

APPROVAL OF JUVENILE DETENTION AND
SHELTER CARE HOMES

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

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APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

At times some children must be removed temporarily from their parental home and placed into some type of substitute living arrangement. These children need protection from abuse, neglect, injury and exploitation. They need to be provided the level of care which ensures their health, safety and well-being and meets their individual needs. In Iowa, the Department of Human Services has been delegated the responsibility for ensuring that all providers of juvenile detention and shelter care meet minimum requirements in regard to physical standards and quality of care.

Juvenile detention and shelter care homes provide temporary twenty-four hour substitute care for children. These facilities are an important part of the substitute care system. This chapter discusses the specific policies and procedures that are involved in the Department of Human Services' approval of juvenile detention and shelter care facilities which are governed by a county board of supervisors or a combination of representatives from county boards of supervisors.

LEGAL BASE

Responsibility for the approval of these facilities is given to the Iowa Department of Human Services in Section 232.142 of the Iowa Juvenile Justice Law. Specific standards and procedures for the approval of these facilities is provided in 498-Chapter 105, of the Iowa Administrative Code.

DEFINITIONS

- A. Chemical restraint. "Chemical restraint" means the use of chemical agents including psychotropic drugs as a form of restraints. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.
- B. Child care worker or house parent. "Child care worker" or "house parent" means an individual employed by the facility whose primary responsibility is the direct care of children in the facility.
- C. Coed facility. "Coed facility" means a facility which has both sexes in residence.
- D. Control room. "Control room" means a locked room in a Juvenile Detention Home used for the purpose of isolation or seclusion of a child. A control room shall not be allowed in a Juvenile Shelter Care Home.
- E. Department. "Department" means the Iowa Department of Human Services.
- F. Facility. "Facility" means either a county, multicounty or private juvenile detention or shelter care home.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDEFINITIONS (Cont'd)

- G. Juvenile detention. "Juvenile detention" means the temporary care of a child in a physically restrictive facility designed to ensure the continued custody of the child at any point between the child's initial contact with the juvenile authorities and the final disposition of his or her case.
- H. Juvenile detention home. "Juvenile detention home" means a physically restricting facility used only for the detention of children. The two types of juvenile detention homes are:
1. A county or multicounty juvenile detention home has a governing body which is a county board of supervisors or a combination of representatives from county boards of supervisors.
 2. A private juvenile detention home has a governing body which is other than a county board of supervisors or representatives from county boards of supervisors.
- I. Juvenile shelter care. "Juvenile shelter care" means the temporary care of a child in a physically unrestricting facility at any time between a child's initial contact with juvenile authorities and the final judicial disposition of his or her case.
- J. Juvenile shelter home. "Juvenile shelter home" means a physically unrestricting facility used only for the shelter care of children. The two types of juvenile shelter care homes are:
1. A county or multicounty juvenile shelter care home has a governing body which is a county board of supervisors or a combination of representatives from county boards of supervisors.
 2. A private juvenile shelter care home has a governing body which is other than a county board of supervisors or representatives from county boards of supervisors.
- K. Licensing worker. "Licensing worker" means the licensing and certification manager or other Department staff reviewing the facility for the purposes of approval or licensure.
- L. Mechanical restraint. "Mechanical restraint" means restriction by use of mechanical devise of a child's mobility or ability to use the hands, arms or legs.
- M. Prime programming time. "Prime programming time" means any period of the day when special attention or supervision is necessary; for example, upon awakening in the morning, during meals, late afternoon play, transitions

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDEFINITIONS (Cont'd)

M. (Cont'd)

between activities, evenings, bedtime, weekends and holidays, in order to maintain continuity of programs and care. Prime programming time shall be defined by the facility and approved by the Department of Human Services.

PRIVATE JUVENILE DETENTION AND SHELTER CARE HOMES**Policy**

Private juvenile detention and shelter care homes shall meet all the standards of 498-Chapter 105 of the Iowa Administrative Code, as discussed in this chapter, as well as those additional requirements outlined on pages 118 and 119 of Employees' Manual XII-C, "Foster Group Care Licensing."

Comment

The same minimum standards exist for juvenile detention and shelter care homes whether they are "county" or "multicounty" and "approved" by the Department or "private" and licensed by the Department.

Pertinent legal reference is 498--114.24 (237), Iowa Administrative Code.

Procedure

Licensing workers shall utilize Form SS-0703, "Annual Evaluation and Recommendation for Certificate of Approval or License for Juvenile Shelter Care and Detention Homes", for the review of private facilities as well as county or multicounty facilities. Additional areas of study discussed on pages 118 and 119 of Employees' Manual XII-C shall be summarized and attached to Form SS-0703 and submitted to the Bureau of Adult, Children and Family Services.

MINIMUM REQUIREMENTS**Policy**

Juvenile detention and shelter care homes shall meet the requirements of 498-Chapter 105 of the Iowa Administrative Code in order to be issued a certificate of approval, Form SS-1205-0, or a license, Form SS-2305-3.

Comment

Pertinent legal references are Chapters 232 and 237, Code of Iowa and 498--Chapter 105 and 770--Chapter 114, Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMINIMUM REQUIREMENTS (Cont'd)**Procedures**

The licensing worker completes Form SS-0703, "Annual Evaluation and Recommendation for Certificate of Approval or License for Juvenile Shelter Care or Detention Homes", to determine if the facility meets minimum requirements. Refer to the section entitled "Private Juvenile Detention and Shelter Care Homes" for additional requirements for private facilities.

COUNTY OR MULTICOUNTY FACILITIES ONLYGeneral Requirements for Approval**Policy**

The Department will issue Certificates of Approval, Form SS-1205-0, annually. These certificates may be for no more than one year. There is no cost to the juvenile detention home or the juvenile shelter care home. Standards contained in this chapter must be met. The Department may offer consultation to assist these facilities in meeting standards.

Comment

Pertinent legal reference is 498--105.19 (232), Iowa Administrative Code.

Requirements for Application**Policy**

Applications shall be submitted on Form SS-3105-0, "Application for License or Certificate of Approval" to the Bureau of Adult, Children and Family Services. It shall be signed by the operator of the facility or the chairman of the county board of supervisors, or chairman of the multicounty board of directors and shall indicate the type of home for which the application is made.

The withdrawal of an application shall be made in writing by the applicant and submitted promptly to the Department.

Each application will be evaluated by the Department to ensure that standards are met.

Reports and information shall be furnished to the Department as requested.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Requirements for Application (Cont'd)**Comment**

Form SS-3105-0 may be obtained from the Bureau of Adult, Children and Family Services. Refer to Page 1 of the appendix for instructions on completing this form.

The Bureau of Adult, Children and Family Services address is:

Bureau of Adult, Children and Family Services
Licensing Unit
5th Floor, Hoover State Office Building
Des Moines, Iowa 50319

Pertinent legal reference is 498--105.19(1), Iowa Administrative Code.

Renewals**Policy**

Applications for renewal shall be made on Form SS-3105-0 and shall be made at least thirty days, but no more than ninety days prior to expiration of approval. Each application for renewal will be evaluated by the Department to ensure that standards continue to be met. The application for renewal will be rejected or approved in the same manner as a new application. Notification of renewal decisions shall be the same as for new applications.

Comment

Application for renewals are also made on Form SS-3105-0 (Refer to preceding comment for instructions). Refer to page 6 for a discussion of notification of approval decisions.

Pertinent legal reference is 498--105.19(5), Iowa Administrative Code.

Provisional ApprovalsRequired Conditions**Policy**

A provisional approval may be issued at the time of application or reapplication for approval or as the result of a complaint investigation when all of the following conditions exist:

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Provisional Approvals (Cont'd)Required Conditions (Cont'd)Policy (Cont'd)

- a. The shelter care or detention facility fails to meet the approval requirements.
- b. A provisional approval has not previously been issued to the facility for the same deficiencies during the past year.
- c. The deficiencies do not present an immediate danger to the child's physical or mental health.
- d. The director of the facility, chairman of the county board of supervisors or chairman of the multicounty board of directors provides the Department with the following.
 - (1) A plan for correcting the deficiencies
 - (2) The date by which the standards will be met.

If conditions "b", "c" or "d" are not met, then the application for approval shall be rejected or the approval revoked.

Comment

Facilities may not meet all the standards but the deficiencies are not serious enough to warrant rejection of an application or revocation of an approval. Shelter care and detention facilities are valuable resources for meeting the needs of children experiencing crisis. The Department would rather assist these facilities in improving their services than lose the services. If facilities will not make the commitment to correct the deficiencies, the Department has no choice but to take adverse action. Refer to pages 5 and 7 for a discussion of rejections and revocation.

Pertinent Legal reference is 498--105.20(1), Iowa Administrative Code.

Procedure

The facility receives the original evaluation from the Bureau of Adult, Children and Family Services following the approval study but does not receive the "licensing decision" section of the evaluation form and the

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

COUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)

Provisional Approvals (Cont'd)

Required Conditions (Cont'd)

Procedure (Cont'd)

certificate of approval until after the licensing staff has approved the facility's plan for correcting the deficiencies.

Time Limited

Policy

Provisional approvals shall not be issued for longer than one year.

Comment

Provisional approvals should allow applicants sufficient time to correct the deficiencies but should not be extended for unnecessary lengths of time. Although the original provisional approvals cannot be issued for more than twelve months they may be extended as long as the provisional approval period does not exceed eighteen months. Refer to page 7a regarding "Completed Corrective Action" for a discussion of these extensions.

Pertinent Legal reference is 498--105.20(2), Iowa Administrative Code.

Completed Corrective Action

Policy

When the corrective action is completed on or before the date specified on the provisional approval, a full approval shall be issued for the remainder of the year.

Comment

This policy assumes that other conditions in the facility remain the same. This policy does not prohibit the rejection of an application, the revocation of an approval or the issuance of a provisional approval for a different deficiency if the current conditions in the facility warrant it.

Pertinent Legal reference is 498--105.20(3), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Provisional Approvals (Cont'd)Uncompleted Corrective Action**Policy**

When the corrective action is not completed by the date specified on a provisional approval, the Department shall not grant a full approval and had the option of rejecting or extending the provisional approval. An extension of a provisional approval shall not cause the effective period of a provisional approval to exceed eighteen months. If the corrective plan is not completed within eighteen months, the approval shall be rejected.

Comment

If the licensing workers are unable to evaluate the facility to determine if the corrective actions have been completed prior to the expiration of the provisional approval, the provisional approval shall remain in effect until such time as the licensing decision is made.

Pertinent legal references are Chapter 17A, Code of Iowa and 498--105.20(4), Iowa Administrative Code

Rejections**Policy**

Applications shall be rejected when any of the following conditions exist:

1. Minimum standards set forth in 498--Chapter 105 of the Iowa Administrative Code are not met.
2. The applicant submits a fraudulent application. A fraudulent application is one which contains false statements knowingly made by the applicant or one in which the applicant knowingly conceals information.
3. The director of the facility has been convicted of a crime indicating an inability to operate a children's facility or care for children.
4. Just cause exists why the application should not be approved.

