

	State of Indiana Indiana Department of Correction Division of Youth Services	Effective Date	Page 1 of	Number
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<p>POLICY AND ADMINISTRATIVE PROCEDURES Manual of Policies and Procedures</p>				

Title <p>YOUTH VISITATION</p>

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 11-11-3-8 IC 11-11-3-9 IC 35-38-6-4 210 IAC 1-8	00-01-102 00-02-301 01-03-101 02-03-101 02-04-101 03-02-101	03-02-110 Eff. Date 8/1/2014 (ED # 14-32)

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a process through which youth may receive visits from persons outside the Department of Correction in order to maintain contact and relationships in the community.

II. POLICY STATEMENT:

The Department of Correction’s Division of Youth Services has made major strides in evaluating the importance of family involvement to overall system reform efforts and youth success. The Department also recognizes that a youth’s definition of family may move beyond immediate family members to other essential connections, including not only extended family members but also persons who the youth considers as family – even if not related to them.

These essential connections provide a protective factor for a youth’s success, as the support of others counters a youth’s risk factors by strengthening a youth’s functioning, pro-social growth, and preparation for a more productive future. Therefore, the Department encourages visiting and recognizes that, through visitation, youth are able to continue contact with their essential connections and/or other approved visitors that shall aid them while they are incarcerated and shall prove indispensable to them after their release.

Visits shall be permitted at reasonable times. In addition to traditional forms of visitation (contact and non-contact), alternative methods of visitation including video visitation shall be made available to increase opportunities for contact and support. However, visitation shall not regularly interfere with Department mandatory procedures for providing youth education and other required programs and services. Therefore, the Department shall establish visitation scheduling

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guidelines. However, these shall include rules for granting special visits in response to visitors lacking availability.

Visitation with youth committed to the Department is a privilege. The Department recognizes that in some cases, the visitation privilege can be abused or used for inappropriate purposes and for this reason the Department shall establish guidelines for restricting visitation. These guidelines may include the imposition of restrictions ranging from non-contact visits, including video visits, to not allowing certain persons to visit. Restrictions on the visitation privilege shall be made based upon the safety, security, good order, and administrative manageability of the facility and those persons involved. The youth shall have the opportunity to appeal the decision to restrict visitation privileges through the Youth Grievance Process.

The Department shall provide as much uniformity and consistency in visiting as possible, while considering the physical limitations and security needs of each facility. The Department shall encourage visitation and participation in treatment by youth's essential connections. In addition, the Department shall include provisions for visits by attorneys, clergy, current and former employees or volunteers, ex-incarcerated individuals, media representatives, legislators, government officials, victims of the youth, and persons from other agencies / organizations providing an approved service for the facility or the youth.

III. DEFINITIONS:

For the purposes of this policy and administrative procedure, the following definitions are presented:

- A. **ASSIGNED INTAKE STAFF** (Intake Counselor/Case Manager/ Correctional Casework Manager): The employee(s), assigned to a Division of Youth Services Intake Unit, responsible for the daily delivery of the Youth Classification process to youth on their caseload.
- B. **ASSIGNED TREATMENT STAFF** (Treatment Counselor/Case Manager / Correctional Casework Manager): The employee(s), assigned to a Division of Youth Services Treatment Unit/Facility, responsible for the daily delivery of the Youth Case Management process, as well as treatment programs and services, to youth on their caseload.
- C. **ATTORNEY:** Any member of the legal profession, admitted to a State Bar retained by or for a youth or appointed by a court to represent the youth.
- D. **CLERGY:** A single spiritual advisor who is an accredited representative or minister of the youth's personally designated religion or another person, not a family member, designated by the youth to provide spiritual advice.

