room confinement, time limitations of the confinement, and staff responsibilities to help the child de-escalate or otherwise reduce the need for confinement.

105.16(8) *Time-out.*

a. A child in time-out must never be physically prevented from leaving the time-out area.

b. Time-out may take place away from the area of activity or from other children, such as in the child's room, or in the area of activity of other children.

c. Staff must monitor the child while the child is in time-out.

105.16(9) *Control room policy.* When a juvenile detention home uses a control room as part of its service, the juvenile detention home shall have written policies regarding its use and the facility director shall complete the Evaluation and Recommendation to Operate a Control Room form. The policy shall:

a. Specify the behaviors resulting in control room placement that are limited to:

(1) When the child displays unsafe behaviors that include significant and prolonged disruption to the standard daily programming.

(2) Credible and immediate threats toward other children, staff, or volunteers.

(3) Physical aggression toward other children or staff.

(4) Credible and immediate threats of suicide or nonsuicidal self-injurious behavior.

(5) Out-of-control behavior that results in damage to property.

(6) An escape attempt.

b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

c. Document in writing behaviors leading to control room placement and the nature of the agreement reached with the child that will allow the child to return to the living unit.

105.16(10) *Control room physical requirements.* The control room shall be designed to ensure a physically safe environment that:

a. Has all switches controlling lights and ventilation outside of the room.

b. Allows for total observation of the child at all times.

c. Has protected ceiling lighting.

d. Has no electrical outlets in the room.

e. Is properly heated, cooled and ventilated.

f. Has all doors, ceilings and walls constructed of strength and materials as to prevent damage to the extent that no harm could come to the child.

g. When a window is present, it is secured and protected in such a manner as to prevent harm to the child.

h. Is a minimum of 54 square feet in size with at least one wall measuring a minimum of 6 feet and with a minimum 7½-foot ceiling.

105.16(11) *Use.* A control room shall be used only when a less restrictive alternative to quiet or allow the child to gain control has failed. Utilization of the control room shall be in accordance with the following policies:

a. No more than one child shall be in the control room at any time.

b. There shall be a means for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room should be checked thoroughly for safety and the absence of contraband prior to placing a child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed from such child including shoes, belts, pocket items, and similar items. The staff member placing the child in the control room shall document such check.

e. In no case shall all clothing or underwear, unless documented safety concerns regarding self-harm, be removed, and the child shall be provided sufficient clothing to meet seasonal needs.

f. A child care worker, facility director, or assistant facility director shall always be positioned outside of the control room. Visual and auditory observations of the child's behavior and condition shall be recorded at five-minute intervals, and a complete written report shall be documented in the child's file by the end of the work shift for the child care worker, facility director or assistant facility director.

g. The child shall not remain in the control room longer than one hour except in consultation with and approval from a supervisory child care worker, facility director or assistant facility director, or a qualified designee as specified in facility policy. 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 in consultation with the facility director or assistant facility director. In a case where a child may be in a control room for a period longer than 12 hours, a licensed mental health professional, as defined in Iowa Code section 228.1(7)*"b,"* shall be consulted prior to the end of the initial 12-hour time period.

h. The child's parent(s) or legal guardian(s), referring worker, and attorney shall be notified when the control room is used for more than a total of 1 hour in any 24-hour period.

i. If the control room is also monitored through close circuit television (CCTV), and the control room is equipped with a toilet, the area of the toilet shall either be blocked from view, blurred, or pixelated to ensure the privacy of children when using the toilet.

105.16(12) *Alternative uses of a control room.* A control room may also be used for the purposes of isolating a child from the rest of the children in the facility when the child requires isolation to prevent the spreading of an infectious disease or for the purpose of allowing a child to become sober while under the influence of alcohol or a controlled substance.

a. No more than one child shall be in the control room at any time.

b. There shall be a means for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room should be checked thoroughly for safety and the absence of contraband prior to placing a child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed from the child, including shoes, belts, pocket items, and similar items. The staff member placing the child in the control room shall document such check.

e. In no case shall all clothing or underwear be removed, and the child shall be provided sufficient clothing to meet seasonal needs.

f. Visual and auditory observations of the child's behavior and condition shall be recorded at 15-minute intervals.

g. The child shall remain in the control room only long enough to become sober or no longer be a threat to the safety of the child or others or until the child no longer is a threat of infecting other children with an infection.

h. If the control room is also monitored through CCTV, and the control room is equipped with a toilet, the area of the toilet shall either be blocked from view, blurred, or pixelated to ensure the privacy of children when using the toilet.