Comment

Condition 1 The licensing worker needs to use discretion and not recommend rejection for minor violations of rules. If the violation could cause harm

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Rejections (Cont'd)Comment (Cont'd)

Condition 1 (Cont'd)

to come to residents or staff, the licensing worker shall recommend rejection. If doubts exist as to the seriousness of the violations, the licensing worker shall confer with the Bureau of Adult, Children and Family Services.

Condition 2 Licensing workers need to determine if the application is really fraudulent or merely an error or omission by the applicant.

Condition 3 Conviction of a crime is not sufficient. The licensing worker must be able to demonstrate the relationship between the type of crime and the inability to operate a children's facility or care for children.

Condition 4 The condition should be used when the other three conditions do not apply but the licensing worker has definite reasons for believing that rejection of the application is necessary. Feelings and opinions are not enough. The burden of demonstrating the "just cause" rests with the licensing worker. The licensing worker must present facts and observations and be able to substantiate them.

Pertinent legal reference is 498--105.19(2), Iowa Administrative Code.

Procedures

When licensing workers determine that any of the above conditions exist, they shall submit Form SS-0703, "Annual Evaluation and Recommendation for Certificate of Approval or License for Juvenile Shelter Care or Detention Homes", to the Bureau of Adult, Children and Family Services, Attention Licensing Unit, with a recommendation that the application be rejected. Refer to Page 3 of the appendix for instructions on completing Form SS-0703.

Notification**Policy**

Applicants should be notified of approval or rejection within one hundred twenty days of application unless the applicant requests and is granted an extension by the Department. Applicants for renewal should be notified of approval or rejection within sixty days of the application for renewal. Form SS-3307, Notification of Action, shall be used to inform applicants of approval and a restricted certified letter shall be used to inform applicants of rejection.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Notification (Cont'd)**Comment**

The Bureau of Adult, Children and Family Services is responsible for providing these notifications. Notice of rejection shall include information on the right of appeal. New applicants sometimes need additional time to complete policy manuals and renovation of facilities. The time frames provide goals for completing approval studies and making approval decisions. When these goals cannot be met, notification of approval decisions shall be made as soon as possible.

Pertinent legal reference is 498--105.19(4), Iowa Administrative Code.

RevocationsMandatory**Policy**

Approvals shall be revoked by the Department for the following reasons:

- a. When the facility violates laws governing the provision of services or rules contained in 498-Chapter 105 of the Iowa Administrative Code.
- b. When the facility is misusing funds furnished by the Department.
- c. When the facility is operating without due regard to the health, sanitation, hygiene, comfort or well-being of the children in the facility.
- d. When the director has been convicted of a crime indicating an inability to operate a children's facility or care for children.

Comment

Licensing workers need to carefully investigate situations to ascertain whether any of the above conditions exist. Feelings are not enough. Workers must be able to document either through direct observations or written reports, the existence of the conditions. Conditions "a" and "c" require the licensing worker to explain the harmful or potentially harmful effect on foster children. A pattern or combination of violations builds a stronger case for revocation than does a single observation or fact. A single observation or fact is rarely sufficient to revoke an approval unless harm to a child in care can be demonstrated. Workers need to discuss violations with staff of the facility.

Pertinent legal reference is 498--105.19(6)"a", Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

COUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)

Revocations (Cont'd)

Mandatory (Cont'd)

Procedure

When licensing workers determine that any of the above conditions exist, they shall submit a narrative report to the Bureau of Children's Services discussing the condition(s), including documentation of the existence of the condition(s), indicating staff's reaction to confrontation with the problem(s) and recommending action.

Optional

Policy

An approval may be revoked for:

- a. Substantiated child abuse.
- b. When a facility staff member has been convicted of a crime indicating inability to operate a children's facility or care for children.

Comment

The licensing worker needs to explore the nature and seriousness of the abuse or crime and the staff's reaction to the incident when determining whether revocation is the appropriate course of action. Licensing workers should seek the assistance of child abuse staff when dealing with any form of child abuse.

Pertinent legal reference is 770--105.19(6)"b", Iowa Administrative Code.

Procedure

The licensing worker investigates the circumstances of substantiated child abuse or criminal conviction and submits a summary report which includes recommendation for or against revocation and the supporting rationale to the Bureau of Children's Services, Attention Licensing Unit.

The final decision on whether revocation should be pursued is made by the Bureau of Children's Services, which is responsible for notifying the facility if the approval is revoked.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCOUNTY OR MULTICOUNTY FACILITIES ONLY (Cont'd)Certificate of Approval**Policy**

Upon approval, the home will be issued a certificate of approval, Form SS-1205-0, containing the name of the home, address, capacity and the date of expiration. Renewals will be shown by a seal bearing the new date of expiration, unless a change requires a new certificate to be issued.

Comment

A change in capacity, name of home, change of address, etc. necessitates a new certificate. Refer to Page 8 of the appendix for instructions on completing Form SS-1205-0.

Pertinent legal reference is 770--105.19(7), Iowa Administrative Code.

PHYSICAL STANDARDSGrounds**Policy**

An outdoor play area of seventy-five square feet per child shall be provided. The play area shall be identified and kept free from hazards that could cause injury to a child. Rubbish and trash shall be kept separated from the play area. The grounds shall be adequately drained.

Comment

Licensing workers need to consider the age of the children, the developmental needs of the child, and public play areas in the vicinity when evaluating this area.

Pertinent legal reference is 770--105.2(1), Iowa Administrative Code.

BuildingsLiving Areas**Policy**

All living areas shall:

- a. Have screens on windows used for ventilation.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Living Areas (Cont'd)

- b. Be maintained in clean, sanitary conditions, free from vermin, rodents, dampness, noxious gases and objectionable odors.
- c. Be in safe repair.
- d. Provide for adequate lighting when natural sunlight is inadequate.
- e. Have heating and storage areas separated from sleeping or play areas.
- f. Have walls and ceiling surfaced with materials that are asbestos-free.

Comment

The concern in this policy is for the safety and well-being of a foster child. Workers need to use their discretion in determining what is in "clean", "sanitary conditions", "safe repair", etc. Failure to comply in this area requires the licensing worker to document specific instances of non-compliance, such as mice running through the building, stacks of dirty dishes, etc. Workers need to be specific and not just indicate that the place was "dirty".

Pertinent legal reference is 770--105.2(2)"a", Iowa Administrative Code.

Sleeping Rooms**Policy**

All sleeping rooms shall:

- a. Provide a minimum of sixty square feet per child for multiple occupancy.
- b. Provide a minimum of eighty square feet per child for single occupancy.
- c. Not sleep more than four children per room in shelter care.
- d. Be of finished construction.
- e. Not sleep more than two children per room in detention.

For detention facilities built prior to July 1, 1979, four youth per room in detention may be allowed provided the minimum square feet per child requirement is met. When a detention facility licensed prior to July 1, 1979, remodels or makes an addition after July 1, 1979, only two youth per room shall be allowed.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Sleeping Rooms (Cont'd)

Facilities licensed prior to July 1, 1982 having a square foot area less than that required in subparagraphs a and b shall be considered to meet those standards. Sleeping areas shall be assigned on the basis of the individual child's need for privacy and independence of group support.

Comment

Pertinent legal reference is 770--105.2(2)"b", Iowa Administrative Code.

Rooms Above Ground**Policy**

All rooms above ground shall:

- a. Have a ceiling height of at least seven feet, six inches.
- b. Have a window area of at least eight percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.

Comment

EXAMPLE

If a room was 10 foot by 12 foot in size, the floor area would be 120 square feet. The window area would need to be at least 8% of the floor area; assuming mechanical ventilation is not provided. 120 square feet X .08 = 9.6 square feet. A 3 foot by 4 foot window would be sufficient.

Failure to comply in this area would require the worker to document inadequate ceiling heights, window areas or the existence of dampness and odors. Applicants may be able to correct these deficiencies and a provisional approval may be appropriate.

Pertinent legal reference is 770--105.2(2)"c", Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPHYSICAL STANDARDS (Cont'd)Buildings (Cont'd)Rooms Below Ground**Policy**

All rooms below ground shall:

- a. Have a ceiling height of at least six feet, eight inches.
- b. Have a window area of at least two percent of the floor area unless mechanical ventilation is provided that is capable of removing dampness and odors.
- c. Have floor and walls constructed of concrete or other materials with an impervious finish and free from ground water leakage.

Comment

The comments for the previous policy apply except that the percentage would be 2% rather than 8%. The policy applies to all rooms below ground that are utilized. Rooms that are locked or boarded shut and are not utilized should not be considered. Basements used only for the purpose of washing clothes would not need to meet these requirements.

Pertinent legal reference is 770--105.2(2)"d", Iowa Administrative Code.

Bedrooms**Policy**

Each child in care shall have a solidly constructed bed. Sheets, pillowcases and blankets shall be provided for each child and shall be kept clean and in good repair. Each child in care shall have adequate storage space for private belongings. No child over the age of five years shall occupy a bedroom with a member of the opposite sex.

Comment

Licensing workers again need to use their discretion in determining what is "clean and good repair" "adequate", etc. Facilities are required to provide the items discussed in this policy but the children are not required to use them. Some Asian children and older adolescents may choose to sleep on a mattress or the floor. Non-compliance requires documentation of the lack of availability of these items and does not relate to the utilization of these items. Applicants may be able to

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**PHYSICAL STANDARDS** (Cont'd)**Buildings** (Cont'd)**Bedrooms** (Cont'd)

correct these deficiencies and a provisional approval may be appropriate. Facilities using below ground rooms for bedrooms should be encouraged to have those bedrooms meet the standards for rooms above ground.

Pertinent legal reference is 770--105.2(3), Iowa Administrative Code.

Heating**Policy**

The heating unit shall be located and operated to maintain the temperature in the living quarters at a minimum of sixty-five degrees Fahrenheit during the day and fifty-five degrees Fahrenheit during the night. Variances may be made in case of health problems. Temperature is measured at twenty-four inches above the floor in the middle of the room.

All space heaters involving the combustion of fuel, such as gas, oil or similar fuel, shall be vented to the outside. Neither rubber nor plastic tubing shall be used as supply lines for gas or oil heaters.

The heating or cooling plant shall be checked at least annually and kept in safe working condition at all times.

Comment

Licensing workers do not need to check the temperature in every room. If the worker feels the temperature is inadequate or a complaint has been made, the worker shall check the temperature.

If the deficiencies can be corrected, a provisional approval may be considered. The exception would be in those cases where the deficiencies pose a threat to the well-being of a foster child, such as plastic tubing for gas lines, lack of venting of gas fumes, etc.

