

TITLE XI
CHILDREN'S INSTITUTIONS
CHAPTER 103
STATE TRAINING SCHOOL
[Prior to 7/1/83, Social Services[770] Ch 103]
[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

441—103.1(218) Definitions.

“Child” means a person under the age of 18 years.

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

“Department” means the Iowa department of human services.

“Division administrator” means the administrator of the division of mental health and disability services within the department.

“Facility” means the state training school.

“Family” means spouse, child, parent, sibling, or grandparent.

“Gift or bequest” means anything of value that a facility receives that is intended for use directly by the employees of the facility. Items intended for public distribution, such as clothes or furniture, do not constitute a gift to the facility.

“Grievance” means a written or oral complaint by or on behalf of an individual that involves:

1. A rights violation or unfairness to the individual, or
2. Any aspect of the individual’s life with which the individual does not agree.

“Individual,” as used in this chapter, means any child who is committed to the director of the department of human services and is admitted to and receives services from the state training school. The terms “student,” “resident,” “juvenile,” and “youth” are synonymous with the term “individual.” For purposes of the state training school, the term shall also include a person whose stay is extended beyond the age of 18 under the provisions of Iowa Code sections 232.53(2) and 232.53(4).

“Iowa sex offender registry” means a central registry of sex offenders established under Iowa Code chapter 692A that is maintained by the department of public safety.

“Juvenile court officer” means the same as defined in Iowa Code section 232.2(30).

“Juvenile offender” means a juvenile who is required to be registered with the Iowa sex offender registry and with the sheriff of the juvenile’s county of residence.

“Legal representative” means a person, including an attorney, who is authorized by law to act on behalf of an individual.

“Money” means all forms of currency, checks, money orders, stocks, bonds, and any other item that can be used as a medium of exchange for payment for goods or services.

“Parent” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“Registration” means the submission of registration forms to the Iowa sex offender registry and to the sheriff of the person’s county of residence.

“Rights” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“State training school” means the unit for juvenile delinquents at the Eldora facility as defined in Iowa Code section 233A.1(2).

“Tobacco” means all forms of tobacco.

“*Weapon*” means any gun, knife, tool, object, or chemical that can be used to inflict harm on one’s self or another.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11; ARC 6276C, IAB 4/6/22, effective 6/1/22]

441—103.2(218) Admission.

103.2(1) *Population guidelines.* The facility population level shall be based on the population guidelines that the judicial branch, in consultation with the department, develops on the number of individuals who may be placed at a juvenile facility at any one time. Pursuant to those guidelines and the responsibility of the superintendents for admission of individuals, the superintendents and the chief juvenile court officers shall allocate to each judicial district the number of children from each district who may be placed in the facility for diagnosis and evaluation and for treatment.

103.2(2) *Acceptance of child.* A certified copy of the court order which complies with Iowa Code chapter 232 shall accompany the child to the facility, along with the relevant petitions.

a. A child shall be accepted for evaluation as specified in the court order only when a diagnostic bed is available.

b. A child shall be accepted into the regular program as specified in the court order only when a treatment bed is available.

c. A child adjudicated as a child in need of assistance shall not be admitted to the state training school, except:

(1) For diagnosis and evaluation and then only when a current petition is on file that alleges the child to have committed a delinquent act, or

(2) When the child is also adjudicated delinquent and meets admission criteria for the state training school as a delinquent.

d. The superintendent or chief juvenile court officer shall notify the court when the appropriate space, service, or program is not available so that admission can be ordered when the facility can meet the child’s needs.

103.2(3) *Time of admission.* When a child is to be admitted to the state training school, arrangements shall be made for the actual admission to occur between 8 a.m. and 4:30 p.m., Monday through Friday, whenever possible.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.3(218) Plan of care.

103.3(1) *Individual care plan conference.* At least ten working days before the individual care plan conference, the facility shall provide written notification of the time, date and nature of the conference to:

- a.* The individual;
- b.* The individual’s parents;
- c.* The individual’s legal representative;
- d.* The individual’s juvenile court officer; and
- e.* The court.

103.3(2) *Special meeting.* Whenever special concerns and needs arise regarding an individual, the superintendent or designee shall schedule a meeting to evaluate and formulate appropriate changes in the individual care plan. Notice of the meeting shall be issued to:

- a.* The individual;
- b.* The individual’s parents;
- c.* The individual’s legal representative;
- d.* The individual’s juvenile court officer; and
- e.* Other relevant parties.

103.3(3) *Prerelease conference.* A conference shall be held 30 days before any anticipated release of an individual from the regular program. At least 5 working days before the conference, the facility shall provide written notice of the time, date, and purpose of the conference to:

- a.* The individual;

- b. The individual's parents;
- c. The individual's legal representative;
- d. The individual's juvenile court officer; and
- e. The court.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.4(218) Communication with individuals.