105.16(13) *Written policies.* The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures available to the child. Upon request, the above information shall be provided to the child's parent or guardian and referring worker.

441—105.17(232) Case files.

105.17(1) *Generally.*

a. For the purpose of promoting a uniformity of program for all facilities and as an aid to the department in determining its approval of a facility, all facilities shall establish and maintain for inspection case files on each child.

b. Files shall be available to staff from the state-designated agency as defined by the federal Juvenile Justice and Delinquency Prevention Act as amended to August 1, 2026, and the department of inspections, appeals, and licensing for determining compliance with licensing standards and compliance.

c. All facilities shall regularly submit required case file information to the state-designated agency through an internet-based application approved by the state-designated agency for purposes of determining compliance with the requirements of the federal Juvenile Justice and Delinquency Prevention Act as amended to August 1, 2026, and Iowa Code section 232.22.

105.17(2) *Face sheet.* For all children, a face sheet containing the following information shall be completed.

a. Full name, sex, race or ethnicity, current home address, and date of birth of the child.

b. Full names of the child's parent(s) or legal guardian(s).

c. Address(es) and telephone number(s) of the child's parent(s) or legal guardian(s).

d. Religious preference of the child and also parent, if available.

e. Statement of who has legal custody and guardianship.

f. Name of referring worker and agency making the referral.

g. Telephone number and address of referring agency or court.

h. Name, address, and telephone number of the child's attorney.

i. Current delinquent or criminal charges for which the child is being detained at the facility.

105.17(3) *Written summary.* When a written summary has been requested, a copy shall be placed in the child's record.

105.17(4) *Documentation.* The following information shall be documented in each child's record:

a. Appropriate notes on all significant contacts by staff with parents, referral person and other collateral contacts.

b. A summary related to discharge from the facility, including:

(1) Discharge placement.

(2) Discharge summary.

(3) Final disposition of a child's medications, as applicable.

(4) Identification of who transported the child and destination post-discharge.

105.17(5) *Other information.* When available, the following information shall be documented and shall be placed in the child's record:

a. Current family history or social history.

b. Case plans submitted by the referring agency or orders of the court.

c. Psychological and psychiatric records; copies of all available testing performed plus notes and records of contact with the child.

d. Medical history.

(1) A record of all illnesses, immunizations, communicable diseases and follow-up treatment.

(2) Medical and surgical releases or authorizations signed by the parent, guardian, custodian or court, including releases or authorizations for anesthesia and emergency medical and surgical treatment.

(3) A record of all medical and dental examinations, including findings.

(4) Date of last physical examination prior to placement.

e. School enrollment.

(1) Name and address of school attended.

(2) Grade placement.

(3) Current school in which the child is enrolled.

(4) Specific educational problems.

(5) Remedial action.

f. Court order and other releases and authorizations.

(1) When applicable, the court order authorizing placement in a juvenile detention home.

(2) Court order authorizing release from the juvenile detention home.

(3) All court orders affecting the custody or guardianship of the child.

441—105.18(232) Discharge. Children in detention shall be discharged as determined by the court, an officer of the court when prior to initial court-ordered placement, or a federal agency placing a child when discharged to an authority outside of Iowa.

441—105.19(232) Certificate of approval. The department will issue a certificate of approval annually without cost to any juvenile detention home that meets the standards of these rules and when the certificate would not exceed the state maximum number of juvenile detention beds detailed in Iowa Code section 232.142(5). The department may offer consultation to assist homes in meeting the standards of these rules.

105.19(1) *Applications.* An application shall be submitted on the Application for Juvenile Detention Home Certificate of Approval. The application shall be signed by the facility director of the juvenile detention home, chairman of the county board of supervisors, or chairman of the multicounty board of directors.

a. The withdrawal of an application shall be reported promptly to the department.

b. Each application will be evaluated by the department to ensure that all standards and compliance with applicable state codes are met.

c. Reports and information shall be furnished to the department as requested.

105.19(2) *Rejection.*

a. Applications will be rejected when the minimum standards are not met or when a detention home has a documented practice of detaining youth in ways that are not compliant with Iowa Code section 232.22.

b. Fraudulent applications will be rejected. A fraudulent application is one that contains false statements knowingly made by the applicant or one in which the applicant knowingly conceals information.

c. Applications will be rejected when the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

d. Applications may be rejected for just cause.

105.19(3) *Approval.* Approvals will be given for one year.

105.19(4) *Notification.* Juvenile detention homes should be notified of approval or rejection within 120 days of application unless the applicant requests and is granted an extension by the department. The Notice of Action form will be used to inform applicants of approval or rejection.

