

441—31.7(229A) Communication with individuals.**31.7(1) Incoming telephone calls.**

a. The individual's treatment team shall determine an approved caller list for each individual based on the individual's request for approval. Incoming calls shall not be approved from a person who:

- (1) Has been a victim of the individual,
- (2) Is a registered sex offender, or
- (3) Has been determined by the individual's treatment team as a person whose communication is counter-therapeutic to the individual's treatment plan.

b. All incoming calls for an individual shall require the approval of the facility administrator or designee before the caller will be connected with the individual to determine if the caller is:

- (1) On an individual's approved caller list, or
- (2) An attorney representing the individual. An attorney representing the individual shall have the right to call the individual at any reasonable time.

c. Approved incoming calls shall not be monitored.

d. The individual has the right to grieve any adverse decision.

31.7(2) Attorney contacts. An individual's attorney shall have the right to visit or have telephone contact with the individual at any reasonable time. The individual shall have the right to call the individual's attorney during normal business hours and at other times with the consent of the attorney. The individual or the attorney shall be responsible for any costs associated with the call.

31.7(3) Interviews. Interviews of an individual by the news media or other outside persons or groups shall be permitted only with the prior consent of the individual or the individual's guardian.

a. All requests for an interview shall be made to the facility administrator. When a request is received, the facility administrator or designee shall:

- (1) Notify the individual or the individual's guardian of the request; and
 - (2) Document notification to the individual or guardian in the individual's record.
- b. The individual or the individual's guardian shall be free to decide whether an interview is granted.
- c. The facility administrator shall determine how, when, and where the interview is to be done, as necessary to maintain the security of the facility.

31.7(4) Mail and packages.

a. Correspondence shall not be permitted between an individual and a victim of the individual, a registered sex offender, or another individual residing at the facility.

b. Correspondence an individual receives from the state ombudsman shall be delivered to the individual unopened. Other outgoing and incoming letters and packages shall not be censored or tampered with in any manner except that 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 the individual to open the letters or packages in an employee's presence and disclose the contents.

c. In situations where the employee has reasonable suspicion that a letter or package contains information or materials that threaten the security or the therapeutic needs of the facility, such as but not limited to contraband, threats, escape plans, or sexually explicit content, the correspondence may be read in the presence of the individual.

d. 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 the reasons for the action in writing within two business days of the action.

e. The facility administrator 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, is detrimental to the individual's treatment plan, is a threat to public or individual safety, or is a threat to the security of the facility. Termination shall be based on the circumstances of each case.

(1) The facility administrator 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.

This rule is intended to implement Iowa Code chapter 229A.

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