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Commissioner of Children and Families**

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Rights of Children and Youth Under the Supervision of the Commissioner of Children and Families

Secs. 17a-16-1—17a-16-5. Reserved

Sec. 17a-16-6. Scope of regulation

In accordance with section 17a-16 of the General Statutes, the Commissioner of Children and Families herewith adopts regulation sections 17a-16-6 through 17a-16-18 concerning the rights of children and youth under the supervision of the commissioner. These regulations pertain to the use of or receipt of mail, use of the telephone, and the use of restraint, seclusion and force.

(Effective February 1, 1994)

Sec. 17a-16-7. Definitions

As used in sections 17a-16-6 through 17a-16-18, the following definitions shall apply:

- (a) "Commissioner" means the Commissioner of Children & Families;
- (b) "Department" means the Department of Children & Families;
- (c) "Contraband" means weapons, unauthorized drugs, and other items which pose a danger to a child or youth or others;
- (d) "Mechanical restraint" means any externally applied mechanical device which limits the voluntary movement of a child or youth;
- (e) "Seclusion" means isolation from the general population of an institution of the commissioner enforced by a locked door.

(Effective February 1, 1994)

Sec. 17a-16-8. Use of the telephone

(a) Public telephones shall be made available in appropriate locations in each institution or facility under the jurisdiction of the commissioner.

(b) A child or youth shall be permitted to make and receive telephone calls at reasonable times exclusive of regularly scheduled program activities. An incoming telephone call from the child's or youth's attorney or clergyman shall be transmitted immediately to the child or youth or, if that is not practicable, a message shall be given to the child or youth as to the caller's identity and his telephone number.

(c) The head of the institution or facility, or his designee, may restrict the use of the telephone by a child or youth when he determines that communication by the child or youth with a particular individual, group or agency is inconsistent with the child's or youth's treatment objectives. If use of the telephone is restricted, this shall be explained to the child or youth and the individual, group or agency that is subject to the restriction. Such restriction shall be noted in writing, signed by the head of the institution or facility, and made a part of the child's or youth's permanent clinical record.

(Effective February 1, 1994)

Sec. 17a-16-9. Use or receipt of mail

(a) Each institution or facility under the jurisdiction of the commissioner shall furnish writing materials and postage to any child or youth desiring them.

(b) A child or youth shall be permitted to send or receive mail to or from any individual, group or agency. However, the head of the institution or facility, or his designee, may limit the use or receipt of mail by a child or youth if he determines that communication with a particular individual, group or agency is inconsistent with the child's or youth's treatment objectives. If the use or receipt of mail is

limited, this shall be explained to the child or youth and all such correspondence shall be returned unopened to the sender with an explanation signed by the head of the institution or facility, or his designee. Such limitation shall be noted in writing, signed by the head of the institution or facility, and made a part of the child's or youth's permanent clinical record.

(c) All incoming mail shall be delivered to the child or youth unopened unless the head of the institution or facility, or his designee, has reason to believe that said mail contains contraband. In such case, the mail shall be opened by the head of the institution or facility, or his designee, in the presence of the child or youth, and any contraband removed.

(Effective February 1, 1994)

Sec. 17a-16-10. Use of restraint

(a) A child or youth may be put in mechanical restraints under one or more of the following circumstances:

(1) there is reasonable cause to believe that the child or youth may inflict physical injury on himself or others;

(2) as a precaution against escape where there is reasonable cause to believe that the child or youth may run away while being transported from one location to another within or without the institution or facility.

(b) The staff member who authorized the use of restraint shall file a written report with the head of the institution or facility setting forth the circumstances of the action, the type of restraint used, the time period during which the restraint was used, and the reasons for the use of restraint. A copy of this report shall be placed in the child's or youth's permanent clinical record.

(c) No restraint shall be used in excess of one (1) hour or the duration of one continuous trip. If continued use of restraint is necessary, authorization must be obtained from the head of the institution or facility, or his designee. This authorization shall be noted in writing with the reason(s) therefore, signed by the head of the institution or facility, and made a part of the child's or youth's permanent clinical record.

(Effective February 1, 1994)

Sec. 17a-16-11. Use of seclusion

(a) A child or youth may be placed in seclusion in an area designated by the head of the institution or facility, for a period not to exceed twenty-four (24) hours under one or more of the following circumstances:

(1) there is reasonable cause to believe that the child or youth may inflict physical injury on another person;

(2) to prevent the child or youth from inflicting property damage;

(3) the child or youth is engaging in uncontrollable disruptive behavior.