105.19(5) *Renewals.*

a. Applications for renewal shall be made on forms provided by the department and shall be made at least 30 days but no more than 100 days prior to expiration of the approval.

b. Each application for renewal will be evaluated by the department to ensure that standards continue to be met.

c. The application for renewal will be rejected or approved in the same manner as an application.

d. Decisions on renewals should be made within 90 days from the application for renewal. Notification of renewal decisions shall be communicated to applicants in the same manner as new applications.

105.19(6) *Revocations.*

a. Approval shall be revoked by the state director for the following reasons:

(1) When the facility violates laws governing the provision of services or rules contained in this chapter.

(2) When the facility is misusing funds furnished by the department.

(3) When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

(4) When the facility director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

b. The following may be causes for revocation:

(1) Substantiated child abuse.

(2) When the facility staff has been convicted of a crime indicating an inability to operate a children's facility or care for children.

105.19(7) *Certificate of approval.* Upon approval, county or multicounty juvenile detention homes will be issued a certificate of approval and private juvenile detention homes will be issued a certificate of license containing the name of the home, address, capacity, and the date of expiration. Renewals will be shown by a seal bearing the new date of expiration unless a change requires a new certificate to be issued.

441—105.20(232) Provisional approval.

105.20(1) *Required conditions.* The department may issue a provisional license for not more than one year when a facility does not meet the requirements of this chapter and the facility submits a written corrective action plan that is approved by the department to bring the facility into compliance with the applicable requirements.

105.20(2) *Written report.* The department or the department's designee will provide a report identifying the reasons for the provisional license and the standards that have not been met.

105.20(3) *Corrective action.* The facility director, chairperson of the county board of supervisors, or chairperson of the multicounty board of directors shall provide the department with a written plan of action that is approved by the department for correcting the deficiencies to bring the facility into compliance with the applicable requirements. The plan shall give specific dates by which the corrective action will be completed.

105.20(4) *Completed corrective action.* When the corrective action is completed on or before the date specified, a full approval will be issued.

105.20(5) *Uncompleted corrective action.* When the corrective action is not completed by the date specified on a provisional approval, the department will not grant a full approval and may reject or extend the provisional approval. An extension of a provisional approval will not cause the effective

period of a provisional approval to exceed 18 months. If the corrective action plan is not completed within 18 months, the approval will be rejected.

441—105.21(232) Mechanical restraint. When a juvenile detention home uses mechanical restraints as part of its program, the juvenile detention home shall have written policies regarding the use of mechanical restraints. These policies shall be approved by the department before use of mechanical restraints. The policies shall be available to children, clients, parent(s) or guardian(s), and referral sources at the time of admission. Policies shall also be available to staff. The facility director of the juvenile detention home or the facility director's designee shall sign the commitment contained in the Evaluation and Recommendation for Approval to Use Mechanical Restraint form before the facility shall be approved to use a mechanical restraint.

105.21(1) *Restrictions on mechanical restraints.*

a. Mechanical restraints shall not be used in any way that may inflict physical injury.

b. Each use of mechanical restraints shall be authorized by the facility director or other staff designated by the facility director if those staff meet one of the following requirements:

(1) Have a bachelor's degree in social work, psychology or a related behavioral science and one year of supervised experience in a juvenile shelter care, detention or foster group care facility.

(2) Have five years of supervised experience in a juvenile shelter care, detention or foster group care facility.

(3) Have some combination of advanced education in related behavioral sciences and supervised experience in a juvenile shelter care, detention or foster group care facility equal to five years. The facility shall have a written listing of all staff designated and qualified to authorize the use of mechanical restraint.

c. When immediate restraint is necessary to protect the safety of the child, other children of the facility, staff or others, mechanical restraints may be utilized without prior authorization, but in each case, a person designated to provide authorization shall be contacted as soon as the child is restrained. The designated person shall visit the child before determining if continued use of the mechanical restraint is necessary. If not viewed as necessary, the child shall be immediately released from restraint.

d. Except for mechanical restraint of a child by the staff of a juvenile detention home for the amount of time needed while that child is being transported to a point outside the facility and as necessary when there is a serious risk of the child exiting a vehicle while the vehicle is in motion or otherwise absconding, each authorization of mechanical restraints shall not exceed one hour in duration without a visit by and written authorization from a licensed mental health professional as defined in Iowa Code section 228.1(7)*"b,"* a physician or surgeon as described in Iowa Code chapter 148, a physician associate as defined in Iowa Code chapter 148C, an advanced registered nurse practitioner as defined in Iowa Code chapter 152, or an advanced practice registered nurse as defined in Iowa Code chapter 152E.

e. No child shall be kept in mechanical restraint for more than 1 hour in a 12-hour period without a visit by and written authorization from a licensed mental health professional as defined in Iowa Code section 228.1(7)*"b,"* a physician or surgeon as defined in Iowa Code chapter 148, a physician associate as defined in Iowa Code chapter 148C, an advanced registered nurse practitioner as defined in Iowa Code chapter 152, or an advanced practice registered nurse as defined in Iowa Code chapter 152E.

f. Any time that a child is placed in mechanical restraint, a staff person shall be assigned to monitor the child with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

g. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

h. Restrictions on the use of restraints on known pregnant children are as detailed in subrule 105.16(6).