103.4(1) *Incoming telephone calls.* Approval of the superintendent or designee is required for all incoming telephone calls for an individual before the conversation occurs. An authorized employee shall verify the identity of the caller before approval is given. Approved telephone calls shall not be monitored.

103.4(2) *Mail and packages.*

a. Outgoing or incoming letters and packages shall not be opened, read, censored, or tampered with in any manner except that, to search for and seize contraband, an employee may:

(1) Open, but not read, incoming and outgoing letters and packages in the presence of the individual to whom the letters and packages belong; or

(2) Require that the individual open the letters and packages in an employee's presence and disclose the contents.

b. Letters or packages found to contain contraband shall be confiscated. Both the sender and the intended receiver of the confiscated letters and packages shall be notified and given reasons for the action in writing within 48 hours of the action.

c. The superintendent or designee may terminate correspondence between an individual and another person when the individual's treatment team has determined that the correspondence is not in the individual's best interest and is detrimental to the individual's treatment plan. Termination shall be based on the circumstances of each case.

(1) The superintendent or designee shall provide justification to terminate the correspondence in a written notice to the correspondents.

(2) Correspondents may file a grievance concerning the termination.

103.4(3) *Visits.*

a. *Schedule.* Visiting hours shall be from 10 a.m. to 4:30 p.m. on Saturday and Sunday. Visits by the individual's family or legal representative shall be encouraged. Necessary flexibility in these hours and days will be allowed.

(1) The superintendent may designate certain weekdays or holidays for visiting. The resident shall be responsible for informing visitors about designated visiting days.

(2) Visiting during times other than those described in this subrule shall require approval of the superintendent before the day of the visit.

b. *Applicability.* Other than a family member or legal representative, a person who wants to visit an individual shall obtain prior approval from the individual's juvenile court officer and the superintendent or designee before visiting. Visitation rights shall be denied to:

(1) A former training school resident unless the former resident is a family member or has prior approval of the superintendent or designee;

(2) A parent whose parental rights have been terminated or limited by court order;

(3) A person who is restricted by court order from contact with the individual;

(4) A visitor who refuses to cooperate with the rules of the facility;

(5) A visitor who creates a disturbance or is hostile to the point of being disruptive;

(6) A visitor who passes or attempts to pass contraband to an individual or who aids in an escape or attempted escape;

(7) A visitor who is under the influence of or has been partaking of drugs or alcoholic beverages; and

(8) Any other person who, based on reasonable cause, is believed to pose a risk to the individual's treatment or to the safety or security of the facility.

c. *Procedures.*

(1) Visitors shall check in with security upon arrival. The employee on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.

(2) An individual shall be permitted to visit with up to six family members during any one visit. Family members under 18 years of age shall visit only with adult family supervision.

(3) An individual shall not be permitted to visit with the family of another individual unless the individual's juvenile court officer and the superintendent or designee have given prior approval. An individual shall have written authorization of the individual's juvenile court officer and the superintendent or designee before accompanying parents of another individual off grounds on a visit.

d. Limits. The superintendent reserves the right to limit or terminate visiting in all cases when doing so is in the best interests of the individual's personal and therapeutic needs. When limitation or termination of visiting rights occurs, the superintendent or designee shall:

- (1) Immediately notify persons involved why the action was taken; and
- (2) Place a written report in the individual's file.

103.4(4) Attorney contacts. An individual's attorney shall have the right to visit or have telephone contact with the individual at any reasonable time.

a. An individual shall have the right to contact the individual's attorney during normal business hours and at other times with prior approval of the attorney. Responsibility for payment for the cost of the contact shall be determined before the contact is made.

b. An individual who does not have an attorney shall be referred to the committing court for an attorney to be appointed.

103.4(5) Interviews and statements.

a. Request. Requests to interview an individual made by media (newspapers, television stations, radio stations, etc.), groups, or persons not related to the individual shall be made through the superintendent's office.

(1) The superintendent or designee shall inform the individual of the request and of the individual's right to agree to participate in the interview or to remain silent and not participate.

(2) If an interview may have an impact on the individual's legal status, the superintendent or designee shall contact the individual's attorney to determine if the attorney has any objection to the individual's participation.

b. Decision. When the individual agrees to participate, the interview shall be granted at the discretion of the superintendent. The superintendent may deny an interview in situations deemed detrimental to the individual. The person requesting the interview may appeal the superintendent's decision to the division administrator.

c. Procedure.