Pertinent legal reference is 770--105.2(4), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSALBathroom Facilities**Policy**

Bathrooms shall have an adequate supply of hot and cold running water. Each bathroom shall be equipped with toilet tissue, towels, soap, and other items required for personal hygiene unless children are individually given these items. Paper towels, when provided, and toilet tissue shall be in dispensers. Detention facilities shall provide items required for personal hygiene but shall not be required to keep items in the bathrooms.

Toilets and baths or showers shall provide for individual privacy. There shall be a shower or tub for each ten children or portion thereof. Tubs and showers shall have slip-proof surfaces. At least one toilet and lavatory shall be provided for each six children or portion thereof.

Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture. Toilet facilities adjacent to a food preparation area shall be separated completely by a windowless door that completely fills the door frame. All toilet facilities shall be kept clean. When more than one stool is used in one bathroom, partitions providing privacy shall be used. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition.

Comment

Licensing workers need to use discretion and common sense in exploring areas such as "adequate supply of hot and cold running water", bathrooms are "equipped", toilet facilities are kept "clean", etc.

This type of deficiency can often be corrected prior to the granting of an approval. A provisional approval might be appropriate if additional time is required to complete corrective action.

Pertinent legal reference is 770--105.2(5), Iowa Administrative Code.

Food Preparation and Storage**Policy**

Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.

Storage areas for perishable foods shall be kept at forty-five degrees Fahrenheit or below. Storage areas for frozen foods shall be kept at zero degrees Fahrenheit or below.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Food Preparation and Storage (Cont'd)

Food that is to be served hot shall be maintained at one hundred forty degrees Fahrenheit or above. Food that is to be served cold shall be maintained at forty-five degrees Fahrenheit or below.

The kitchen and food storage areas shall be kept clean and neat. Foods shall not be stored on the floor. The floors and walls shall be of smooth construction and in good repair.

Comment

The intent of this policy is not to require licensing workers to measure the temperature of food at each facility. The intent is to establish a standard which can be cited when facilities are not complying with food preparation and storage standards. Temperatures shall be measured when a complaint has been received or the licensing worker feels that these standards are being abused. Workers need to use discretion if the variance is only 1 or 2 degrees.

Non-compliance in this area requires documentation of deficiencies, including exact temperatures. Unless gross violations are present, a provisional approval should be considered.

Pertinent legal reference is 770--105.2(6), Iowa Administrative Code.

Personnel Handling Food**Policy**

Personnel who handle food shall:

1. Be free of infection that might be transferred while preparing or handling food.
2. Be clean and neatly groomed.
3. Wear clean clothes.
4. Not use tobacco in any form while preparing or serving food.

Comment

This policy is intended to ensure that the food is not contaminated by those handling it. Licensing workers need to use common sense in applying this policy.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Personnel Handling Food (Cont'd)

Example

A person with an infected toe that is covered by a sock and a shoe would be considered compliant. A person with an infected finger would be considered to be out of compliance.

Pertinent legal reference is 770--105.2(7), Iowa Administrative Code.

Dishwashing Facilities**Policy**

Manual dishwashing will be allowed in facilities that normally serve fifteen or less people at one meal.

Automatic or commercial dishwashers shall be used in facilities normally serving more than fifteen people at one meal, as long as the following conditions are met:

1. When chemicals are added for sanitation purposes, they shall be automatically dispensed.
2. Machines using hot water for sanitizing must maintain wash water at least one hundred fifty degrees Fahrenheit and rinse water at a temperature of at least one hundred eighty degrees Fahrenheit or a single temperature machine at one hundred sixty-five degrees Fahrenheit for both wash and rinse.
3. All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.

Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal. All hand held food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns, and similar equipment shall be cleaned and sanitized daily.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Dishwashing Facilities (Cont'd)**Comment**

All staff, residents, and other individuals shall be counted when determining the number of people normally served at a meal.

Licensing staff are not required to measure the temperature of dishwashing machines unless a complaint has been received or the licensing worker feels that standards are not being met.

Clean dishes should be kept separate from dirty dishes and not placed together on a table.

Pertinent legal reference is 770--105.2(8), Iowa Administrative Code.

Foods Not Prepared at Site of Serving**Policy**

The place where food is prepared for off-site serving shall conform with all requirements for on-site food preparation.

Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

During transportation, and until served, hot foods shall be maintained at one hundred forty degrees Fahrenheit or above and cold food maintained at forty-five degrees Fahrenheit or below.

Comment

The intent of this policy is to ensure that food remains safe for consumption. Refer to previous section of this chapter entitled "Food Preparation and Storage", "Personnel Handling Food", and "Dishwashing Facilities" on pages 14-17 for a discussion of the requirements for on-site food preparation that also apply to off-site food preparation.

It is important that hot food remain hot and cold food remain cold to avoid contamination. It is not considered safe to reheat food after it arrives at its destination. Food may be prepacked and cooked completely at its destination. This policy is not intended to require licensing workers to measure temperature unless a complaint has been received or the licensing worker feels the standard is being abused.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Foods Not Prepared at Site of Serving (Cont'd)

Non-compliance may warrant a provisional approval.

Pertinent legal reference is 770--105.2(9), Iowa Administrative Code.

Milk Supply

Policy

When fluid milk is used, it shall be pasteurized Grade "A".

Comment

The usage of pasteurized Grade "A" milk should be strongly encouraged but can only be required if fluid milk is utilized. The licensing worker should talk with the applicant about the advantages of pasteurized Grade "A" milk over powdered milk.

Pertinent legal reference is 770--105.2(10), Iowa Administrative Code.

Water Supply

Public Water Supply

Policy

The water supply is approved when the water is obtained from a public water supply system.

Comment

All public water supply systems are checked for public safety and are assumed to provide safe water. Rural water systems are considered public water supply systems. The environmental protection agency monitors these systems.

Pertinent legal reference is 770--105.2(11), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Private Water Supply

Policy

Each privately operated water supply shall be checked annually and evaluated for obvious deficiencies such as open or loose well tops or platforms and poor drainage around the wells.

Comment

The following are suggested guidelines to be used in checking and evaluating private wells:

- a. All wells shall be protected against contamination by the entrance of water on or near the ground surface. A one piece concrete platform, sloped to provide drainage away from the well, should be provided at the top of the well when the casing extends above the ground level. Where the pump is not mounted directly over the well, the upper terminal of the well should be sealed watertight to exclude contamination.
- b. Well pits, or wells with casing or curbing termination below ground elevation, should be avoided on all new well construction. Existing well pits may be accepted, provided that the pit is watertight, and is kept free of accumulation of water by means of an independent drain, or by a sump equipped with an automatic pump discharging to the ground surface. No pit drain should be connected to a sewer or to any other drain line.
- c. All water pumps, whether hand or power operated, should be sealed watertight at the base; should have no openings which would permit contamination to enter the well, and should not require hand priming to operate.
- d. The following minimum distances should be maintained between a well and sources of pollution:

- Cesspool (receiving raw sewage) 150 ft.
- Seepage (leaching) pit, filter bed, soil absorption field, earth pit privy, or similar disposal unit 100 ft.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Private Water Supply (Cont'd)

Comment (Cont'd)

Septic tank, concrete vault privy, sewer of tightly jointed tile or equivalent material, or sewer connected foundation drain 50 ft.

Sewer of cast iron with leaded or mechanical joints, independent clear water drain, or cistern 10 ft.

Cast iron sewer with leaded joints encased with 6 inches of concrete 5 ft.

Pumphouse floor drain, cast iron with leaded joints, draining to ground surface 2 ft.

- e. Farm barnyards are a common source of well contamination. Well drained barnyards and such sources of contamination as barn gutters, animal pens or stalls having concrete floors, and silos should be located at least 50 feet away and down slope from a well. Poorly drained barnyards and accumulations of manure should be at least 100 feet away and down slope from a well.

For additional information on well location and construction, refer to the bulletin "Safeguarding Private Water Supplies" issued by the State Department of Health and available through the district office.

Pertinent legal reference is 770--105.2(12)"a", Iowa Administrative Code.

Procedure

Using the above guidelines Form SS-2202, "Foster Care Private Water Supply Form", shall be completed for all shelter care and detention facilities with private water supplies. Refer to Page 6 of the appendix for instructions on completing this form. Although this form is for foster care private water supplies, it shall be used for juvenile detention and shelter care facilities with private water supplies.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Water Supply (Cont'd)Water Sample Analysis**Policy**

If a private well is the source of water supply, water samples shall be collected and submitted by the Department of Human Services' worker or local health sanitarian to the state hygienic laboratory or other laboratory certified by the hygienic laboratory and analyzed for coli-form bacteria and Nitrate (NO 3) content. When no apparent deficiencies exist in the well and the water sample is approved, water safety requirements have been met.

Refer to Page 9 of the appendix for a listing of laboratories certified by the hygienic laboratory.

Pertinent legal reference is 498--105.2(12)"b" and "d", Iowa Administrative Code.

Unsafe or Refused**Policy**

A facility with unsafe water can meet water safety requirements by utilizing an alternative safe water source for foster children until the facility's own water supply is tested as safe. The Unsafe Water Sample Approval Form SS-2208 must be completed and approved by the Department.

Comment

The facility may not want to pay for a water sample analysis when they know the water is unsafe. This policy allows them to make alternative arrangements by signing a written statement. Non-compliance with this policy requires documentation that the water sample has not been approved or the facility refused to pay for a water sample analysis and that the facility refuses to provide the written statement regarding the potable water.

Pertinent legal reference is 498--105.2(12)"e" and "f", Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Water Supply (Cont'd)

Unsafe or Refused (Cont'd)

Procedure

Applicants may utilize Form SS-2208 as discussed on Page 5 of the appendix or they may choose to submit a written statement which contains the same information included on Form SS-2208.

Multiple Water Supplies

Policy

When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

Comment

Pertinent legal reference is 770--105.2(12)"c", Iowa Administrative Code.

Heating or Storage of Hot Water

Policy

Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

Comment

Pertinent legal reference is 770--105.2(13), Iowa Administrative Code.

Waste Disposal

Public Sewer Systems

Policy

Facilities shall be connected to public sewer systems where available.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SANITATION, WATER AND WASTE DISPOSAL (Cont'd)

Waste Disposal (Cont'd)

Public Sewer Systems (Cont'd)

Comment

As with public water supply systems, public sewer systems are assumed to meet sanitation requirements.

Pertinent legal reference is 770--105.2(14)"a", Iowa Administrative Code.

Private Disposal Systems

Policy

Private disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

Comment

For additional information, refer to the bulletin "Septic Tank Care" issued by the State Department of Health and available through the district office.

If specific questions arise, consult with your local health sanitarian.

Pertinent legal reference is 770--105.2(14)"b", Iowa Administrative Code.

