

TITLE XI
CHILDREN'S INSTITUTIONS
CHAPTER 101
IOWA STATE JUVENILE HOME
[Prior to 7/1/83, Social Services [770] Ch 101]
[Prior to 2/11/87, Human Services[498]]

441—101.1(218) Definitions.

“*Contraband*” shall mean weapons, alcohol, drugs, obscene materials as defined in Iowa Code section 728.1, paragraph (5), or materials advocating disruption of or injury to residents, employees, programs, or physical facilities. It shall also include anything which is illegal to possess under the law, materials which are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

“*Immediate family*” shall mean spouse, child, parent, brother, sister, or grandparent.

“*Resident*” shall mean a child committed to the state director and admitted to the state juvenile home.

441—101.2(218) Visiting.

101.2(1) Visiting hours are from 10 a.m. to 4:30 p.m. Saturday and Sunday. The superintendent may designate certain weekdays or holidays for visiting. The resident shall be responsible for informing the visitor of the days. Visitation by the family will be encouraged and necessary flexibility in these hours and days will be allowed.

101.2(2) All visiting during times other than described in 101.2(1) shall have approval from the superintendent or designee prior to the day of visit.

101.2(3) Visitors shall check in with security staff upon arrival. The counselor on duty may request identification of the visitor. Failure to produce identification may result in denial of the visit.

101.2(4) Residents are permitted to visit with their parents or members of the immediate family. Family members under 12 years of age may visit only with adult supervision. Friends may visit when approved by the administrative officer. Friends under 18 years of age may visit only with adult supervision.

101.2(5) Any visitor arriving on the grounds who is under the influence of or has been partaking of drugs or alcoholic beverages shall not be permitted a visit.

101.2(6) Residents shall have written authorization of the administrative officer in charge before accompanying parents of another student out on a visit.

101.2(7) Persons other than immediate family or legal counsel who wish to visit a resident must obtain prior approval from the superintendent or designee before visiting.

101.2(8) The superintendent reserves the right to limit or terminate visiting in all cases where doing so is in the best interests of the resident’s personal and therapeutic needs. When limitations or termination of visiting rights occur, the superintendent or administrator in charge shall immediately notify persons involved why the action was taken, and a written report will be placed in the resident’s file.

This rule is intended to implement Iowa Code section 218.4.

441—101.3(218) Interviews and statements.

101.3(1) All residents will be informed of their right to remain silent.

101.3(2) When the resident agrees, interviews will be granted at the discretion of the superintendent. Whenever an interview is granted, at least one staff person shall be present for the entirety of the interview and shall have the authority to terminate the interview anytime the staff person feels the best interests of the resident are not being served.

101.3(3) The resident shall be represented by legal counsel during any interview being conducted to obtain information that will be or may be used in court against the resident.

101.3(4) Exceptions to 101.3(2) will be made only for the resident’s own attorney or state officials acting in their official capacity.

101.3(5) The superintendent may deny an interview in situations deemed detrimental to the resident. The person requesting the interview shall be referred to the director, division of community programs, Iowa department of human services for approval.

101.3(6) Permission for written deposition may be granted by the superintendent following the aforementioned rules for granting interviews. One copy of the depositions shall be submitted to the superintendent. Voice recording of the interviews will not be permitted. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

441—101.4(218) Mail and packages.

101.4(1) Outgoing or incoming letters or packages shall not be opened, read, censored, or tampered with in any manner, except that institutional staff, in order to search for and seize contraband, may open, but not read, incoming mail or packages in the presence of the resident to whom the mail is directed or require that the resident open the letter or package in the staff's presence and disclose the contents.

101.4(2) Letters or packages found to contain contraband may be withheld, but both the sender and the intended receiver of the withheld mail shall be notified and given reasons for the action in writing within 48 hours of the action.

101.4(3) When correspondence between a resident and another person is not considered to be in the best interest of and detrimental to the treatment plan of the resident, the superintendent or designee may terminate that correspondence. Just cause shall be shown and written notice provided to both correspondents.

101.4(4) When correspondence has been terminated as described in 101.4(3), either of the correspondents may request a review of the termination at any time.