(1) Whenever an interview is granted, at least one facility employee shall be present for the entirety of the interview and shall have the authority to terminate the interview anytime the employee believes the best interests of the individual are not being served. Exceptions to this requirement shall be made when the individual's interview is with the individual's own attorney or with state officials acting in an official capacity.

(2) The individual shall be represented by legal counsel during any interview that is conducted to obtain information that will be or may be used in court.

d. Depositions. The superintendent may grant permission for written depositions according to the procedures for granting interviews. Voice recording of depositions shall not be permitted. One copy of the deposition shall be submitted to the superintendent. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.5(218) Photographing and recording of individuals. An individual's parent or legal representative may take photographs or make audio or video recordings of that individual but shall not be authorized to take photographs or make recordings of any other individual.

103.5(1) With the authorization of the superintendent or designee, an individual may take a photograph of another individual with that individual's consent.

103.5(2) Use of still or video cameras or voice recorders to photograph or record an individual by anyone other than the individual, parent, legal representative, or authorized employee shall be allowed only with the prior authorization of the superintendent or designee.

a. When granted, authorization to photograph or record shall be for one specific use and shall not extend to any other use.

b. Photographs and voice or video recordings of an individual for public distribution shall be permitted only with a signed informed consent from the superintendent and the individual's parent or legal representative.

103.5(3) A person authorized to take photographs or recordings shall make every effort to preserve the inherent dignity of the individual and to preclude exploitation or embarrassment of the individual or the family of the individual.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.6(218) Employment of individual. Employers that want to hire an individual must obtain approval from the superintendent or designee.

103.6(1) To clarify the employer-individual employment agreement, the superintendent or designee shall communicate to the individual's employer and document:

a. The employer's legal responsibilities, including:

(1) Adherence to child labor laws; and

(2) Payment in accordance with the Fair Labor Standards Act. Work of a more skilled nature shall be compensated accordingly.

b. The employer's responsibility to meet the requirements of the training school, including but not limited to those relating to salary, supervision, transportation, and work hours of the individual. The employer shall:

(1) Make all payments for the individual's employment to the facility business office for deposit in the individual's account. Payment of any nature shall not be given directly to the individual for any purpose.

(2) Immediately report a runaway individual to the superintendent or designee.

(3) Report to the superintendent or designee an individual's behavior that is unacceptable to the employer.

103.6(2) An individual's behavior that is unacceptable to an employer shall not subject the individual to any sanctions, punishment or punitive restriction of privileges unless the behavior constitutes a public offense or violates facility rules. In such case, the individual may be referred to court for prosecution or the facility's discipline procedure may be followed.

103.6(3) The employer, the superintendent or designee, or the individual shall have the right to terminate the employment at any time.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.7(218) Temporary home visits.

103.7(1) An individual may be granted a temporary home visit for up to five days for reasons such as:

a. To attend funerals, weddings, or holiday functions;

b. For job seeking;

c. For the primary purpose of exploring and improving family and community relations; or

d. For a preplacement visit to a foster or group home to test the appropriateness of such a placement.

103.7(2) The superintendent or designee and the individual's juvenile court officer shall approve a temporary home visit before the visit is scheduled and only after the juvenile court officer has investigated and approved in writing the temporary home visit placement.

103.7(3) Five working days in advance of a visit, the superintendent or designee shall notify the following in writing:

a. The individual's parents;

b. The individual's legal representative;

c. The temporary placement, if different from the parents' home;

- d. The individual's juvenile court officer; and
- e. The court.

103.7(4) In cases of an emergency, the notice required by subrule 103.7(3) may be delivered by telephone and shall be followed by a written notice explaining the special circumstance.

103.7(5) In a special case, based on the individual's treatment needs, the superintendent or designee may extend a temporary home visit when both the superintendent or designee and the individual's juvenile court officer agree that the proposed extension is appropriate.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.8(218) Grievances. Any individual who believes the individual's rights have been violated by the state training school or who has a complaint concerning the individual's treatment at the state training school may file a grievance. The individual's parent, family, or legal representative may file a grievance on behalf of the individual by submitting the grievance in writing to the superintendent.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.9(692A) Sex offender registration. An individual who has been determined to be a sex offender as defined in Iowa Code section 692A.101 must register as a sex offender before release from the state training school unless the juvenile court finds that the individual is exempted from this requirement.

103.9(1) Notification. When an individual who is a juvenile offender has not previously registered, the superintendent or designee shall provide the individual with Form DCI-144, Notification of Registration Requirement, as required by the department of public safety in 661—subrule 83.3(1). Failure to provide a juvenile offender with the notification form does not relieve the juvenile offender of the duty to register with the Iowa sex offender registry.