Garbage and Rubbish Disposal

Policy

A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections. Containers shall be fly tight, leak proof, and rodent proof and shall be maintained in a sanitary condition.

Comment

A finding of non-compliance in this area would require documentation of the existence of a problem. Unless the problem has continued in spite

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSANITATION, WATER AND WASTE DISPOSAL (Cont'd)Waste Disposal (Cont'd)Garbage and Rubbish Disposal (Cont'd)

of discussions with the facility staff, a provisional approval may be considered. Since a garbage bag is not "rodent proof", garbage bags do not qualify as garbage and rubbish containers for proper storage between collections. This policy does not prohibit facilities from storing garbage in garbage bags inside approved containers and then placing only the garbage bags out on collection day.

Pertinent legal reference is 770--105.2(15), Iowa Administrative Code.

SAFETYGeneralPolicy

Facilities shall take sufficient measures to ensure the safety of the children in care. Stairways, halls and aisles shall be of substantial nonslippery material, shall be maintained in a good state of repair, shall be adequately lighted and shall be kept free from obstructions at all times. All stairways shall have handrails.

Radiators, registers, and steam and hot water pipes shall have protective covering or insulation. Electrical outlets and switches shall have wall plates. Fuse boxes shall be inaccessible to children. Facilities shall have written procedures for the handling and storage of hazardous materials.

Firearms are prohibited in shelter care and detention facilities.

All swimming pools shall conform to state and local health and safety regulations. Adult supervision shall be provided at all times when children are using the pool. The facility shall have policies regarding fishing ponds, lakes, or any bodies of water located on or near the facility's grounds and accessible to the children.

Comment

Facilities are responsible for taking sufficient measures to ensure the safety of children in care. Accidents can happen but the facility should take steps to minimize the likelihood of an accident occurring. Licensing

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**SAFETY** (Cont'd)**General** (Cont'd)

workers need to take into consideration the age, developmental disabilities, and emotional condition of children placed in the facility.

Emergency Evacuation**Policy**

All living units utilized by children shall have a posted plan for evacuation in case of fire or disaster with practice drills held at least every six months.

Pertinent legal reference is 770--105.2(15), Iowa Administrative Code.

Comment

Each floor of the facility utilized by the children should have a diagram indicating routes of exit conspicuously posted. It is important that staff and children be aware of the evacuation plan. Although the policy does not require it, licensing workers should encourage the facilities to ensure that children are aware of the evacuation plan. Secure facilities or facilities with high risk populations may not wish to practice evacuation drills any more than once every six months.

Pertinent legal reference is 770--105.2(17), Iowa Administrative Code.

Fire Inspection**Policy**

Each facility shall procure an annual fire inspection approved by the state fire marshal and shall meet the recommendations thereof.

Comment

Pertinent legal reference is 770--105.2(18), Iowa Administrative Code.

Procedure

The annual fire inspection is completed on Form H-9757, "Certification of Inspection: Fire Safety Rules, Regulation and Standards". Refer to Page 2 of the appendix for instruction regarding this form.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

SAFETY (Cont'd)

Local Codes

Policy

Each facility shall meet local building, zoning, sanitation and fire safety ordinances. When no local standards exist, state standards shall be met.

Comment

Pertinent legal reference is 770--105.2(19), Iowa Administrative Code.

PERSONNEL POLICIES

Policies in Writing

Policy

The following current written personnel policies and practices of the agency relating to the specific facility shall be accessible to staff upon request:

1. Affirmative action and equal employment opportunity policies and procedures covering the hiring, assignment, and promotion of employees.
2. Job descriptions for all positions.
3. Provisions for vacations, holidays, and sick leave.
4. Effective, time-limited grievance procedures allowing the aggrieved party to bring the grievance to at least one level above that party's supervisor.
5. Authorized procedures, consistent with due process, for the suspension and dismissal of an employee for just cause.
6. Written procedures for annual employee evaluations.

Comment

Current personnel policies and procedures relating to the specific facility need to be in writing and to be available to all staff. This policy is intended to ensure the rights of applicants and employees.

Pertinent legal reference is 770--105.3(11), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPERSONNEL POLICIES (Cont'd)Health of Employees**Policy**

Staff who have direct client contact or are involved in food preparation shall be medically determined to be free of serious infectious communicable diseases and able to perform their duties. A statement by a physician (as defined in section 135.1(5), The Code) attesting to these facts shall be secured at the time of employment and whenever necessary thereafter and filed in the personnel record of the staff person. A new statement shall be secured at least every three years.

Comment

Section 135.1(5), Code of Iowa, defines a physician as "a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state." Any of these professionals are considered competent to provide the required statements.

Pertinent legal reference is 770--105.3(2), Iowa Administrative Code.

Personnel Records**Policy**

A personnel record shall be maintained for each employee by the facility which contains at least the following:

1. Name, address, and social security number of the employee.
2. A job application containing sufficient information to justify the initial and current employment.
3. Education and experience requirements. Applicants for positions having educational requirements shall be permanently employed only after the facility has obtained a certified copy of the transcript, diploma, or verification from the school or supervising agency. Applicants for positions having experience requirements shall be permanently employed only after the facility has obtained verification from the agency supervising the experience.
4. License Requirements. Applicants for positions requiring licenses shall be permanently employed only after the facility has obtained written verification of their licenses. Evidence of renewal of licenses as required by the licensing agency shall be maintained in the personnel record.
5. References. At least two written references or documentation of oral references shall be contained in the employee's personnel record. In

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPERSONNEL POLICIES (Cont'd)Personnel Records (Cont'd)

- case of unfavorable references, there shall be documentation of further checking to assure that the person will be a reliable employee.
6. After July 1, 1983, a written signed and dated statement which discloses any substantiated instances of child abuse, neglect or sexual abuse committed by the applicant is required.
 7. Documentation of the submission of Form SS-1606-0, Request of Child Abuse Information, to the registry and the registry response. The request may be submitted after probationary employment but the response must be received before permanent employment is assured.
 8. A written, signed and dated statement furnished by the new applicant for employment which discloses any convictions of crimes involving the mistreatment or exploitation of a child.
 9. Documentation of a check with the Iowa Department of Public Safety on all new applicants for employment asking only whether the applicant has been convicted of a crime involving the mistreatment or exploitation of a child prior to permanently employing the individual. Department Form SS-2203, "Department of Public Safety Check", shall be used.
 10. Documentation of any checks with the Iowa Department of Public Safety for persons hired prior to July 1, 1983 for whom the agency has reason to suspect a criminal record and asking only whether the employee has been convicted of a crime involving the mistreatment or exploitation of a child. Department Form SS-2203, "Department of Public Safety Check", shall be used.
 11. Current information relative to work performance evaluation.
 12. Records of pre-employment health examination or a record of a health report, as required in 105.3(2), plus a written record of subsequent health services rendered to an employee necessary to ensure that the employee is physically able to perform the job duties.
 13. Information on written reprimands or commendations.
 14. Information on position in the agency and date of employment.

Comment

Licensing staff shall ensure that facility staff are aware that items 7, 9 and 10 relate to confidential information and is not redisseminated except to that particular applicant or employee.

County and multicounty facilities do not have access to criminal history data. A code change is being requested to allow them access. No deficiency should be cited for failure to have this information. Licensing workers should check at least four records or one-fifth of the records, whichever is greater. At least one of the records should be that of a recently hired employee.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

PERSONNEL POLICIES (Cont'd)

Personnel Records (Cont'd)

Comment

Legal reference: IAC 498--105.5(3)

Individuals Not Employable

Policy

Any individual convicted of a crime involving the mistreatment or exploitation of a child shall not be employed by the facility.

Comment

Legal reference: IAC 498--105.3(3)"i"

PROCEDURES MANUAL

Policy

The facility shall have written policies and procedures specifying the manner in which the program of the facility is to be carried out.

Comment

Legal reference: IAC 498--105.4 (232)

STAFF

Number of Staff

Policy

In general all facilities shall meet the following requirements:

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSTAFF (Cont'd)Number of Staff (Cont'd)

1. A sufficient number of child care or house parent staff shall be on duty at all times so as to provide adequate coverage.
2. The number of staff required will vary depending on size and the complexity of the program.
3. All facilities shall have at least one staff person on duty.
4. Facilities having six or more residents shall have at least two staff persons on duty at all times that children are usually awake and present in the facility.
5. Coed facilities having more than five residents should have both male and female staff on duty at all times.
6. All child care or house parent staff shall be at least 18 years of age.
7. All coed facilities shall have an on-call system to provide that staff of the same sex as the resident shall perform all personal body searches and supervision of personal care.
8. A minimum staff-child ratio of one child care worker or house parent to five children shall be maintained during prime programming times.
9. At night, there shall be a staff person awake in each living unit and making regular visual checks throughout the night. The visual checks shall be made at least every hour in shelter care and every half hour in detention. A log shall be kept of all checks, including the time of the check and any significant observations. There shall be an on-call system which allows backup within minutes for both child care staff and casework personnel.

Comment

Licensing workers need to use their discretion in determining if sufficient staff are available. Non-compliance would require documentation that some staff duties are not being completed because of the lack of qualified staff.

Although coed facilities are not required to have both male and female staff on duty whenever residents of both sexes are present, the policy does

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSTAFF (Cont'd)Number of Staff (Cont'd)

include a "should" for facilities having more than five residents. Licensing staff should ensure that the facility director is aware of the potential for problems and encourage coed facilities to have male and female staff on duty as much as possible. It should be noted that a coed facility is only coed when both sexes are in residence.

The on-call system for coed facilities is limited to personal body searches and supervision of personal care. Physically restraining a youth can not wait for 5-10 minutes while staff of the same sex arrive. Licensing staff should inquire as to the training staff has received regarding restraining residents of the opposite sex.

Each facility shall specify what periods of the day shall be considered as "prime programming". Licensing workers should offer consultation to the facility in defining what is prime programming time and what times additional staff may be needed. The type of child being cared for in the facility should be taken into consideration.

In calculating the staff to child ratio, the number of children should be the current occupancy. Licensing staff should determine whether the facility could meet the required staffing levels when at capacity. Licensing staff need to confer with facility staff regarding this item and ascertain what adjustments would be made.

"Regular visual checks" does not mean that the checks must be conducted at the same time each day since this may not be advisable with some youth who might plan their inappropriate activities around these checks. Regular visual checks means that there is some organization to the checks within the given time limitations.

It is important that staff have consultation available to them to assist them in handling crises that arise. Licensing workers should check with staff to see that they are aware of and utilize this service when needed.

Pertinent legal reference is 770--105.5(1), Iowa Administrative Code.

Staff CompositionPolicy

The composition of the program staff shall be determined by the facility, based on an assessment of the needs of the children being served, the facility goals, the programs provided, and all applicable federal, state and local laws and regulations.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**STAFF** (Cont'd)**Staff Composition** (Cont'd)**Comment**

Licensing staff should provide consultation to facilities to determine the specific staff needs of the particular facility and client population.

