

Disability Rights IOWA
Protection & Advocacy for Individuals with Disabilities™

Youth Rights in Facilities
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Right to Reasonably Safe Conditions

- ▶ This includes adequate:
 - Food
 - Facility cannot restrict meals as a punishment
 - Shelter
 - Facility must have adequate heat and plumbing
 - Medical Attention

Right to Adequate Health Care

- ▶ This includes mental health care
- ▶ If you have a serious medical need, then the staff must act without “deliberate indifference”
- ▶ “Deliberate indifference”
 - Staff knew about the risk AND
 - Staff disregarded the risk

1st Amendment Rights

- ▶ Religious Expression
 - Right to choice to participate or not participate in the religion of your choice
 - Right to have meals that allow you to practice your religion
 - Clothing

1st Amendment Rights

- ▶ Mail Privacy
 - Right to send and receive letters without censorship
 - Legal mail cannot be read without your permission

Note: Mail may be opened and checked for contraband by staff

14th Amendment – Equal Protection

- The right to be free from discrimination based on:
 - Disability
 - Race
 - Ethnicity
 - Gender
 - Religion
 - Identity??

Education

- Right to General Education
- Right to Special Education

Right to file a grievance and receive an answer

- Residents have a right to file a grievance if they believe their rights have been violated by the BSTS
- This may be done by:
 - Resident
 - Parent or family member
 - Attorney

Contacting Attorney

Residents have the right to contact their attorney via phone:

- During normal business hours
- At other times with prior approval of the attorney

This call does not count against the resident in any way

Right to be free from unreasonably restrictive conditions

- ▶ This includes:
 - Physical Restraint
 - Mechanical Restraint
 - Seclusion Rooms
- ▶ The use of these restrictions must be related legitimate security or safety interest

Shelter

State Regulations 441-105.16(3): Physical Restraint

- Can be used only to prevent:
 - Injury to self
 - Injury to others
 - Injury to property
- Must be conducted with child in standing position, if possible
- No prone restraint!

DETENTION

**State Regulations 441-105.16(3):
Physical Restraint**

- Can be used only to prevent:
 - Injury to self
 - Injury to others
 - Injury to property
- Must be conducted with child in standing position, if possible
- No prone restraint!

**State Regulations 441-105.21:
Mechanical Restraint**

- ▶ Must be authorized by director, unless necessary to protect:
 - Safety of child
 - Safety of residents
 - Safety of staff
- ▶ No more than one hour without additional authorization
- ▶ Continuous visual observation required

**State Regulations – 441–105.10
Seclusion (Control Room)**

- ▶ ONLY when a less restrictive alternative has failed
- ▶ Visual checks every 15 minutes
- ▶ Only one hour without additional approval
- ▶ No more than 12 hours without consultation from referring agency or court
- ▶ NEVER more than 24 hours

COMPREHENSIVE RESIDENTIAL

**State Regulations 441–114.20:
Physical Restraint**

- Can be used only to prevent:
 - Injury to self
 - Injury to others
 - Injury to property
- Must be conducted with child in standing position, if possible
- No prone restraint!
- No obstruction of airways

**State Regulations - 441-115.7
Seclusion (Control Room)**

- ▶ Treatment purposes ONLY, NOT punitive
- ▶ ONLY when a less restrictive alternative has failed
- ▶ Only one emergency placement allowed, otherwise must be in care plan
- ▶ Visual checks every 15 minutes
- ▶ Only one hour without additional approval
- ▶ No more than 12 hours without psychiatrist or court order
- ▶ NEVER more than 24 hours

PMIC

FED Regs - Restraint

- ▶ Only to ensure safety of resident or others during emergency
- ▶ Must not continue after emergency situation is over
- ▶ For residents 9-17 must not exceed 2 hours
- ▶ Must not be used for punishment
- ▶ Must not happen while in seclusion
- ▶ Must be documented

State Regs – Seclusion

- ▶ Only to ensure safety of resident or others during emergency
- ▶ Must not continue after emergency situation is over
- ▶ For residents 9–17 must not exceed 2 hours
- ▶ Must not be used for punishment
- ▶ Restraint cannot be used during seclusion
- ▶ Must be documented

STATE TRAINING SCHOOL

ACA– Physical Restraint

- ▶ Can be used by staff, as a last resort, for:
 - Defense of self
 - Protection of others
 - Protection of property
 - Prevention of escape
- ▶ Cannot be used by staff to punish residents
- ▶ Residents have a right to immediate treatment if injured
- ▶ A written report must be made for each restraint

ACA- Mechanical Restraint

- ▶ The Wrap (4 - 5 point restraint)
 - Can be used by staff only in extreme circumstances AND
 - When other types of restraint have failed OR
 - The resident's safety is in jeopardy
 - All incidents are to be documented
 - Visual observation required

ACA- Seclusion

- ▶ Room Restriction (BSU)
 - For minor rule violations:
 - Defined: Violations that do not threaten the safety of the resident, the other residents, or the security of the facility
 - Cannot exceed one hour
 - Staff contact must be made every 15 minutes
 - Resident participates in determining the end of the timeout
 - Must be documented

ACA- Seclusion

- ▶ Room Restriction (BSU)
 - For major rule violations:
 - Defined: Violations that threaten the safety of the resident, the other residents, or the security of the facility
 - Cannot exceed 24 hours without administration approval
 - Staff contact must be made every 15 minutes
 - Resident participates in determining the end of the timeout
 - Must be documented

ACA- Seclusion

- Special Management (CM)
 - Staff may program residents in special units if the resident threatens the secure and orderly management of the facility
 - Room Confinement must not exceed 5 days
 - The Resident must have an individual program plan
 - Resident must provided similar living conditions and opportunity to earn privileges as the general population
 - The staff must visually check the room every 15 minutes
 - Must be documented

Questions?

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