

TITLE XI
CHILDREN'S INSTITUTIONS
CHAPTER 101
IOWA 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.

“Assigned service worker” means the individual’s social work case manager who is a department employee.

“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 Iowa juvenile home.

“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 Iowa juvenile home. The terms “student,” “resident,” “juvenile,” and “youth” are synonymous with the term “individual.”

“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.

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

“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]

441—101.2(218) Standards.

101.2(1) The Iowa juvenile home shall comply with:

a. Standards required for comprehensive residential facilities for children in 441—Chapter 115 except that requirements contained in 441—subrule 115.4(1) for staff ratios during prime programming time are waived when there is inadequate funding.

b. Standards related to mandatory reporting of child abuse found in rule 441—112.10(232).

101.2(2) The Iowa juvenile home shall comply with the standards for group living foster care facilities in 441—Chapter 114 except that:

a. Rules 441—114.6(237) on organization and administration and 441—114.9(237) on intake procedures do not apply.

b. Only sleeping rooms built after January 1, 1988, must meet the requirements in 441—paragraph 114.3(2) “*b.*”

c. Staff job descriptions shall be identified by the department of administrative services’ human resources enterprise.

This rule is intended to implement Iowa Code section 218.4.

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

441—101.3(218) Admission.

101.3(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 superintendent for admission of individuals, the superintendent 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.

101.3(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 to have committed a delinquent act shall not be admitted to the Iowa juvenile home.

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.

101.3(3) *Time of admission.* When a child is to be admitted to the Iowa juvenile home, 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—101.4(218) Plan of care.

101.4(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 assigned service worker; and
- e.* The court.

101.4(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 assigned service worker; and
- e.* Other relevant parties.

101.4(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 assigned service worker; 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—101.5(218) Communication with individuals.

101.5(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.

101.5(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.

101.5(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 superintendent or designee before visiting. Visitation rights shall be denied to:

(1) A former juvenile home 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 superintendent or designee has given prior approval. An individual shall have written authorization of 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.

101.5(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.

101.5(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—101.6(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.

101.6(1) With the authorization of the superintendent or designee, an individual may take a photograph of another individual with that individual's consent.

101.6(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 video or voice 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.

101.6(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—101.7(218) Employment of individual. Employers that want to hire an individual must obtain approval from the superintendent or designee.

101.7(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 Iowa juvenile home, 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.

101.7(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.

101.7(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—101.8(218) Temporary home visits.

101.8(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.

101.8(2) The superintendent or designee and the assigned service worker shall approve a temporary home visit before the visit is scheduled and only after the assigned service worker has investigated and approved in writing the temporary home visit placement.

101.8(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 assigned service worker; and
- e. The court.

101.8(4) In cases of an emergency, the notice required by subrule 101.8(3) may be delivered by telephone and shall be followed by a written notice explaining the special circumstance.

101.8(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 assigned service worker's supervisor 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—101.9(218) Grievances. Any individual who believes the individual's rights have been violated by the Iowa juvenile home or who has a complaint concerning the individual's treatment at the Iowa juvenile home 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—101.10(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—101.11(233B) Cost of care. The Iowa juvenile home 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 233B.16.

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

441—101.12(218) Buildings and grounds.

101.12(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.

101.12(2) Public use. Facility space shall be for the primary use of the Iowa juvenile home. 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—101.13(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.

101.13(1) The superintendent or designee shall evaluate the gift or bequest in terms of the nature of the contribution to the facility program.

101.13(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, regardless of value, 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.

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

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