Pertinent legal reference is 770--105.5(2), Iowa Administrative Code.

Staff Development**Policy**

Staff development shall be appropriate to the size and nature of the facility. There shall be a written plan for staff training that includes:

1. Orientation for all new employees, to acquaint them with the philosophy, organization, program practices, and goals of the facility.
2. Training of new employees in areas related to their job assignments.
3. Provisions in writing for all staff members to improve their competency through such means as:
 - a. Attending staff meetings;
 - b. Attending seminars, conferences, workshops, and institutes;
 - c. Visiting other facilities;
 - d. Access to consultants;
 - e. Access to current literature, including books, monographs, and journals relevant to the facility's services.
4. There shall be an individual designated responsible for staff development and training who will complete a written staff development plan which shall be updated annually.

Comment

The extent of employee orientation should depend on the size and complexity of the facility and agency. In all cases, the new employee should be aware of the purpose, practices and goals of the facility. Where possible, training of new employees should also include observation and on-the-job training with experienced staff.

On-going staff development may be limited due to the resources of the facility. Licensing staff should emphasize the importance of upgrading the skills of the staff to increase job performance and stimulate the employee. Facilities often overlook the knowledge and skills of experienced staff when searching for staff development resources.

Larger agencies may be able to designate a full-time employee to staff

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESSTAFF (Cont'd)Staff Composition (Cont'd)

development duties. It is important that someone be responsible for staff development and complete a written plan of action.

Pertinent legal reference is 770--105.5(3), Iowa Administrative Code.

ORGANIZATION AND ADMINISTRATION**Policy**

Whenever there is a change in the name of the facility, the address of the facility, the executive, or the capacity, the information shall be reported to the licensing manager. A table of organization including the identification of lines of responsibility and authority from policymaking to service to clients shall be available to the licensing staff. An executive director shall have full administrative responsibility for carrying out the policies, procedures and programs.

Comment

Licensing staff need to be aware of major changes in the facility that may affect services or compliance with approval standards. There needs to be clearly identified responsibility and authority for the activities of the facility.

Pertinent legal reference is 770--105.5(4), Iowa Administrative Code.

INTAKE PROCEDURESAdmissions**Policy**

Admission to shelter care or detention shall be in accordance with sections 232.20, 232.21 and 232.22, The Code. In no case shall a youth be admitted to detention or shelter care when the resulting admission would exceed the facility's approved client capacity. The facility and referring agency shall agree upon service responsibilities at the time of admission.

Comment

Pertinent legal reference is 770--105.6(1), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESINTAKE PROCEDURES (Cont'd)Agency or Court Ordered Placement**Policy**

Each agency or court placing a child in a facility shall make available to the facility the following:

1. A placement agreement should accompany the child. When this is not possible, a copy of the placement agreement shall be provided the facility within twenty-four hours.
2. For court-ordered placements, a copy of the court order authorizing placement shall be provided to the facility within forty-eight hours.
3. When the child is in the facility more than four days, the following information shall be made available to the facility.
 - a. All available psychological and psychiatric tests and reports concerning the child.
 - b. Any available family social history.
 - c. Any available school information.

Comment

Agencies need to require that the above information be submitted by referring workers. If agencies are having difficulty securing this information, they should inform referral sources that their approval requires them to have this information. The licensing worker may need to offer consultation regarding methods of securing the needed information.

Pertinent legal reference is 770--105.6(2), Iowa Administrative Code.

Self Referrals**Policy**

Any child admitting him or herself to a sheltercare facility shall be provided appropriate services. The facility shall notify the child's parents, guardian or the juvenile court as soon as possible concerning the child's admission to the facility but in any event such notification shall take place within forty-eight hours after the child's admission. Self referrals shall not be accepted for placement in detention.

Comment

Licensing workers need to ensure that the facility is complying with this policy and that Chapter 232 of the Code is being followed.

Pertinent legal reference is 770--105.6(3), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESINTAKE PROCEDURES (Cont'd)Person Responsible

Each agency shall designate who has the authority to do intake. This may include anyone trained in intake procedures and who is designated to do intake.

Comment

Pertinent legal reference is 770--105.6(4), Iowa Administrative Code.

Intake Sheet**Policy**

An intake sheet shall be completed on each child containing at least the information specified in 770--105.17(2).

Comment

Intake sheet requirements of 770--105.17(2) are discussed on page 57.

ASSESSMENTPersonal**Policy**

At the time of intake and throughout a child's stay, individual needs will be identified by staff. The initial and ongoing determination of each child's needs will be based on written and verbal information from referral sources, observable behavior at intake, initial interview with the youth or family, school contacts, physical examination, and other relevant materials. The individual assessment shall provide the basis for development of a care plan for each youth.

Comment

The development of the care plan needs to be based on the individual assessment of need. The more comprehensive the assessment, the more complete the care plan.

Pertinent legal reference is 770--105.7(1), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESASSESSMENT (Cont.)Educational**Policy**

An educational assessment shall be developed by the staff and referring worker for each child. When appropriate, other agencies such as the public schools and the area education agency shall be involved.

Comment

The educational needs of a child are very important. If learning disabilities or other special needs are a possibility, the area education agency and the public school should be involved in the assessment.

Pertinent legal reference is 770--105.7(2), Iowa Administrative Code.

PROGRAM SERVICESCare Plan**Policy**

There shall be a written care plan developed for each resident remaining in the facility over four days. The care plan will be based on individual needs determined through the assessment of each youth. The care plan shall be developed in consultation with child care services, probation services, social services and educational, medical, psychiatric and psychological personnel as appropriate. The plan shall include:

1. Identification of specific needs;
2. Description of planned service;
3. Which staff person(s) will be responsible for each element of the plan;
4. Where services are to occur;
5. Frequency of activities or services.

Comment

The intent of this policy is that a specialized care plan be developed for each resident remaining in the facility over four days. A general care plan can not be used for all residents. The care plan must be specifically developed to address the individual needs of each child.

Facilities will usually not know a lot about youth remaining in the facility for one or two days but should be encouraged to have general policies and

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPROGRAM SERVICES (Cont'd)Care Plan (Cont'd)

procedures to ensure that the basic needs of the children are met.

Pertinent legal reference is 770--105.8(1), Iowa Administrative Code.

Educational Programs**Policy**

All children currently enrolled in a school shall continue in that school when possible, or in an appropriate alternative. Where educational assessments indicate an educational need for a child not currently enrolled in public schools, an alternative shall be developed in co-operation with public schools, area education agency, and the referring worker. When an educational program is established within the facility it shall meet the educational and teaching standards established by the state department of public instruction. A child should be compelled to participate in an educational program only in compliance with the compulsory education law, chapter 299, The Code.

Comment

Chapter 299 of the Code includes the following provisions:

1. Attendance will be for 24 consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the Board of School Directors shall determine a later date.
2. Children over the age of 7 and under the age of 16, in proper physical and mental condition, shall attend public school.
3. The following exceptions will apply:
 - a. A child over the age of 14 who is regularly employed.
 - b. A child whose educational qualifications are equal to those who have completed the 8th grade.
 - c. A child who is excused for sufficient reason by any court of record or judge.
 - d. A child who is attending a private preparatory school, approved or probationally approved.
 - e. A child is excused while attending religious services or receiving religious instruction.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**PROGRAM SERVICES** (Cont'd)**Educational Programs** (Cont'd)

- f. If any person having control over a child over 7 and under 16, who is physically or mentally unable to attend school, that person shall provide proof by affidavit as to the physical or mental condition of such child.

Pertinent legal reference are 770--105.8(2), Iowa Administrative Code and Chapter 299.1, 299.2 and 299.5, Code of Iowa.

Daily Program**Policy**

The daily program shall be planned to provide a consistent, well structured, yet flexible framework for daily living, and shall be periodically reviewed and revised as the needs of the individual child or the living group change.

Attention shall be given to the special nature of the facility population and its resulting stresses, for example, rapid turnover in population and minimal screening at intake.

Comment

Children placed in shelter care or detention facilities have usually experienced a traumatic situation. They need a well structured environment which can provide some stability but still allows for the individual needs of the children.

Licensing workers should ensure that these qualities are present in the daily program and that the program is flexible enough to adjust to the needs of different children who may enter the facility.

Pertinent legal reference is 770--105.8(3), Iowa Administrative Code.

Optional Services**Policy**

When a facility provides services in addition to those required by 770-Chapter 105 of the Iowa Administrative Code, they shall be clearly defined in writing.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**PROGRAM SERVICES** (Cont'd)**Optional Services** (Cont'd)**Comment**

Facility must provide the services required by 770-Chapter 105 but may elect to provide additional services such as diagnosis and evaluation, family counseling, etc. These optional services must be clearly defined in writing so that referring workers know what services are available and the specific components of each service.

Pertinent legal reference is 770--105.8(4), Iowa Administrative Code.

Recreational Program**Policy**

The facility shall provide adequately designed and maintained indoor and outdoor activity areas, equipment, and equipment storage facilities appropriate for the age group which it serves. There shall be a variety of activity areas and equipment so that all children can be active participants in different types of individual and group sports and other motor activity.

1. Games, toys, equipment, and arts and crafts materials shall be selected according to age, number of children, and with consideration of the needs of children to engage in both active and quiet play. All materials shall be of a quality to assure safety and shall be of a type which allows imaginative play and creativeness.
2. The facility shall plan and carry out efforts to establish and maintain workable relationships with the community recreational resources. The facility staff shall enlist the support of these services to provide opportunities for children to participate in community recreational activities.

Comment

The recreation program should be directed towards meeting the needs of the residents. Security and safety may limit some aspects of recreation. Licensing workers need to use their discretion in determining if adequate recreational services are available. Licensing workers may wish to check with line staff and residents to see how often recreation occurs.

Pertinent legal reference is 770--105.8(5), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPROGRAM SERVICES (Cont'd)Health Care**Policy**

There shall be twenty-four hour emergency and routine medical and dental services available and provided as necessary. Provisions for these services shall be documented.

A facility shall not require medical treatment when the parent(s) or guardian of the child or the child objects to the treatment on the grounds that it conflicts with the tenets and practices of a recognized church or religious denomination of which the parent(s), guardian or child is an adherent. When imminent danger to the child's life or health exists, the facility shall refer the child's care to appropriate medical and legal authorities.

A facility shall have written procedures for staff members to follow in case of medical emergency.

Comment

The twenty-four hour emergency and routine medical and dental services may be provided by staff of the facility, physicians under contract to the facility, private practitioners or by hospitals or clinics. Documentation needs to include evidence that these services will be available at all times.