105.21(2) *Documentation.*

a. Each use of mechanical restraints shall be documented in the client's record and shall include at least the following:

(1) The date and time the child was placed in mechanical restraint.

(2) The type of mechanical restraint utilized.

(3) The reason for the restraint.

(4) The signature of the person authorizing the restraint and the time of authorization.

(5) The signature of the person placing the child in restraint.

(6) The signature of the person providing the continuous auditory and visual contact with the child.

(7) The signature of the person releasing the child and the time of release.

b. Each use of mechanical restraints shall be documented in a separate file that is used only for the recording of uses of mechanical restraints and shall contain the name of the child restrained and the information discussed in paragraph 105.21(2)*"a."*

c. Each facility authorized to use mechanical restraints shall submit a quarterly report that includes all the information required in paragraph 105.21(2)*"a"* to the facility's licensing manager from the department of inspections, appeals, and licensing and to the licensing manager from the department.

105.21(3) *Continued use of mechanical restraints.* When a child requires mechanical restraints on more than four occasions during any 30-day period, the facility shall hold an immediate emergency meeting within three days of the fifth incident and shall have a licensed mental health professional, as defined in Iowa Code section 228.1(7)*"b,"* present at the meeting to discuss how to meet the child's needs, including the appropriateness of the child's continued placement at the facility.

105.21(4) *Transporting children.* Seat belts are not considered mechanical restraints. Facility policies shall require the use of seat belts and comply with Iowa Code sections 321.445 and 321.446 while transporting children.

441—105.22(232) Chemical restraint. Chemical restraint shall not be utilized in juvenile detention homes. Each juvenile detention home shall have written policies that clearly prohibit the use of chemical restraints.

441—105.23(232) Mandatory reporting of child abuse and training.

105.23(1) *Mandatory reporters.* All professionals who, in the scope of professional practice or in their employment responsibilities, examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse shall make a report in accordance with Iowa Code section 232.69 whenever the provider reasonably believes a child has suffered abuse.

105.23(2) *Required training.* Mandatory reporters shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

105.23(3) *Training documentation.* Each licensee shall develop and maintain a written record for each mandatory reporter in order to document the content and amount of training.

This subrule is intended to implement Iowa Code section 232.69.

105.23(4) *Required reporting duties.* Documentation shall be maintained that staff acknowledge that the staff understands the facility's reporting policies and processes and staff requirements as mandatory reporters to report any knowledge, suspicion, or information staff possesses regarding an allegation of child abuse. Facility policies shall include reporting for child abuse, staff neglect or violation of responsibilities that may have contributed to an incident or for retaliation against children who reported such an incident.

441—105.24(232) Child abuse allegations and investigations.

105.24(1) *Abuse allegation documentation.* All allegations of abuse shall be documented and reviewed by administrative staff within 24 hours of the allegation. Copies of the allegation shall be maintained in a secure manner by the facility director or the facility director's designee.

105.24(2) *Referrals for allegations of child abuse.* An administrative staff shall be assigned the responsibility for determining if there is reasonable belief that an allegation of child abuse will be referred for investigation to an agency with the legal authority to investigate, either to local law enforcement or to the department, or both. Documentation of the determination of reasonable belief, whether it results in a referral for an investigation or not, shall be maintained with the allegation documentation.

105.24(3) *Child abuse investigations.* Cooperation shall be provided to agencies with legal authority to conduct a child abuse investigation. Cooperation may include providing access to requested documentation; access to video and audio recordings; access to staff for interviews; access to volunteers for interviews; providing contact information for the child's parent(s) or legal guardian(s), juvenile court officer, and attorney; access to the child for interviews; and access to the facility.

105.24(4) *Preservation of evidence.* Evidence relevant to a child abuse investigation shall be preserved for a minimum of seven years. This includes but is not limited to maintaining written documentation, records and logs and preserving video and audio files and physical evidence.

These rules are intended to implement Iowa Code section 232.142.