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- E. CONTACT VISIT: A visit in which the youth and visitor(s) are not physically separated.
- F. DENIAL: An immediate denial of visitation for a specific situation or reason, generally for a single visit or until the situation complies with visitation rules. (e.g., the visitor is dressed inappropriately).
- G. ELECTRONIC DEVICES: Any electric or battery-operated device, including, but not limited to cameras, portable phones, radios, beepers, tape recorders, etc.
- H. ESSENTIAL CONNECTIONS: Persons who not only love, care for, appreciate, and support a youth, but also act as a protective factor for a youth's success while incarcerated and after release. These persons include members of a youth's immediate and extended family, as well as person(s) who the youth and/or their parent(s)/legal guardian(s) consider as close family even if not related to them.
- I. EXECUTIVE DIRECTOR, DIVISION OF YOUTH SERVICES (ED/DYS): The Central Office employee responsible for the oversight, coordination, and direction of the Division of Youth Services' facilities and programs.
- J. EX-INCARCERATED INDIVIDUAL: A person of any age convicted of a crime or a juvenile adjudged delinquent whose commitment to a department of correction (federal, state, or local), and/or the sentencing courts(s) has been discharged.
- K. EX-STAFF MEMBER / EX-EMPLOYEE: Any and all persons formerly employed by the Department, including contractors and volunteers.
- L. FRISK SEARCH: A search that is conducted on one-half (1/2) of the person's body at a time, utilizing a squeezing technique with both hands along the body and clothes of the person being searched, which includes the breast and genital areas. This type of search is a more thorough and detailed search of a person than a pat search.
- M. GATE CLOSURE: The refusal to permit a visitor to enter any Department facility for an indeterminate period of time (e.g., permanently banning a visitor from visiting any youth and/or adult incarcerated individual in the Department due to a trafficking violation).

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- N. INDIANA DATA AND COMMUNICATIONS SYSTEM (IDACS): The Statewide system network available to law enforcement, prosecutors, courts, corrections, and other approved agencies for entering and receiving criminal history data.
- O. MODIFIED FRISK SEARCH: A frisk search which is conducted on staff and visitors that is slightly less intrusive than the complete frisk search as indicated in the administrative procedure for Policy and Administrative Procedure 02-03-101, "Searches."
- P. NEWS MEDIA: Any agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio or television news program holding a Federal Communication Commission license.
- Q. NON-CONTACT VISIT: A visit in which the youth and visitor(s) are separated by a physical barrier.
- R. OFFICIAL YOUTH VISITOR: A visitor who is visiting a youth in regard to providing an official service for the benefit of the youth or the community, such as attorneys, law enforcement, parole/probation officers, representatives of government agencies (including foreign government agencies), elected officials, etc.
- S. PROTECTIVE FACTOR: A characteristic, such as the support of others, that supports a youth's success and counters a youth's risk factors by strengthening a youth's functioning, pro-social growth, and preparation for a more productive future.
- T. SOMM PROGRAM DIRECTOR: The employee, assigned to a Division of Youth Services Treatment Unit/Facility, responsible for the operation of the Sexual Offender Management and Monitoring Program (SOMM) and decisions regarding youth assigned to SOMM.
- U. STAFF MEMBER / EMPLOYEE: Any and all persons currently employed by the Department, including contractors and volunteers.
- V. SUSPENSION: The refusal to permit a visitor to visit at any Department facility for a determinate period of time. (e.g., taking away a visitor's visiting privileges at all Department facilities for 30 days for a visitation rule violation).
- W. VIDEO VISITATION: A method of visitation which allows youth to visit through electronic media, either at home through a vendor's visitation portal

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(“internet video visitation”), or an on-site video visit through a facility’s kiosk or station (“on-site video visitation”).

- X. YOUTH: A juvenile person committed to the Department of Correction and housed or supervised in a facility either operated by the Department of Correction or with which the Department of Correction has a contract, including youth sentenced to the Department, under parole supervision, requiring Pre-dispositional Diagnostic Services, or committed as a safekeeper.

IV. VISITATION AREAS (See Operational Procedures):

Each facility housing youth shall designate at least one (1) area that shall be used for youth visitation. Each area shall be in a location that ensures the safety and security of the facility and the persons involved. The designated area shall be large enough to accommodate the visitation needs of the youth population dependent on the resources available to the facility. These areas shall have access to the youth electronic information system.

All facilities may designate one (1) or more areas for contact visitation and “on-site video” visitation; however, at least one (1) area shall be designated for non-contact visitation where applicable. “Non-contact” visits shall only be used in those instances of substantiated security risk or where it is determined to be in the best interests of the safety and security of the facility and those persons involved in accordance with Section XXI.

Visitation conducted through the vendor’s portal for on-site video visitation shall be conducted through wall-mounted kiosks or flex units. These visits will be scheduled through the vendor’s portal and will occur automatically unless the facility cancels the visit.

Facilities shall take into consideration the impact that visits with parents or grandparents in a correctional facility may have on young children, especially pre-school age children. For this reason, children under the age of three (3) months are not allowed in the facility under any circumstances. In addition, the facilities shall make special accommodations to entertain and occupy the minds of children, including a separate room adjoining the main visiting area which is a bright, inviting, and comfortable area or a similar space within the main visiting room. Age-appropriate books, games, and toys may be available in these areas. However, the facility is permitted to take into consideration the physical environment and space capabilities in determining and outfitting the area(s). All children must be supervised by the adult visitor who brought the children at all times, whether in this area or in the main visiting area. The use of this type of area shall be accomplished without the need for additional staff to supervise the area.