101.4(5) Terminations under 101.4(3) shall be based on individual cases and not on groups or agencies.

This rule is intended to implement Iowa Code section 218.4.

441—101.5(218) Use of buildings and grounds.

101.5(1) When the residents are not using space or a facility, the space or facility may be available for public use at the discretion of the superintendent.

101.5(2) A deposit of \$15 may be required 24 hours in advance of reserving the canteen. The full deposit shall be refunded when the canteen is left in satisfactory condition.

101.5(3) Requests for use of the staff conference room, lounge, and chapel building shall be directed to the superintendent's secretary.

101.5(4) A \$25 deposit may be required for use of the recreation center facilities. The full deposit shall be refunded when the facilities are left in satisfactory condition.

a. An employee of the state juvenile home shall be present to supervise the group.

b. The group supervisor shall sign a release form and a form accepting responsibility for the group's supervision prior to the use of the facility.

c. Only facilities specifically requested and approved shall be used by the group.

101.5(5) The state juvenile home reserves the right to cancel an agreement to use facilities in the event of emergency or schedule changes where resident use takes priority.

This rule is intended to implement Iowa Code section 218.4.

441—101.6(218) Incoming telephone calls. All incoming telephone calls for residents shall have approval of the superintendent or designee prior to the conversation. The identity of the caller shall be verified before approval is given. Telephone calls shall not be monitored.

This rule is intended to implement Iowa Code section 218.4.

441—101.7(218) Resident employment.

101.7(1) Employers, individuals, or organizations wishing to hire a resident of the institution shall receive approval from the superintendent or designee.

101.7(2) Child labor laws shall be adhered to.

101.7(3) The employer's legal and institutional responsibilities shall be documented by the superintendent or designee and communicated, including salary, supervision, transportation, and hours, to the residents' employer so as to clarify and document the resident-employer employment agreement.

101.7(4) The employer or superintendent or designee or resident has the right to terminate the employment at any time.

101.7(5) Residents shall be paid in accordance with minimum wage laws in effect for off-campus employment. Work of a more skilled nature shall be compensated accordingly.

101.7(6) All checks or money shall be turned into the business office for deposit in the resident's account, not given directly to the resident.

101.7(7) Behavior unacceptable to the employer shall be reported to the institution. Behavior unacceptable to an employer shall not subject the resident to any sanctions, punishment or punitive restriction of privileges, unless it constitutes a public offense or violates institutional rules and, in that case, it shall follow the normal discipline procedure or referral to court for prosecution. Runaway residents shall be reported to the institution immediately.

This rule is intended to implement Iowa Code section 218.4.

441—101.8(218) Tours. Tours of the facilities may be scheduled on weekdays from 8 a.m. to 4 p.m. by appointment through the superintendent or designee.

This rule is intended to implement Iowa Code section 218.4.

441—101.9(218) Acceptance.

101.9(1) Children shall be accepted for evaluation as diagnostic beds are available on a first-come-first-served basis.

101.9(2) Children shall be accepted into the regular program as treatment beds are available on a first-come-first-served basis.

101.9(3) No children adjudicated to have committed a delinquent act shall be admitted to the state juvenile home.

101.9(4) A certified copy of the court order which complies with Iowa Code chapter 232 and the relevant petitions must accompany the child to the institution.

This rule is intended to implement Iowa Code section 218.4.

441—101.10(218) Admission procedures. When a youth is to be admitted to the state juvenile home, arrangements shall be made for the actual admission between 8 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

This rule is intended to implement Iowa Code section 218.4.

441—101.11(218) Program assignment. Residents will be assigned to specific cottage programs, educational and vocational programs and special services, such as drug counseling, family therapy, or similar services, to meet the needs of each individual resident, taking into consideration the limitation of the availability of space and specific programs. It is the responsibility of the superintendent to notify the court when appropriate space or program is not available and to deny admission until these needs can be met.

This rule is intended to implement Iowa Code section 218.4.

441—101.12(218) Individual care plan.

101.12(1) Whenever a resident is placed in a treatment program in the institution, an individual care plan shall be developed within 30 days.

