

CHILDREN'S INSTITUTIONS

TITLE XI

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: 12/1/31

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 students, employees, programs, or physical facilities. "Contraband" includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. "Contraband" also includes anything determined to be banned from individual possession by published facility rules.

"Division director" means the administrator of the division of state-operated specialty care 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 a student that involves:

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

"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(35).

"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 a student.

"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 same as defined in Iowa Code section 233A.1(3).

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

"Superintendent" means the same as defined in Iowa Code section 233A.1(3).

"Tobacco" means all forms of tobacco.

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

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.2(218) Admission.

103.2(1) *Population guidelines.* The facility population level will be based on the population guidelines that the judicial branch, in consultation with the department, develops on the number of students 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 students, the superintendent and the chief juvenile court officers will 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 that complies with Iowa Code chapter 232 shall accompany the child to the facility, along with the relevant petitions.

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

b. A child will 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 facility, arrangements will be agreed to by the facility for the date and time of the actual admission.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.3(218) Plan of care.

103.3(1) *Individual care plan conference.* The facility will schedule an individual care plan conference and provide prior notice to:

a. The student;

b. The student’s parents or guardians;

c. The student’s legal representative;

d. The student’s juvenile court officer; and

e. The court.

103.3(2) *Prerelease conference.* A prerelease conference will be held 30 days before any anticipated release of a student from the regular program. The focus of the conference will be to help the student plan for a successful transition into the community by leveraging local community services. The facility will provide written notice of the time, date, and purpose of the conference to:

a. The student;

b. The student’s parents or guardians;

c. The student’s legal representative;

d. The student’s juvenile court officer; and

e. The court.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.4(218) Communication with students.

103.4(1) Incoming telephone calls. The superintendent or superintendent's designee must approve all incoming telephone calls for a student before the conversation occurs. An authorized employee will verify the identity of the caller before approval is given. Approved telephone calls will not be monitored.

103.4(2) Mail and packages.

a. The facility will maintain policies and procedures for outgoing or incoming letters and packages, including the facility's ability to search for and seize contraband by:

(1) Opening, but not reading, incoming and outgoing letters and packages in the presence of the student to whom the letters and packages belong; or

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

b. Letters or packages found to contain contraband will be confiscated. Both the sender and the intended receiver of the confiscated letters and packages will be notified and given reasons for the action.

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

(1) The superintendent or superintendent's designee will 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. The facility will maintain policies and procedures to allow for reasonable visitation. Visits by a student's family or legal representative will be encouraged. Flexibility in the hours and days of visitation will be considered as necessary.

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

(1) A former facility resident unless the former resident is a family member or has prior approval of the superintendent or superintendent's 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 student;

(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 a student 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 student's treatment or to the safety or security of the facility.

b. *Limitations.*

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

(2) The superintendent reserves the right to limit or terminate visiting in all cases when doing so is in the best interests of the student's personal and therapeutic needs. When limitation or termination of visiting rights occurs, the superintendent or superintendent's designee will:

1. Immediately notify persons involved why the action was taken; and

2. Document the action in the student's file.

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

a. A student shall have the right to contact the student'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. A student who does not have an attorney will be referred to the committing court for an attorney to be appointed.

103.4(5) Interviews and statements.

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

(1) The superintendent or superintendent's designee will inform the student of the request and of the student'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 student's legal status, the superintendent or superintendent's designee will contact the student's attorney to determine if the attorney has any objection to the student's participation.

b. *Decision.* When a student agrees to participate, the interview will be granted at the discretion of the superintendent. The superintendent may deny an interview in situations deemed detrimental to the student. The person requesting the interview may appeal the superintendent's decision to the division director or division director's designee.

c. *Procedure.*

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

(2) The student 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 will 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 0668D, IAB 10/14/26, effective 12/1/26]

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

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

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

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

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

c. The facility will maintain and implement policies and procedures for authorizing or denying photographing or recording of students. A person authorized to take photographs or recordings of a student shall make every effort to preserve the inherent dignity of the student and to preclude exploitation or embarrassment of the student or the family of the student.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.6(218) Employment of students. The facility will maintain and implement policies and procedures for the employment of students to help ensure the employer's compliance with all applicable state and federal laws. Employers that want to hire a student must obtain approval from the superintendent

or superintendent's designee. The employer, the superintendent or superintendent's designee, or the student shall have the right to terminate the employment at any time.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.7(218) Temporary home visits.

103.7(1) The facility will maintain and implement policies and procedures for the granting or denial of temporary home visits.

103.7(2) The superintendent or superintendent's designee and the student'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.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.8(218) Grievances. Any student who believes the student's rights have been violated by the facility or who has a complaint concerning the student's treatment at the facility may file a grievance. The student's parent, guardian, family, or legal representative may file a grievance on behalf of the student by submitting the grievance in writing to the superintendent. If the grievance directly concerns the superintendent, the grievance will be reviewed by the division director or the division director's designee. At any time during the grievance process, students retain their right to contact their attorney, juvenile court officer, the Iowa office of ombudsman, the division director or the division director's designee, regardless of the outcome determined by the facility or the superintendent.

This rule is intended to implement Iowa Code section 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.9(692A) Sex offender registration. A student who has been determined to be a sex offender as defined in Iowa Code section 692A.101(26) must register as a sex offender before release from the facility unless the juvenile court finds that the student is exempted from this requirement.

103.9(1) Notification. When a student who is a juvenile offender has not previously registered, the superintendent or superintendent's designee will provide the student 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 superintendent's designee will 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).

a. When the juvenile offender is released from the facility, the superintendent or superintendent's designee will 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 will be maintained in the juvenile offender's file at the facility.

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

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.10(218) Alleged child abuse. The department will 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 0668D, IAB 10/14/26, effective 12/1/26]

441—103.11(233A) Cost of care. The facility will seek to recover a portion of the cost of care pursuant to Iowa Code section 233A.17. In determining the amount to be recovered:

103.11(1) The student will 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.

103.11(2) The amount recovered shall not exceed the actual cost of care.

103.11(3) The cost of care will be determined using the average per diem multiplied by the total days of care.

103.11(4) The superintendent may grant a one-time exception to recovery of up to \$1,000 for a personal needs living expense if a student is being discharged and has no viable means of support upon release.

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

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

441—103.12(218) Buildings and grounds.

103.12(1) Tours. Tours of the facility will be subject to the prior approval of the superintendent or superintendent's designee.

103.12(2) Public use. Facility space is for the primary use of the facility. All public use of facility space shall require prior approval of the superintendent or superintendent's designee. Approval for use will 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 0668D, IAB 10/14/26, effective 12/1/26]

441—103.13(68B,218) Gifts and bequests. Gifts or bequests of money, clothing, books, games, recreational equipment or other items shall be made directly to the superintendent.

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

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

a. All monetary gifts or bequests will 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 pursuant to Iowa Code section 68B.22A.

This rule is intended to implement Iowa Code sections 68B.22A and 218.4.

[ARC 0668D, IAB 10/14/26, effective 12/1/26]

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