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TITLE 465 DEPARTMENT OF CHILD SERVICES

Proposed Rule LSA Document #04-316

DIGEST

Amends 465 IAC 2-9-31, 465 IAC 2-9-32, 465 IAC 2-9-57, 465 IAC 2-9-58, 465 IAC 2-9-59, 465 IAC 2-10-31, 465 IAC 2-10-32, 465 IAC 2-10-57, 465 IAC 2-10-58, 465 IAC 2-10-59, 465 IAC 2-12-57, and 465 IAC 2-13-57 of the residential licensing rules to alter various provisions. Effective 30 days after filing with the Secretary of State.

465 IAC 2-9-31	465 IAC 2-10-32
465 IAC 2-9-32	465 IAC 2-10-57
465 IAC 2-9-57	465 IAC 2-10-58
465 IAC 2-9-58	465 IAC 2-10-59
465 IAC 2-9-59	465 IAC 2-12-57
465 IAC 2-10-31	465 IAC 2-13-57

SECTION 1. 465 IAC 2-9-31 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-9-31 “Variance” defined

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. **No variance shall be granted from the conditions listed in sections 58 and 59 of this rule.** (*Department of Child Services; 465 IAC 2-9-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) **NOTE:** Transferred from the Division of Family Resources (470 IAC 3-11-31) to the Department of Child Services (465 IAC 2-9-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 2. 465 IAC 2-9-32 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-9-32 “Waiver” defined

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. **No waiver shall be granted from the conditions listed in sections 58 and 59 of this rule.** (*Department of Child Services; 465 IAC 2-9-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*) **NOTE:** Transferred from the Division of Family Resources (470 IAC 3-11-32) to the Department of Child Services (465 IAC 2-9-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 3. 465 IAC 2-9-57 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-9-57 Discipline and guidance

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:

- (1) have a written discipline policy; and ~~shall~~
- (2) make the policy available to:

- (A) placement agencies;
- (B) staff;
- (C) parents; and
- (D) children in care.

(b) Discipline and guidance shall be as follows:

- (1) Consistent.
- (2) Based on an understanding of individual needs and development.
- (3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

- (1) Cruel, harsh, or unusual punishment.
- (2) Treatment ~~which~~ **that** is mentally, physically, or emotionally abusive or neglectful.
- (3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

- (1) Confinement to a locked or dark room.
- (2) Use of ~~mechanical~~ **physical** restraints.
- (3) Undue confinement to bed.
- (4) Deprivation of meals or snacks.
- (5) Inappropriate assignment of work.
- (6) Group discipline for an offense by an individual child.
- (7) Any child or group of children punishing another child.
- (8) Deprivation of visits or contact with:
 - (A) parents;
 - (B) guardian ad litem;
 - (C) court appointed special advocate; or
 - (D) placing worker.

(Department of Child Services; 465 IAC 2-9-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-57) to the Department of Child Services (465 IAC 2-9-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 4. 465 IAC 2-9-58 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-9-58 Confinement rooms

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child:

- (1) is in danger of harming himself or herself or others; and
- (2) has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

- (1) A definition of the circumstances ~~which~~ **that** justify the use of confinement.
- (2) A maximum time period for each episode of confinement not to exceed:
 - (A) **fifteen (15) minutes for a child six (6) years of age and under; or**

(B) one (1) hour ~~unless extended as provided for in subsection (f);~~ **for a child ten (10) years of age and over.**

(3) Record keeping of each confinement episode as noted in subsection (i).

(4) **A** clear designation of persons who have authority to approve or extend the confinement period.

(5) Directions for removal of all dangerous items from the child, such as:

(A) belts;

(B) shoelaces;

(C) jewelry;

(D) items in pockets;

(E) matches; and

(F) any other items; ~~which~~

that represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

~~(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.~~

~~(g) (f)~~ An awake staff member **trained in the immediate vicinity of the confinement room emergency interventions** shall **supervise continuously maintain direct observation of the child at all times and shall make a visual check of during the child at least every five (5) minutes: confinement.**

~~(h) (g)~~ A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the following:

(1) The therapeutic value of each confinement episode.

(2) Safety considerations.

(3) Appropriate utilization of confinement. ~~and~~

(4) Adherence to the general policy of confinement as established in subsection (d).

~~(i) (h)~~ An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The ~~time name~~ of the ~~visual checks:~~ **staff person observing the child's confinement.**

(4) Behavioral observations of the child.

(5) Specific notation of any extension of confinement including **the following:**

(A) Reasons for the extension. ~~and~~

(B) By whom approval for extension was given.

No extension shall exceed the limits stated in subsection (d)(2).