(b) The staff member who authorized the use of seclusion shall file a written report with the head of the institution or facility setting forth the circumstances of the action and the reason for the use of seclusion.

(c) If use of seclusion in excess of twenty-four (24) hours is necessary, authorization must be obtained from the head of the institution or facility, or his designee. Such authorization shall be noted in writing with the reason(s) therefore, signed by the head of the institution or facility, and made a part of the child's or youth's permanent clinical record.

(d) In all cases involving the use of seclusion, staff members must visually check on the child's or youth's well-being at least once every thirty (30) minutes. Staff

shall also notify appropriate clinical/medical personnel of any special concern about the child or youth.

(e) All seclusion areas shall be provided with normal furnishings, e.g. bed, chair, etc., unless there is reasonable cause to believe that such items may be used by the child or youth to harm himself or others. Such areas will be provided with adequate heat, lighting and ventilation, and shall have a floor area of at least 40 square feet. Provided, however, that areas used for seclusion for less than two consecutive hours may have a floor area of not less than 30 square feet if institutional policy promulgated under Sec. 17a-16-13 so provides.

(Effective February 1, 1994)

Sec. 17a-16-12. Use of force

(a) A staff member is prohibited from the use of physical force against a child or youth except that reasonable force may be used as necessary:

- (1) in self defense;
- (2) to prevent imminent physical injury to the child or youth or others;
- (3) to prevent the child or youth from inflicting serious property damage;
- (4) to prevent escape; or
- (5) when a child's or youth's refusal to obey an order seriously disrupts the functioning of the institution or facility.

No more force should be used than is necessary to achieve the legitimate purpose for which it is used.

(b) The staff member using physical force against a child or youth shall file a written report with the head of the institution or facility setting forth the circumstances of the action, the degree of force used, and the reasons for the use of force. A copy of this report shall be placed in the child's or youth's permanent clinical record.

(Effective February 1, 1994)

Sec. 17a-16-13. Institutional policies and procedures

The head of each institution or facility under the jurisdiction of the commissioner shall adopt as needed written policies and procedures to apply the foregoing regulations to the particular circumstances of his institution and submit them to the commissioner, or his designee, for approval. Any amendment or change to these institutional policies and procedures shall also be submitted, in writing, to the commissioner, or his designee, for approval.

(Effective February 1, 1994)

Hearings on Out-of-State Transfers

Sec. 17a-16-14. Right to hearing

In accordance with Section 17a-16 of the Connecticut General Statutes, each child or youth shall have a right to a hearing before he is involuntarily transferred by the Commissioner of Children and Families to any facility outside the State of Connecticut.

(Effective February 1, 1994)

Sec. 17a-16-15. Purpose of hearing

The hearing officer shall determine whether the proposed involuntary transfer of the child or youth to a facility outside the State of Connecticut is in the child's best interest. If that determination is reached, the hearing officer shall then determine if the proposed change in placement is to an appropriate facility located outside the

State of Connecticut. No transfer shall be made unless and until the hearing officer determines that the transfer is both in the child or youth's best interest and that the transfer will result in the placement of the child or youth in an appropriate out-of-state facility.

(Effective February 1, 1994)

Sec. 17a-16-16. Notice of hearing

Notice of the involuntary transfer hearing shall be given in writing, at least fourteen (14) days in advance of the hearing to the following persons:

- (a) the child or youth;
- (b) the parent, or guardian, or conservator, or person acting in place of a parent;
- (c) the child or youth's attorney, and
- (d) the hearing officer.

(Effective February 1, 1994)

Sec. 17a-16-17. Contents of notice

The notice shall comply with the requirements of C.G.S. § 4-177 and shall also include:

- (a) a statement by the Department of Children and Families listing the reasons for the proposed transfer;
- (b) the names of the facility or facilities outside the State of Connecticut being considered as possible appropriate placements including the names, addresses, and phone numbers of the directors of those facilities;
- (c) a statement by the Department of Children and Families listing the reasons that each of the proposed out-of-state facilities is considered appropriate;
- (d) a statement by the Department of Children and Families indicating the reasons for its determination that there are no appropriate facilities in the State of Connecticut, and
- (e) a copy of the regulations governing involuntary transfer hearings.

(Effective February 1, 1994)

Sec. 17a-16-18. Hearing procedures

The involuntary transfer hearing shall be conducted in conformity with Connecticut General Statutes 4-177 to 4-181 and Sections 17a-16-14 to 17a-16-18, inclusive.

(Effective February 1, 1994)