Facilities need to respect the religious convictions of the child or the child's parents or guardian. This may include objections to medical treatment. In cases of potentially life-threatening situations, the facility staff shall let medical and legal authorities decide the course of action rather than making these decisions themselves.

Licensing workers should ensure that facilities are aware of and cooperate with the physical examination requirement of Section 232.79(5) of The Code. This subsection has to do with children removed from the home without court orders who are not returned home within twenty-four hours.

Pertinent legal reference is 770--105.8(6), Iowa Administrative Code.

Counseling Program**Policy**

Counseling services shall be related to the immediate problem, daily living skills, peer relationships, educational opportunities, vocational opportunities, future planning and preparation for placement, family counseling,

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESPROGRAM SERVICES (Cont'd)Counseling Program (Cont'd)

and any other factors identified in the individual care plan. Counseling shall be done by appropriate staff personnel.

Comment

Facilities are not required to have "counselors" on staff. Child care workers or house parents may provide much of the daily counseling and crisis intervention. If specialized counseling services are offered, the services should be clearly described and the individual(s) responsible identified. Licensing workers may need to discuss the special needs of the facility's population in regards to counseling services.

Pertinent legal reference is 770--105.8(7), Iowa Administrative Code.

Dietary Program**Policy**

The facility shall provide properly planned, nutritious and inviting food and take into consideration the special food needs and tastes of children.

Comment

Pertinent legal reference is 770--105.8(8), Iowa Administrative Code.

DRUG UTILIZATION AND CONTROLWritten Policies and Procedures**Policy**

The agency shall have written policies and procedures governing the methods of handling prescription drugs and over-the-counter drugs within the facility. No prescription or narcotic drugs are to be allowed in the facility without the authorization of a licensed physician.

Comment

Licensing workers should check with staff to ensure that they are aware of and follow the written policies and procedures.

Pertinent legal reference is 770--105.9 (232), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDRUG UTILIZATION AND CONTROL (Cont'd)General Requirements**Policy**

Only drugs which have been approved by the Federal Food and Drug Administration for use in the United States may be used.

Drugs shall be prescribed by a physician licensed to practice in the state of Iowa or the state in which the physician is currently practicing.

Drugs provided to residents shall be dispensed only from a licensed pharmacy in the state of Iowa in accordance with the pharmacy laws in the Code of Iowa, or from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician.

No prescription medication may be administered to a resident without the order of a licensed physician.

Dilution or reconstitution of drugs and their labeling shall be done only by a licensed pharmacist.

Prescriptions shall be refilled only with the permission of the attending physician.

Comment

Licensing workers should inspect the contents of the drug storage cabinet to ensure compliance with this policy.

Pertinent legal references are 770--105.9(1), (2), (3), (11), (13) and (15), Iowa Administrative Code.

Storage of Drugs**Policy**

All drugs shall be maintained in a locked cabinet. Schedule II controlled substances shall be maintained in a locked box within the locked cabinet. The cabinet key shall be in the possession of a staff person. A bathroom shall not be used for drug storage. A documented exception can be made by a physician for self-administration of drugs as discussed under "Administration of Drugs".

Medications requiring refrigeration shall be kept in a locked box in the refrigerator and separated from food and other items.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDRUG UTILIZATION AND CONTROL (Cont'd)Storage of Drugs (Cont'd)

All potent poisonous or caustic drugs shall be plainly labeled, stored separately from other drugs in a specific well-illuminated cabinet, closet, or storeroom, and made accessible only to authorized persons.

All prescribed medications shall be clearly labeled indicating the resident's full name, physician's name, prescription number, name and strength of the drug, dosage, directions for use, date of issue and the name and address and telephone number of the pharmacy or physician issuing the drug. Medications shall be packaged and labeled according to state and federal guidelines.

Medication containers having soiled, damaged, illegible or makeshift labels shall be returned to the issuing pharmacist.

Comment

The above policy dictates safeguards to ensure that children are protected from drugs. Licensing staff need to talk to various facility staff to ensure that the facility's written policies and procedures are followed. Licensing workers should also inspect drug storage areas to determine compliance with this policy.

Pertinent legal references are 770--105.9(4) thru (8), Iowa Administrative Code.

Administration of Drugs**Policy**

Medications shall be administered only in accordance with the instructions of the attending physician. Controlled substances shall be administered only by qualified personnel. The type and amount of the medication, the time and date, and the staff member administering the medication shall be documented in the child's record.

There shall be written policy and procedures relative to self administration of prescription medications by residents and only when:

1. Medications are prescribed by a physician.
2. The physician, the referring worker and facility staff agree that the patient can self-administer the drug.
3. What is being taken and when is documented in the record of the child.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDRUG UTILIZATION AND CONTROL (Cont'd)Administration of Drugs (Cont'd)

No prescription medications prescribed for one resident may be administered to or allowed in the possession of another resident.

Any unusual patient reaction to a drug shall be reported to the attending physician immediately.

Comment

Administration of medication shall be documented on separate pieces of paper for each child so that this documentation eventually becomes part of the child's case record.

If a facility administers controlled substances, licensing staff should encourage facilities staff to attend training regarding the administration of drugs. According to 620--8.16 (204) of the Iowa Administrative Code, only staff that meet one or more of the following qualification can be delegated responsibility for administering a controlled substance:

1. Persons who have successfully completed a medication administration course approved by the Department of Health and the Board of Pharmacy Examiners.
2. Advanced emergency medical technicians and paramedics.
3. Registered physician assistants.
4. Licensed medical doctors or nurses.

Licensing staff should identify those facility staff who administer controlled substances but do not meet the above requirements in the box on page 11 of Form SS-0703 but should not cite the facility for this deficiency. This information will be transmitted to the Pharmacy Board by staff of the Bureau of Children's Services.

Pertinent legal references are 770--105.9(12), (14), (16) and (17) and 620--8.16 (204), Iowa Administrative Code.

Unused Medications**Policy**

When a resident is discharged or leaves the facility, medications currently being administered shall be sent, in the original container, with the resident or with a responsible agent, and with the approval of the physician.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDRUG UTILIZATION AND CONTROL (Cont'd)Unused Medications (Cont'd)

Unused controlled prescription drugs prescribed for residents shall be returned to the issuing pharmacist or physician for credit for destruction according to state law. Other unused prescription drugs shall be destroyed by facility staff in the presence of a witness and this destruction shall be documented.

Comment

Unused drugs should not be kept at the facility. Medication for discharged residents should be forwarded with the approval of the physician. Special precautions should be taken in those cases that the medication is released to the residents themselves. Facilities should be encouraged to develop policies of documentation of the release of medication.

Pertinent legal references are 498--105.9(9) and (10), Iowa Administrative Code.

CONTROL ROOM - DETENTION ONLYWritten Policies**Policy**

When a juvenile detention facility uses a control room as part of its services, the facility shall have written policies regarding its use and the facility director shall complete Form SS-2209-3, Evaluation and Recommendation to Operate a Control Room. The policy shall:

1. Specify the types of behavior which may result in control room placement.
2. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.
3. Require documentation in writing of the types of behavior leading to control room placement and the conditions that will allow the child to return to the living unit.

Comment

The use of a control room requires written policies and procedures to ensure that the child's rights are protected. Licensing workers should talk with a

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCONTROL ROOM - DETENTION ONLY (Cont'd)Written Policies (Cont'd)

variety of staff to ensure that they are aware of and follow the written policies. Licensing workers should also check the records of at least three children who have been placed in the control room to ensure that the policy regarding the "Duration of Placements" on page 47 is followed.

Pertinent legal reference is 770--105.10(1), Iowa Administrative Code.

Physical Requirements**Policy**

The control room shall be designed to ensure a physically safe environment with:

1. All switches controlling lights and ventilation outside the room.
2. Allowance for observation of the child at all times.
3. Protected recessed ceiling light.
4. No electrical outlets in the room.
5. Proper heating, cooling, and ventilation.
6. All doors, ceiling and walls constructed of such strength and material as to prevent damage to the extent that no harm could come to the child.
7. When a window is present, it is secured and protected in such a manner as to prevent harm to the child.
8. It is a minimum of six feet by nine feet in size with at least a seven and one-half foot ceiling.

Comment

A child placed in a control room needs to be protected from potentially harmful situations. The above physical requirements are necessary to prevent an angry or despondent child from injuring himself or herself.

Pertinent legal reference is 770--105.10(2), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCONTROL ROOM - DETENTION ONLY (Cont'd)Utilization of Control Room**Policy**

The control room shall be used only when a less restrictive alternative to quiet the child or allow the child to gain control has failed. Utilization of the control room shall be in accordance with the following policies:

1. No more than one child shall be in a control room at any time.
2. The control room shall be checked thoroughly for safety and the absence of contraband prior to placing the child in the room.
3. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed including shoes, belts, and pocket items. The staff member placing the child in the control room shall document each check.
4. In no case shall all clothing or underwear be removed and the child shall be provided sufficient clothing to meet seasonal needs.

Comment

Staff shall only use the control room when at least one less restrictive alternative has failed to quiet the child.

Licensing workers should talk with a variety of staff to ensure that they are aware of these policies and the policies are followed. Licensing workers should also check client files to ensure compliance with this policy.

Pertinent legal reference is 770--105.10(3), "a", "c", "d" and "e", Iowa Administrative Code.

Monitoring a Child in the Control Room**Policy**

There shall be provisions for visual observation of the child at all times, regardless of the child's position in the room.

A staff member shall always be within hearing distance of the control room, the child shall be visually checked by the staff at least every fifteen minutes, and each check shall be recorded.

Comment

Staff need to be able to see the child to ensure that the child is safe. Licensing workers should close the door and ensure that any child inside the

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCONTROL ROOM - DETENTION ONLY (Cont'd)Monitoring a Child in the Control Room (Cont'd)

room could be observed regardless of the child's position in a corner, next to the door, etc.

A staff member shall be within hearing distance of the control room at all times. This means able to hear what is going on in the room and not just able to hear loud screams. The staff member assigned these duties should not be required to go beyond hearing distance to answer the telephone, answer the door, etc.

Staff need to document visual checks at least every 15 minutes. More frequent visual checks may be needed in certain instances. Licensing workers should check records to ensure that this documentation is occurring.

Pertinent legal references are 770--105.10(3)"b" and "f", Iowa Administrative Code.

Duration of Placements**Policy**

No child shall remain in the control room longer than one hour without consultation and approval from the supervisor. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time.

Use of the control room for a total of more than twelve hours in any twenty-four-hour period shall occur only in consultation with the referring agency or court. In no case shall a child be in a control room for a period longer than twenty-four hours.

Comment

This policy ensures that the staff member who placed the child in the control room must discuss and obtain the approval of a supervisor prior to extending the control room placement beyond an hour. The intention of this policy is to ensure that the placement is reviewed by an individual not involved with the decision to place the child in the control room.