~~(j) (i)~~ Notation of each confinement shall be placed in the individual case record of the child.

~~(k) (j)~~ Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least:

(A) thirty-six (36) feet of floor space; and

(B) eight (8) feet high ceilings.

(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.

(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.

(5) No functional electrical outlets are located in the room.

(6) A window is provided to allow for a visual check of the child without entering the room.

(7) Windows are secured and protected so as to prevent harm to the occupant.

(8) Ceiling lights are provided, protected, and recessed.

(9) The room is heated, cooled, and ventilated as required under 675 IAC.

(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Department of Child Services; 465 IAC 2-9-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-58) to the Department of Child Services (465 IAC 2-9-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 5. 465 IAC 2-9-59 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-9-59 Mechanical restraints

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 59. (a) ~~Mechanical restraints~~ **Physical restraint** shall be used only if:

(1) the child is a clear and present danger to himself or herself or others; and

(2) therapeutic crisis intervention techniques:

(A) have been attempted and failed; or

(B) are diagnostically eliminated prior to use.

Under no circumstance shall mechanical restraints be utilized to control a child's behavior.

(b) An awake staff member trained in emergency interventions shall continuously maintain direct observation of the child during the restraint.

~~(b)~~ (c) If an institution uses ~~mechanical~~ **physical** restraints, the institution shall develop policies and procedures on their usage that include the following:

(1) A description of the types of ~~mechanical~~ **physical** restraints used.

(2) ~~The~~ criteria for use.

(3) Staff authorized to approve use.

(4) Staff authorized and trained to apply restraints.

(5) Procedures for application.

(6) Staff training requirements.

(7) Time limitations on use.

(8) Monitoring requirements while child is in restraints.

~~(c)~~ (d) Documentation of ~~mechanical~~ **physical** restraint training shall be in each employee's personnel record.

~~(d)~~ (e) An institution shall not use any form of restraint until the policies and procedures in subsection ~~(b)~~ (c) have been approved by the SDPW.

~~(e)~~ (f) A record shall be maintained of each incident of ~~mechanical~~ **physical** restraint and placed in the child's record that includes the following information:

(1) ~~The~~ date and time of ~~the~~ incident.

(2) ~~The~~ name of ~~the~~ child.

(3) ~~The~~ form of restraint used.

(4) ~~The~~ length of time in restraint.

(5) ~~The~~ name and title of ~~the~~ person who authorized use of restraint.

(6) ~~The~~ name and title of ~~the~~ person applying the restraint.

(7) ~~The~~ name of ~~the~~ person responsible for monitoring the child while in restraints.

(8) A description of ~~the~~ child's behavior prior to, during, and after use of restraints.

(9) A treatment team assessment of the effectiveness of the restraint and future alternatives.

(Department of Child Services; 465 IAC 2-9-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-11-59) to the Department of Child Services (465 IAC 2-9-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 6. 465 IAC 2-10-31 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-10-31 “Variance” defined

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 31. As used in this rule, “variance” means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. **No variance shall be granted from the conditions listed in sections 58 and 59 of this rule.** *(Department of Child Services; 465 IAC 2-10-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-31) to the Department of Child Services (465 IAC 2-10-31) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 7. 465 IAC 2-10-32 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-10-32 “Waiver” defined

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 32. As used in this rule, “waiver” means official permission granted by the SDPW not to meet a specific regulation. **No waiver shall be granted from the conditions listed in sections 58 and 59 of this rule.** *(Department of Child Services; 465 IAC 2-10-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-32) to the Department of Child Services (465 IAC 2-10-32) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 8. 465 IAC 2-10-57 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-10-57 Discipline and guidance

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:

(1) have a written discipline policy; and ~~staff~~

(2) make the policy available to:

(A) placement agencies;

(B) staff;

(C) parents; and

(D) children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use or permit any person to use any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment ~~which~~ **that** is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of ~~mechanical~~ **physical** restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

- (5) Inappropriate assignment of work.
- (6) Group discipline for an offense by an individual child.
- (7) Any child or group of children punishing another child.
- (8) Deprivation of visits or contact with:
 - (A) parents;
 - (B) guardian ad litem;
 - (C) court appointed special advocate; or
 - (D) placing worker.

