

Disability Rights IOWA

Law Center for Protection and Advocacy™

RECOMMENDED CORE STRATEGIES TO BETTER PROTECT YOUTH AT THE IOWA JUVENILE HOME

1. Emergency Legislation to Redefine Purpose of Iowa Juvenile Home

In the past, the Iowa Juvenile Home was an orphanage for children other than those who had disabilities. The Iowa Code still uses orphanage-like terms to define the purpose of the Iowa Juvenile Home and states that "no person shall be so transferred who is a person with mental illness or an intellectual disability, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the moral or physical welfare of the other children within the home, and any such child in the home may be transferred to the proper state institution." Iowa Code § 233B.5. Approximately 68% of the youth at IJH are in special education. We recommend that the Governor work with legislators to more accurately reflect the residents of IJH and to define it as a treatment facility. We also would like to explore with the Governor and the Legislature whether IJH may be converted into a private treatment facility for children with mental illness or behavioral issues and whether the state could receive a federal Medicaid match to support the provision of appropriate mental health and other services to the youth at the facility.

2. Leadership and Organizational Change

The Department of Human Services is actively working towards leadership and organizational change to move IJH from a coercive and punitive environment to a treatment facility based on the principles of trauma-informed care and other best practices. We understand that DHS intends to hire a new Clinical Director by September 2013 and a new Superintendent afterwards. Before the state hires new leadership, we recommend that it take advantage of the experts from the National Center for Trauma-Informed Care (funded by SAMSHA) and the National Association of State Mental Health Program Directors to conduct a site visit and make recommendations about the leadership qualities IJH needs. They have offered to conduct a site visit and make recommendations to DHS at no charge.¹ DHS need only make the request.

3. More Involvement of the Iowa Department of Inspection and Appeals

The Iowa Department of Inspection and Appeals (DIA) is currently investigating reports of child abuse filed by Disability Rights Iowa, parents/guardians of residents and mandatory reports filed by IJH itself. In addition to investigating individual reports, the Governor may want to consider asking DIA to conduct a comprehensive survey of IJH and report its observations to the governor about where improvement is needed. Based on this report, the Governor would then have a good foundation to work with the Legislature to revise the Iowa Code to make IJH a licensed facility with regular DIA oversight.

4. Shifting IJH-Hoover High School to educators

The Superintendent of the Iowa Juvenile Home is currently in charge of operating both the IJH residential facility and IJH-Hoover High School. However, neither the Iowa Department of Human Services nor the IJH Superintendent, who oversees the school, are educators. In addition, separating the school administration from the residential administration will provide checks and balances to prevent any future abuse or neglect at IJH. We recommend that Hoover be its own local school district, overseen by the Iowa Department of Education or, in the alternative, that the Iowa Department of Education take over the school completely to ensure that best practices and state and federal education laws are being followed. Hoover needs to continue to operate as a year-round school because Hoover students are entering and exiting the school at various times throughout the year.

¹ Rick Schults, the DHS Division Administrator of the Division of Mental Health and Disability Services, is a current NASMHPD commissioner.

5. Emergency rule-making: Consistent restraint and seclusion rules in all facilities for youth with mental illness and behavioral challenges

Private facilities for youth with mental illness are required to follow a comprehensive set of rules regarding their use of restraint and seclusion of youth with mental illness, including provisions for meaningful data collection and debriefing. The restraint and seclusion rules for youth at IJH provide less protection than comparable facilities for youth with mental illness and behavioral challenges within the state. DHS should immediately issue an emergency rule that makes IJH staff accountable for the use of restraint and seclusion to the same degree as staff in other facilities serving youth with mental illness or behavioral challenges.

6. Immediate assessments and development of behavior intervention plans for students who have high incidents of restraint and seclusion

In the last week, several students at IJH have been subjected to the excessive use of restraint and have been placed in control rooms in the cottages, in violation of the current IJH restraint and seclusion rules. One student has large bruises as a result of being inappropriately restrained by half a dozen men. Mental health professionals unanimously agree that restraint and seclusion are treatment failures, not treatment. After the use of restraint or seclusion, IJH should immediately assess what events led up to the use of restraint or seclusion incidents, update the individualized behavior intervention plan for that individual and train staff how to implement the plan.

7. Oversight Panel

To increase the accountability of IJH, the Governor may want to consider developing a two-year oversight panel consisting of the various state departments involved in IJH (DHS, DPH, DED, DIA, DHR) and various advocates, including Disability Rights Iowa, to review incident reports and make recommendations to the Governor.

8. Notice to Disability Rights Iowa and other state enforcement/investigative agencies of any use of restraint or seclusion and any physical injuries or deaths occurring at IJH

As the protection and advocacy agency for the state of Iowa, Disability Rights Iowa is mandated to investigate incidents of abuse and neglect. Currently, DRI is only learning of alleged abuse and neglect at IJH through its own monitoring activities and from reports to DRI by IJH residents and their parents/guardians. IJH should be held to the same reporting standards as psychiatric residential treatment facilities for individuals age 21 and, thus, be required to report to DRI, as the protection and advocacy agency, resident's deaths, serious injuries or resident's suicide attempts. IJH should also be required to report such serious occurrences to other state enforcement/investigation agencies, such as DIA, so that they have notice of alleged abuse or neglect.

Additional Recommendations added 9/6/13

9. Boys adjudicated CINA

Develop 2-3 small, regional facilities located closer to the youths' homes and families. The facilities should provide targeted and evidence-based supports that are based in trauma informed care to help students and their families succeed.

10. Girls adjudicated Delinquent

Develop 2-3 small, regional facilities located closer to the youth's home and families that provide targeted and evidence-based supports that are gender responsive and trauma informed to help students and their families succeed.