If the child requires more than twelve hours in any twenty-four hour period to regain control of himself or herself, a psychiatrist or the court shall

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCONTROL ROOM - DETENTION ONLY (Cont'd)Duration of Placements (Cont'd)

review the case and if necessary authorize the continued placement. A standing order by the psychiatrist or the court does not meet this requirement.

In no case shall a child be placed in the control longer than twenty-four hours. A child unable to gain control within twenty-four hours may require more restrictive psychiatric care.

Legal reference: IAC 498--105.10(3)"g"

Notification of Use**Policy**

The child's parents, referring worker and attorney shall be notified when the control room is used for more than a total of thirty minutes in any twenty-four-hour period.

Comment

Licensing workers should check client records for documentation of this notification.

Legal reference: IAC 498--105.10(3)"h"

MECHANICAL RESTRAINTS - DETENTION ONLYWritten Policy**Policy**

When a juvenile detention facility uses mechanical restraints as a part of its program, the facility shall have written policies regarding their use. These policies shall be approved by the Department prior to their use. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff. The executive director of the detention home shall sign the commitment contained in form SS-2212-3, Evaluation and Recommendation for Approval to Use Mechanical Restraints, before the facility shall be approved to use mechanical restraints.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMECHANICAL RESTRAINTS - DETENTION ONLY (Cont'd)Written Policy (Cont'd)**Comment**

Licensing workers should encourage facilities to post a notice in a conspicuous place which indicates mechanical restraints may be utilized and that additional information on mechanical restraints is available upon request. Licensing staff shall ensure that facility staff are aware of and adhere to policies and procedures related to the use of mechanical restraints. Before they can utilize this form of restraint, detention facilities must have the approval of the licensing authority.

Form SS-2212-3, "Evaluation and Recommendation for Approval to Utilize Mechanical Restraints" includes a statement by the Executive Director that promises to follow the standards for the use of mechanical restraints.

Refer to page 7 of the appendix for instructions on completing this form.

Pertinent legal reference is 498--105.21 (232), Iowa Administrative Code.

Restrictions on Use**Policy**

Mechanical restraints shall not inflict physical injury.

Each use of mechanical restraint shall be authorized by the executive director or other staff designated by the executive director only if those staff meet one or more of the following requirements.

1. Have a bachelor's degree in social work, psychology or a related behavioral science and one year of supervised experience in a juvenile shelter care, detention or foster group care facility.
2. Have five years of supervised experience in a juvenile shelter care, detention or foster group care facility.
3. Have some combination of advanced education in related behavioral sciences and supervised experience in a juvenile shelter care, detention or foster group care facility equal to five years.

The facility shall have a written listing of all staff designated and qualified to authorize the use of mechanical restraint.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMECHANICAL RESTRAINTS - DETENTION ONLY (Cont'd)Restrictions on Use (Cont'd)**Policy** (Cont'd)

When immediate restraint is necessary to protect the safety of the child, other residents of the facility, staff or others, mechanical restraint may be utilized without prior authorization but in each case a person designated to provide authorization shall be contacted as soon as the child is restrained. The designated person shall visit the resident before determining if continued mechanical restraint is necessary. If not viewed as necessary, the child shall be released immediately from restraint.

Each authorization of mechanical restraint shall not exceed one hour in duration without a visit by and written authorization from a licensed psychologist, psychiatrist or physician or psychologist employed by a local mental health center.

No child shall be kept in mechanical restraint for more than one hour in a twelve-hour period without a visit by and written authorization from a licensed psychologist, psychiatrist or physician or psychologist employed by a local mental health center.

Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

Comment

Placement in mechanical restraint is not intended to inflict punishment or pain. Mechanical restraint is intended to prevent a child from injuring self or others. Because of the restrictiveness of these restraints, a staff person must be assigned to monitor the child. This staff person cannot be assigned other duties at the same time. The "visit by and written authorization from" qualified professional is required to ensure that the use of mechanical restraints is not being abused.

Pertinent legal reference is 498--105.21(1), Iowa Administrative Code.

Continued Use**Policy**

When a child requires mechanical restraint on more than four occasions during any thirty-day period, the facility shall hold an immediate emergency staffing within three days of the fifth incident and shall have a licensed psychologist or psychiatrist or psychologist employed by a local mental

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMECHANICAL RESTRAINTS - DETENTION ONLY (Cont'd)Continued Use (Cont'd)**Policy** (Cont'd)

health center pre-sent at the staffing to discuss the appropriateness of the child's continued placement at the facility.

Comment

A child requiring mechanical restraint on more than four occasions during a thirty-day period may need placement in a psychiatrically oriented program. The facility staff need to review the placements and determine if they can meet the child's needs. The child's parents or guardian, referring worker and significant others should be invited to this meeting.

Pertinent legal reference is 498--105.21(3), Iowa Administrative Code.

Documentation**Policy**

Each use of mechanical restraints shall be documented in the clients record and shall include at least the following:

1. The date and time the child was placed in mechanical restraint
2. The type of mechanical restraint utilized
3. The reason for the restraint
4. The signature of the person authorizing the restraint and the time of authorization
5. The signature of the person placing the child in restraint
6. The signature of the person providing the continuous auditory and visual contact with the child
7. The signature of the person releasing the child and the time of release.

Each use of mechanical restraint shall be documented in a separate file which is used only for the recording of uses of mechanical restraints and shall contain the name of the child restrained and the information outlined in the previous paragraph.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMECHANICAL RESTRAINTS - DETENTION ONLY (Cont'd)Documentation (Cont'd)**Policy** (Cont'd)

Each facility authorized to use mechanical restraint shall submit a quarterly report to the Bureau of Adult, Children and Family Services of the Department which shall include all the information required in the previous paragraph.

Comment

Documentation of the use of mechanical restraint is required not only in the child's record but also in a master file and quarterly reports. Detention facilities may photocopy the entries in the child's record for placement in the master file and for submitting to the Department. Unusually high or extended utilization of mechanical restraint may justify an announced visit to review the situation.

Pertinent Legal Reference: 498--105.21(2) Iowa Administrative Code.

While Transporting Children**Policy**

A child in the care of a juvenile detention facility may be transported by staff of the juvenile facility to a point outside the facility in mechanical restraints if there is a serious risk of the child exiting the vehicle while the vehicle is in motion. The facility shall place a written report on each use of mechanical restraint for this purpose in the child's case record and the mechanical restraint master file and include it in quarterly reports to the Department. This report shall document the necessity for the use of restraint. An exception to the two hour limitation discussed under "Restriction on Use" on page 48a may be approved by the executive director of the facility if the rationale for the exception is documented in the child's record.

Seat belts are not considered mechanical restraints. Agency policies should encourage the use of seat belts while transporting children.

Comment

The licensing worker should encourage the facility to develop written procedures related to this policy which stress protecting the well-being of the

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESMECHANICAL RESTRAINTS - DETENTION ONLY (Cont'd)While Transporting Children (Cont'd)**Comment** (Cont'd)

child and the staff transporting. Children should not be mechanically restrained with their arms behind their backs while being transported.

Pertinent legal reference is 498--105.21(4), Iowa Administrative Code.

CHEMICAL RESTRAINT**Policy**

Chemical restraints shall not be utilized in juvenile shelter care or detention facilities. Each juvenile shelter care or detention facility shall have written policies which clearly prohibit the use of chemical restraints.

Comment

Pertinent legal reference is 498--105.22, Iowa Administrative Code.

CLOTHING**Policy**

All children shall have clothing that is suited to the existing climate and seasonal conditions and is clean, dry and in good repair.

Comment

Licensing workers should explore what provisions are available for providing appropriate clothing to children who arrive in little or no suitable clothing and what policies are in place regarding the cleaning and repair of clothing.

Pertinent legal reference is 498--105.11 (232), Iowa Administrative Code.

STAFFINGS**Policy**

The staff shall be available to participate in staffings or upon request to provide a written summary of the child's progress and behavior while in the facility program. Written recommendations regarding future planning and placement

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**STAFFINGS** (Cont'd)**Policy** (Cont'd)

shall be provided to the referring agency or court upon request. Staff shall be available to discuss recommendations with the child's parent or guardian.

Comment

Often a child's behavior and adjustment to placement in a facility are valuable information for future planning for the child. The agency must be willing to provide this information either orally or in written form.

Pertinent legal reference is 498--105.12 (232), Iowa Administrative Code.

CHILD ABUSE**Policy**

Written policies shall prohibit mistreatment, neglect, or abuse of children and specify reporting and enforcement procedures for the facility. Alleged violations shall be reported immediately to the director of the facility and appropriate Department of Human Services personnel. Any employee for whom there is substantial instance of child abuse or failure to report child abuse shall be subject to the agency's policies concerning dismissal.

Comment

This policy is extremely important in protecting children's rights. Licensing workers need to ensure that facility staff are aware of and adhere to these written policies. Licensing workers should ensure that facility staff are also aware of requirements for mandatory reporters. If necessary the local Department protective service unit should be requested to provide training.

Pertinent legal reference is 498--105.13 (232), Iowa Administrative Code.

DAILY LOG**Policy**

The facility shall maintain a daily log. The log shall be used to note general progress in regard to the care plan and any problem areas or unusual behavior for each child.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESDAILY LOG (Cont'd)**Comment**

The facility may keep several kinds of logs. The licensing worker should look for a daily log which records children's progress in terms of the individual care plans, unless a specific data collection device is used. The daily log may also be used to note new or unusual problems or behaviors and responses to specific situations.

The log provides an excellent document for "catching up" staff who have been off duty for several days. Licensing workers should encourage the facility staff to use the log as part of the program and not complete it just to fulfill licensing requirements.

Legal reference: IAC 498--105.14 (232)

CHILDREN'S RIGHTSPolicies in Writing**Policy**

All policies and procedures required on Children's Rights shall be in writing. They shall be provided to the child upon admission and made available to the child's parent or guardian upon request. If a child remains in care over four days, the policies and procedures shall be provided to the parent or guardian. The rationale and circumstances of any deviation from these policies shall be discussed with the child's parents or guardian and the referring worker and entered in the child's case record.

Comment

The protection of children's rights is important. Many children placed in foster care are particularly vulnerable. The licensing worker shall ensure that the necessary individuals are actually receiving the written policies and procedures. Licensing workers should talk to children to ensure that this policy is followed.

Legal reference: IAC 498--105.15(1)

Confidentiality**Policy**

Information regarding children and their families shall be kept confidential and released only with proper written authorization.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCHILDREN'S RIGHTS (Cont'd)Confidentiality (Cont'd)**Comment**

Facility staff shall not release or discuss information regarding children in care or the children's families without written authorization of the child and family, except to:

1. Referral agencies, lawyers or other court personnel involved in the child's case.
2. Other agencies or individuals from whom the facility purchases services or consultation.
3. DHS licensing or purchase of service staff.