(Department of Child Services; 465 IAC 2-10-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-57) to the Department of Child Services (465 IAC 2-10-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 9. 465 IAC 2-10-58 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-10-58 Confinement rooms

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

- Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.
- (b) A confinement room shall be used only when a child:
- (1) is in danger of harming himself or herself or others; and
 - (2) has not responded to any other treatment approaches.
- (c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.
- (d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:
- (1) A definition of the circumstances ~~which that~~ justify the use of confinement.
 - (2) A maximum time period for each episode of confinement not to exceed:
 - (A) **fifteen (15) minutes for a child six (6) years of age and under; or**
 - (B) **one (1) hour unless extended as provided for in subsection (f); for a child ten (10) years of age and over.**
 - (3) Record keeping of each confinement episode as noted in subsection (i).
 - (4) A clear designation of persons who have authority to approve or extend the confinement period.
 - (5) Directions for removal of all dangerous items from the child, such as:
 - (A) belts;
 - (B) shoelaces;
 - (C) jewelry;
 - (D) items in pockets;
 - (E) matches; and
 - (F) any other items; ~~which~~**that represent a potential hazard during confinement.**
- (e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.
- ~~(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.~~
- ~~(g)~~ **(f) An awake staff member trained in the immediate vicinity of the confinement room emergency interventions shall supervise continuously maintain direct observation of the child at all times and shall make a visual check of during the child at least every five (5) minutes: confinement.**

~~(h)~~ **(g)** A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze **the following:**

- (1) The therapeutic value of each confinement episode.**
- (2) Safety considerations.**
- (3) Appropriate utilization of confinement. ~~and~~**
- (4) Adherence to the general policy of confinement as established under subsection (d).**

~~(i)~~ **(h)** An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

- (1) The circumstances leading to confinement.**
- (2) The period of time a child was confined.**
- (3) The ~~time name~~ of the ~~visual checks~~: **staff person monitoring the child's confinement.****
- (4) Behavioral observations of the child.**
- (5) Specific notation of any extension of confinement including **the following:****
 - (A) Reasons for the extension. ~~and~~**
 - (B) By whom approval for extension was given.**

No extension shall exceed the limits stated in subsection (d)(2).

~~(j)~~ **(i)** Notation of each confinement shall be placed in the individual case record of the child.

~~(k)~~ **(j)** Confinement rooms shall be constructed and maintained in the following manner:

- (1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.**
- (2) Equipped and sized for therapeutic use with at least:**
 - (A) thirty-six (36) feet of floor space; and**
 - (B) eight (8) feet high ceilings.**
- (3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.**
- (4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.**
- (5) No functional electrical outlets are located in the room.**
- (6) A window is provided to allow for a visual check of the child without entering the room.**
- (7) Windows are secured and protected so as to prevent harm to the occupant.**
- (8) Ceiling lights are provided, protected, and recessed.**
- (9) The room is heated, cooled, and ventilated as required under 675 IAC.**
- (10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.**

(Department of Child Services; 465 IAC 2-10-58; filed Jun 27, 1991, 12:00 p.m.; 14 IR 1992; readopted filed Jul 12, 2001, 1:40 p.m.; 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-58) to the Department of Child Services (465 IAC 2-10-58) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 10. 465 IAC 2-10-59 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-10-59 Mechanical restraints

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 59. (a) ~~Mechanical restraints~~ **Physical restraint** shall be used only if:

- (1) the child is a clear and present danger to himself or herself or others; and**
- (2) therapeutic crisis intervention techniques:**
 - (A) have been attempted and failed; or**
 - (B) are diagnostically eliminated prior to use.**

Under no circumstances shall mechanical restraints be utilized to control a child's behavior.

(b) An awake staff member trained in emergency interventions shall maintain visual contact of the child continuously during the restraint.

~~(c)~~ **(c)** If an institution uses ~~mechanical~~ **physical** restraints, the institution shall develop policies and procedures on their usage that include the following:

- (1) ~~A~~ description of the types of ~~mechanical~~ **physical** restraints used.
- (2) ~~The~~ criteria for use.
- (3) Staff authorized to approve use.
- (4) Staff authorized and trained to apply restraints.
- (5) Procedures for application.
- (6) Staff training requirements.
- (7) Time limitations on use.
- (8) Monitoring requirements while child is in restraints.

~~(c)~~ (d) Documentation of ~~mechanical~~ **physical** restraint training shall be in each employee's personnel record.

~~(d)~~ (e) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.

~~(e)~~ (f) A record shall be maintained of each incident of ~~mechanical~~ **physical** restraint and placed in the child's record that includes the following information:

- (1) ~~The~~ date and time of ~~the~~ incident.
- (2) ~~The~~ name of ~~the~~ child.
- (3) ~~The~~ form of restraint used.
- (4) ~~The~~ length of time in restraint.
- (5) ~~The~~ name and title of ~~the~~ person who authorized use of restraint.
- (6) ~~The~~ name and title of ~~the~~ person applying the restraint.
- (7) ~~The~~ name of ~~the~~ person responsible for monitoring the child while in restraints.
- (8) ~~A~~ description of ~~the~~ child's behavior prior to, during, and after use of restraints.
- (9) ~~A~~ treatment team assessment of the effectiveness of the restraint and future alternatives.