103.9(2) Exemption from registration. To exempt a juvenile offender from registration, the language in the order of adjudication or disposition must clearly state that the juvenile offender is exempted from the registration requirement. If a court order is silent, the registration requirement applies.

a. If the order language does not clearly state that the juvenile offender is exempted from the registration process, then the responsibility rests with the juvenile offender to seek a clarifying order to be exempt from the registration process. A juvenile offender who seeks an exemption from the registration requirement has the obligation to prove that the juvenile offender deserves the exemption.

b. When the judicial decision is deferred, registration shall be assumed to be required until the court orders otherwise. If the court order defers the decision to grant an exemption from registration until the juvenile offender's treatment is completed, the language in the order should specify who tracks the case until the new court order is issued. If it is not clear who tracks the case, the juvenile offender is responsible to seek a clarifying order to be exempt from the registration process.

103.9(3) Registration. The superintendent or designee shall provide the juvenile offender with Form DCI-145, Sex Offender Registration, as required by the department of public safety in 661—subrule 83.3(2). Form DCI-145 must be submitted to the sheriff of each county in which the offender will be residing, employed, or attending classes as well as to the department of public safety to satisfy the registration requirements of the Iowa sex offender registry.

a. When the juvenile offender is released from the state training school, the superintendent or designee shall submit the registration form to the division of criminal investigation of the department of public safety unless, by the time of release, the juvenile court finds that the juvenile should not be required to register as allowed by Iowa Code chapter 692A.

b. Copies of the sex offender registration shall be maintained in the juvenile offender's file at the state training school.

This rule is intended to implement Iowa Code section 692A.109.

[ARC 9318B, IAB 12/29/10, effective 2/2/11; ARC 6276C, IAB 4/6/22, effective 6/1/22]

441—103.10(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of alleged child abuse. For cases in which the alleged perpetrator is a facility employee, contractor, or

volunteer, or some other department employee, the investigation shall be conducted by an agency other than the department.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.11(233A) Cost of care. The state training school shall seek to recover a portion of the cost of care from an individual who has unearned income. In determining the amount to be recovered:

1. The individual shall be allowed to retain a personal allowance equal to the personal allowance amount established by the Social Security Administration for the Supplemental Security Income program.
2. The amount recovered shall not exceed the actual cost of care.
3. The cost of care shall be determined using the average per diem multiplied by the total days of care.
4. The superintendent may grant a one-time exception to recovery of up to \$1,000 for a personal needs living expense if an individual is being discharged and has no viable means of support upon release.

This rule is intended to implement Iowa Code section 233A.17.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.12(218) Buildings and grounds.

103.12(1) Tours. Tours of the facility shall be subject to the prior approval of the superintendent or designee. Tours may be scheduled on weekdays from 8 a.m. to 4 p.m. by appointment through the superintendent's office. Approval shall be based on availability of employee time to conduct the tour and the programmatic and security needs of the facility.

103.12(2) Public use. Facility space shall be for the primary use of the state training school. All public use of facility space shall require prior approval of the superintendent or designee. Approval for use shall be based on the order of requests received and on space availability after the programmatic and security needs of the facility are met.

This rule is intended to implement Iowa Code section 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11]

441—103.13(8,218) Gifts and bequests. Gifts or bequests of money, clothing, books, games, recreational equipment or other gifts shall be made directly to the superintendent.

103.13(1) The superintendent or designee shall evaluate the gift or bequest in terms of the nature of the contribution to the facility program.

103.13(2) The superintendent shall be responsible for accepting the gift or bequest and reporting it to the division administrator.

a. All monetary gifts or bequests shall be acknowledged in writing to the donor.

b. All gifts or bequests with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board's Form-GB. One copy of the completed form shall be sent to the division administrator.

This rule is intended to implement Iowa Code sections 8.7 and 218.4.

[ARC 9318B, IAB 12/29/10, effective 2/2/11; ARC 6276C, IAB 4/6/22, effective 6/1/22]

[Filed 10/17/75, Notice 8/11/75—published 11/3/75, effective 12/8/75]

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 1/4/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]

[Filed 9/6/79, Notice 6/27/79—published 10/3/79, effective 11/7/79]

[Filed 4/4/80, Notice 1/23/80—published 4/30/80, effective 6/4/80]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed 6/14/85, Notice 5/8/85—published 7/3/85, effective 9/1/85]

[Filed 9/3/86, Notice 7/16/86—published 9/24/86, effective 11/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed 5/9/01, Notice 2/21/01—published 5/30/01, effective 7/4/01]

[Filed ARC 9318B (Notice ARC 9086B, IAB 9/22/10), IAB 12/29/10, effective 2/2/11]

[Filed ARC 6276C (Notice ARC 6155C, IAB 1/26/22), IAB 4/6/22, effective 6/1/22]