101.12(2) The institution shall notify the resident, the resident's parents, the child's legal counsel, the court and the assigned service worker in writing of the time, date and nature of the individual care plan staffing at least ten working days prior to the staffing.

101.12(3) The institution counselor shall ensure that the institution has completed an assessment of the resident prior to the individual care plan staffing.

This rule is intended to implement Iowa Code section 218.4.

441—101.13(218) Special staffing. Whenever special concerns and needs arise in the program of a resident, a meeting of institutional staff, assigned service worker and other relevant parties shall convene to evaluate and formulate appropriate changes in the care plan.

This rule is intended to implement Iowa Code section 218.4.

441—101.14 Rescinded IAB 5/18/88, effective 7/1/88.

441—101.15(218) Grievance procedure.

101.15(1) A resident shall have the right to file a grievance against a policy, program, or procedure.

101.15(2) The institution shall have a clearly written grievance procedure with at least one appeal level.

101.15(3) All grievances filed shall be heard.

This rule is intended to implement Iowa Code section 218.4.

441—101.16(218) Alleged child abuse. The department shall arrange for the investigation of any reported case of child abuse in which the alleged perpetrator is an employee of the institution or some other department of human services employee to be conducted by an agency other than the department of human services.

This rule is intended to implement Iowa Code section 218.4.

441—101.17(218) Temporary home visits.

101.17(1) Residents may be granted a temporary home visit for up to five days for such reasons as to attend funerals, weddings, holiday functions, or job seeking; or for the primary purpose of exploring and improving family and community relations; or for the purpose of preplacement visits to foster or group homes to test the appropriateness of such a placement.

101.17(2) The court, the child's legal counsel, the resident's parents, the temporary placement, if different than the parents' home, and the assigned service worker shall be notified in writing five working days in advance of a visit except in cases of emergency when telephone calls to the previously discussed people followed by a written notice explaining the special circumstance shall be sufficient.

101.17(3) In all cases, the institutional superintendent or designee and the assigned service worker shall approve all temporary home visits in advance.

101.17(4) All temporary visit placements shall be investigated and approved as appropriate by the assigned service worker or probation officer in writing and in advance of any visit being scheduled.

101.17(5) In special cases which involve the treatment needs of the child, a temporary home visit may be extended when both the institutional superintendent or designee and the assigned service worker's supervisor agree that the proposed extension is appropriate and the bureau of children's services approves the special extension request. Approval of exceptions shall be made on the basis of the treatment needs of the child.

This rule is intended to implement Iowa Code section 218.4.

441—101.18(218) Prerelease staffing.

101.18(1) Thirty days prior to any anticipated release from the regular program, a release staffing shall be held.

101.18(2) The institution shall supply written notice of the time, date, and intent of the release staffing at least five working days prior to the staffing to the resident, the resident's parents, the court, the child's legal counsel, and the assigned service worker.

This rule is intended to implement Iowa Code section 218.4.

441—101.19(218) Attorney contacts. The resident shall have the right to contact the resident's attorney during normal business hours and at other times with prior approval of the attorney. The cost of the contacts shall be arranged prior to the contact being made. Children who do not have an attorney should be referred to the appropriate legal aide.

This rule is intended to implement Iowa Code section 218.4.

441—101.20(244) Standards. The state juvenile home shall comply with standards required for comprehensive residential facilities for children in 441—Chapter 115. In addition, the state juvenile home shall comply with standards related to mandatory reporting of child abuse found in 441—Chapter 112 and all of 441—Chapter 114 except for rules 441—114.6(237), 441—114.9(237), and the following waivers:

101.20(1) *Sleeping rooms.* Sleeping rooms currently in use are acceptable; but any new building or renovations after January 1, 1988, must meet the requirements found in 441—paragraph 114.3(2) “b.”

101.20(2) *Job descriptions.* Staff job descriptions will be identified by the department of personnel.

101.20(3) *Staff ratios.* The requirements for staff ratios contained in 441—subrule 115.4(1), paragraph “a,” apply at any time the authorized funds are adequate to maintain a 1 to 5 staff ratio during prime programming time. This requirement is waived when there is inadequate funding.

This rule is intended to implement Iowa Code section 244.15.

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