(Department of Child Services; 465 IAC 2-10-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-12-59) to the Department of Child Services (465 IAC 2-10-59) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 11. 465 IAC 2-12-57 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-12-57 Discipline and guidance

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:

- (1) have a written discipline policy; and ~~shall~~
- (2) make the policy available to:
 - (A) placement agencies;
 - (B) staff;
 - (C) parents; and
 - (D) children in care.

(b) Discipline and guidance shall be as follows:

- (1) Consistent.
- (2) Based on an understanding of individual needs and development.
- (3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

- (1) Cruel, harsh, or unusual punishment.
- (2) Treatment ~~which that~~ is mentally, physically, or emotionally abusive or neglectful.
- (3) Any humiliating or frightening method to control the actions of any child or group of children.

- (e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
- (f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.
- (g) The child caring institution shall prohibit, as a method of discipline, the following:
 - (1) Confinement to a locked or dark room.
 - (2) Use of ~~mechanical~~ **physical** restraints.
 - (3) Undue confinement to bed.
 - (4) Deprivation of meals or snacks.
 - (5) Inappropriate assignment of work.
 - (6) Group discipline for an offense by an individual child.
 - (7) Any child or group of children punishing another child.
 - (8) Deprivation of visits or contact with:
 - (A) parents;
 - (B) guardian ad litem;
 - (C) court appointed special advocate; or
 - (D) placing worker.

(Department of Child Services; 465 IAC 2-12-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-14-57) to the Department of Child Services (465 IAC 2-12-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 12. 465 IAC 2-13-57 IS AMENDED TO READ AS FOLLOWS:

465 IAC 2-13-57 Discipline and guidance

Authority: IC 31-33-1.5-1; P.L.234-2005, SECTION 194

Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall:

- (1) have a written discipline policy; and ~~shall~~
- (2) make the policy available to:
 - (A) placement agencies;
 - (B) staff;
 - (C) parents; and
 - (D) children in care.
- (b) Discipline and guidance shall be as follows:
 - (1) Consistent.
 - (2) Based on an understanding of individual needs and development.
 - (3) Promote self-discipline and acceptable social behavior.
- (c) Children shall be treated kindly and humanely at all times.
- (d) The administrator shall not use, or permit any person to use, any of the following:
 - (1) Cruel, harsh, or unusual punishment.
 - (2) Treatment ~~which that~~ is mentally, physically, or emotionally abusive or neglectful.
 - (3) Any humiliating or frightening method to control the actions of any child or group of children.
- (e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
- (f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.
- (g) The child caring institution shall prohibit, as a method of discipline, the following:
 - (1) Confinement to a locked or dark room.
 - (2) Use of ~~mechanical~~ **physical** restraints.
 - (3) Undue confinement to bed.

- (4) Deprivation of meals or snacks.
- (5) Inappropriate assignment of work.
- (6) Group discipline for an offense by an individual child.
- (7) Any child or group of children punishing another child.
- (8) Deprivation of visits or contact with:
 - (A) parents;
 - (B) guardian ad litem;
 - (C) court appointed special advocate; or
 - (D) placing worker.

(Department of Child Services; 465 IAC 2-13-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Division of Family Resources (470 IAC 3-15-57) to the Department of Child Services (465 IAC 2-13-57) by P.L.234-2005, SECTION 195, effective July 1, 2005.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 27, 2006 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Department of Child Services will hold a public hearing on proposed rule amendments at 465 IAC 2-9, 465 IAC 2-10, 465 IAC 2-12, and 465 IAC 2-13 to alter various provisions that govern child caring institutions, emergency shelter child caring institutions, child caring group homes, and emergency shelter group homes. Written comments will be accepted through March 31, 2006, and may be directed to the Department of Child Services, Attention: MB Lippold, 402 West Washington Street, Room W364, MS 08, Indianapolis, Indiana 46204.

The Department of Child Services has the authority under IC 12-17.4-2-4 to adopt rules concerning the licensure and inspection of child caring institutions and group homes. The changes to the rules bring the agency into compliance with the federal Children's Health Act of 2000 (P.L.106-310). The change is necessary to secure federal Medicaid funding for the children placed in the facilities governed by these rules. It is estimated that the regulated facilities would not have an economic impact to come into compliance with these rule changes. However, failure of a regulated facility to come into compliance with these rule changes could result in a potential loss of revenue to the regulated facility.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W364 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James W. Payne
Director
Department of Child Services