Legal reference: IAC 105.15(2)

Procedure

Licensing workers shall review the facility's policy statements and interview various staff members to determine compliance with this policy.

CommunicationVisitation**Policy**

Visits shall be allowed with members of the child's immediate family unless otherwise regulated by the court. Family visits shall be monitored only to the extent necessary to assure the child's safety and facility security. The rationale for monitoring shall be entered in the child's record.

Comment

It is important that families keep in contact. Facilities may establish visiting hours so as to minimize disruptions to the school program, counseling sessions, etc. but shall take into consideration the inconvenience such restrictions might cause the family. If at all possible, children should be allowed privacy when visiting and not be required to visit in areas occupied by other children. Policies regarding visitation apply to both in and out-of-facility visits.

Legal reference: IAC 498--105.15(3)"a" and "b"

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCHILDREN'S RIGHTS (Cont'd)Communication (Cont'd)Legal Counsel and Referring Worker**Policy**

The child shall be permitted to communicate privately with legal counsel and the referring worker.

Comment

This communication shall include visits, telephone calls and letters. Facilities may require a written authorization from the legal counsel or referring worker before collect telephone calls are allowed.

Legal reference: IAC 498--105.15(3)"c"

Telephone Calls**Policy**

The child shall be allowed to conduct telephone conversations with family members. Phone calls shall be monitored only to the extent necessary to assure the child's well-being and facility security. The rationale for monitoring a child's conversation shall be entered in the child's record. Incoming calls may be screened by staff to verify the identity of the caller before approval is given.

Comment

Facilities may develop written policies limiting the frequency and duration of telephone calls, establishing regular time periods for calling, and requiring written permission before allowing a child to place collect telephone calls, but must allow for staff to make exceptions in cases of emergency.

Staff may remain in the room when telephone conversations are being held with other than family members, attorneys and referring workers but may not listen on another extension.

Facilities may terminate telephone calls if the staff cannot identify the caller or believe the call is detrimental to the welfare of the child. Refer to Limitations for policies relating to limits on telephone calls.

Legal reference: IAC 498--105.15(3)"d"

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCHILDREN'S RIGHTS (Cont'd)Communication (Cont'd)Mail**Policy**

Staff shall not open or read residents mail.

The child shall be allowed to send and receive mail. The facility may require the child to open incoming mail in the presence of a staff member when it is suspected to contain contraband articles, or when there is money that should be receipted and deposited.

Comment

Staff are not allowed to open the mail of a child or read the mail of a child unless requested to do so by the child. Refer to later section for discussion of limitations.

Pertinent legal reference is 770--105.15(3)"e", Iowa Administrative Code.

Limitations**Policy**

When limitations on visitation, calls or other communication are indicated, they shall be determined with the participation or knowledge of the child, family or guardian, and the referring worker. All restrictions shall have specific bases which shall be made explicit to the child and family and documented in the child's case record.

Comment

The child's right to communicate with others is an important area which needs to be protected. This policy allows agencies to limit communication for a specific reason but only if the child, family or guardian, and referring worker are aware of this action. Facilities should be encouraged to involve these individuals in the decision making process as much as possible and reasonable. Restrictions shall be based on verifiable harm to the child and not as a means of removing privileges for disciplinary reasons.

Pertinent legal reference is 770--105.15(3)"f", Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCHILDREN'S RIGHTS (Cont'd)Privacy**Policy**

Reasonable provisions shall be made for the privacy of residents.

Comment

Children have the right to privacy. Facilities need to ensure that the child has the opportunity to spend some time alone without interruptions by others. This right to privacy also includes various forms of communications, and personal possessions.

Pertinent legal reference is 770--105.15(4), Iowa Administrative Code.

DISCIPLINEGeneral**Policy**

The facility shall have written policies regarding methods used for control and discipline of children which shall be available to all staff and to the child's family. Agency staff shall be in control of and responsible for discipline at all times. Discipline shall not include the withholding of basic necessities such as food, clothing, or sleep.

Comment

Discipline is an area that can easily infringe on the rights of children. Staff need to be aware of and follow the written policies. Licensing workers may wish to talk with children to confirm what types of discipline are utilized.

Pertinent legal reference is 770--105.16(1), Iowa Administrative Code.

Corporal Punishment Prohibited**Policy**

The facility shall have a policy that clearly prohibits staff or the children from utilizing corporal punishment as a method of disciplining or

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**DISCIPLINE** (Cont'd)**Corporal Punishment Prohibited** (Cont'd)

correcting children. This policy shall be communicated, in writing, to all staff of the facility.

Comment

Licensing workers shall ensure that all staff are aware of and comply with this policy. Licensing workers may wish to talk with children in care to confirm that no corporal punishment is being used.

Legal reference: IAC 498--105.16(2)

Physical Restraints**Policy**

The use of physical restraint shall be employed only to prevent the child from injury to self, to others, or to property. The rationale and authorization for the use of restraint and staff action and procedures carried out to protect the child's rights and to ensure safety shall be set forth clearly in the child's record by responsible professional staff.

Comment

Licensing workers shall ensure that staff are aware of the purpose and procedures related to the use of physical restraints. The records of several children who have required physical restraint should also be checked to determine if proper documentation has occurred.

Legal reference: IAC 498--105.16(3)

Room Confinement**Policy**

Facilities shall provide sufficient programming and staff coverage to enable children to be involved in group activities during the day and evening hours. A child shall be confined to the child's room only for illness, at the child's own request, or for disciplinary reasons.

A juvenile detention home may confine a child to the child's room during normal sleeping hours, if the facility has written policies and procedures which are approved by the Department regarding this confinement.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES

DISCIPLINE (Cont'd)

Room Confinement (Cont'd)

Comment

Licensing workers should check with line staff and children to ensure that this policy is followed.

Pertinent legal reference is 498--105.16(4), Iowa Administrative Code.

Written Policies

Policy

The facility shall provide to the child written policies specifying inappropriate behaviors, reasonable consequences for misconduct, and due process procedures to the child. Upon request, the above information shall be provided to the child's parent or guardian and referring worker.

Comment

The child has a right to know what is expected and what consequences may be imposed. This is not intended to require the facility to have a detailed list of violations and corresponding consequences, but rather requires the facility to outline general expectations for behavior and what range of consequences might be imposed for various types of inappropriate behavior such as destruction of property, hitting others, etc.

Pertinent legal reference is 498--105.16(5), Iowa Administrative Code.

CASE FILES

Generally

Policy

For the purpose of promoting uniformity of program for all facilities and as an aid to the Department of Human Services in determining its approval of a facility, all facilities shall establish and maintain for inspection case files on each child.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**CASE FILES** (Cont'd)**Generally** (Cont'd)**Comment**

It is important that accurate, current case files are kept on children. Case files record the special needs of each child and the treatment each child received while at the facility. Case files not only provide documentation of treatment efforts and their results but also provide excellent information for future planning and treatment. Licensing workers should emphasize the importance of this area.

Licensing workers shall check at least four or one-fifth of the active case files, whichever is greater. At least two discharged case files shall also be checked. Licensing workers should randomly select the case files to review. The licensing worker may request a facility staff person assist in reviewing the case files by helping to locate particular items in the case files.

Pertinent legal reference is 770--105.17(1), Iowa Administrative Code.

Face Sheet**Policy**

For all children, a face sheet containing the following shall be completed:

1. Full name, current address and date of birth.
2. Parent's(s') full name(s).
3. Parent's(s') address and telephone number.
4. Religious preference of child and also parent, if available.
5. Statement of who has legal custody and guardianship.
6. Name of the referring worker and agency making the referral.
7. Telephone number and address of the agency or court making the referral.
8. Name, address and telephone number of child's attorney.

Comment

Pertinent legal reference is 770--105.17(2), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**CASE FILES** (Cont'd)**Written Summary****Policy**

When a written summary has been requested under 770--105.12(232), a copy shall be placed in the child's record.

Comment

Pertinent legal reference is 770--105.17(3), Iowa Administrative Code.

Documentation**Policy**

The following information shall be documented in each child's record:

1. Appropriate notes on all significant contacts by staff with parents, referral person and other collateral contacts.
2. A summary related to discharge including name, address, and relationship of person to whom discharged.

Comment

Licensing worker should emphasize the importance of maintaining the required information for future planning as well as to protect the facility.

Pertinent legal reference is 770--105.17(4), Iowa Administrative Code.

Other Information**Policy**

The following information shall be requested when the child remains in the facility more than four days and, when available, placed in the child's record.

1. Current family history or social history.
2. Case plans submitted by the referring agency or orders of the court.
3. Psychological and psychiatric records; copies of all available testing performed plus notes and records of contact with the child.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMESCASE FILES (Cont'd)Other Information (Cont'd)

4. Medical.
 - a. A record of all illnesses, immunizations, communicable diseases and follow-up treatment.
 - b. Medical and surgical authorization signed by the parent, guardian, custodian or court.
 - c. A record of all medical and dental examinations including findings.
 - d. Date of last physical examination prior to placement.
5. School.
 - a. Name and address of school attended.
 - b. Grade placement.
 - c. Current school in which child is enrolled.
 - d. Specific educational problems.
 - e. Remedial action.
6. Placement agreement, court order, releases.
 - a. Agreement shall authorize the facility to accept the child.
 - b. The agreement shall set forth the terms of payment for care.
 - c. Medical release authorizing emergency medical and surgical treatment, including the administration of anesthesia.
 - d. All releases and authorizations shall be signed by the parent or legal guardian.
 - e. All court orders affecting the custody or guardianship of the child.

Comment

This policy does not necessarily require a facility to have all this information in each case file of children remaining over four days. This policy requires that the facility "requests" the information and place the information they receive in the case record. Facilities should document requests for information that were unsuccessful in securing information. Licensing workers should also emphasize the importance of obtaining as much information as possible in order to provide proper services and aid in future planning.

Pertinent legal reference is 770--105.17(5), Iowa Administrative Code.

APPROVAL OF JUVENILE DETENTION AND SHELTER CARE HOMES**DISCHARGE****Policy**

Children in shelter care shall be discharged to a permanent placement at the earliest possible time, and at least within thirty days from the date of admission unless an extension request is approved. Extension requests shall be made, substantiated, and approved by both the referral agency and the shelter care agency by the twenty-fifth day of care. Maximum length of stay should not exceed forty-five days. Maximum length of stay in detention should not exceed twenty-one days.

A summary of any significant medical or dental services that were provided while the child was at the facility shall be supplied to the next placement.

Comment

Shelter care and detention placement are intended to be short-term. Children shall be released from these facilities as soon as another more permanent placement can be located. Licensing workers should be aware of the fact that the facility cannot control judicial delays nor difficulties in locating placements but should encourage facilities to discharge children as soon as another placement is available.

Pertinent legal reference is 770--105.18 (232), Iowa Administrative Code.