

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.