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Operational procedures shall designate the location(s) for youth visitation and whether the areas shall permit “contact” or “non-contact” visits.

V. ESTABLISHING A YOUTH’S ESSENTIAL CONNECTIONS:

In accordance with Policy and Administrative Procedure 03-02-104, “Youth Classification,” the youth’s assigned intake staff shall establish the list of persons who the youth feels are their essential connections:

- A. These person may include:
 - 1. All members of the youth’s immediate and extended family who are over the age of three (3) months, including those with a “step,” “half,” or adoptive relationship, such as:
 - a. Parent(s)/Legal Guardian(s)/Approved Custodian(s);
 - b. Grandparent(s);
 - c. Sibling(s);
 - d. Aunt(s) and Uncle(s);
 - e. Cousin(s); and,
 - f. Youth’s spouse, children, and spouse’s family members.
 - 2. Any person(s) the youth considers as close family, such as:
 - a. The significant other(s) of their Parent(s)/Legal Guardian(s);
 - b. Family friends over the age of eighteen (18); and,
 - c. Neighbors over the age of eighteen (18).
- B. Youth who have a current or prior sex offense adjudication and/or conviction involving a minor; i.e., any persons under the age of eighteen (18) years old, may be restricted from receiving visits from any persons under the age of eighteen (18) years old. Refer to Section XV of this administrative policy and procedure.
- C. A youth’s friends, peers, associates, and/or significant other (unless documented as a spouse) of any age are never allowed to visit the youth under any circumstances:
 - 1. Falsifying the identity of an essential connection may result in disciplinary action for the youth, including a denial or suspension of visitation privileges.

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2. Any disciplinary action for youth shall be taken in accordance with Policy and Procedure 03-02-101, “Code of Conduct for Youth.”
 3. If a denial or suspension of visitation privileges is imposed, it shall be in accordance with Section XX.
- D. The assigned intake staff shall interview the youth, utilizing State Form 53103, “Essential Connections, (Attachment I)” to interview the youth within twenty-four (24) hours of arrival at the Intake Unit.
- E. The assigned intake staff shall contact the youth’s Parent(s) / Legal Guardian(s) who shall review, validate, and then approve or reject the persons on the youth’s list:
1. The Parent(s)/Legal Guardian(s) may also add to the list.
 2. Only those essential connections approved by the Parent(s)/Legal Guardian(s) may apply for visitation privileges.
- F. The youth, Parent(s)/Legal Guardian(s), and/or designated intake staff may inform the approved essential connections that they may submit an electronic application for visitation.

VI. ELECTRONIC APPLICATION FOR VISITATION (See Operational Procedure):

In order for a youth’s approved essential connections to visit, they must next complete an electronic application, accessible through the Department’s website. To apply electronically, the applicant must register an account with the vendor, which is free of charge:

- A. An adult visitor who has the notarized permission of the child’s parent or legal guardian who has custody of the child (not the youth) may be allowed to bring the child to the facility for the visit; however, both the child and the adult visitor must have an application on file to visit the youth. State Form 48965, “Authorization for Minor Child to Visit,” shall be used to allow an adult, other than the child’s parent or legal guardian, to bring a child into the facility to visit a youth. The parent authorization form must be notarized by a Notary Public. When submitting State Form 48965, the parent/legal guardian must attach a copy of the child’s birth certificate. Required paperwork is best scanned and sent to designated staff via e-mail for the fastest turnaround. It may also be sent via US Mail. Faxes are not recommended as pictures and information may be difficult to see/read.

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- B. Attorneys, clergy, media representatives, legislators, government officials, and persons from other agencies/organizations providing an approved service for the facility or the youth are not required to complete an electronic application for youth they wish to visit. Instead, the exemption guidelines outlined in Section XI are utilized.
- C. If the licensed therapist of a youth’s victim requests a one-time therapeutic visit with the youth, then the therapist and victim are not required to complete an electronic application for youth they wish to visit. Instead, the exemption guidelines outlined in Section XII are used. However, if further visits are needed or requested, the victim of the youth is required to submit an electronic application in order to be approved and added to the youth’s visitation list.
- D. Current Department employees who wish to visit a youth must complete an electronic application as well as any supplemental documentation or additional approval procedures required, as outlined in Section XIII.
- E. Former Department employees, ex-incarcerated individuals, volunteers, and ex-volunteers who wish to visit a youth must complete an electronic application as well as any supplemental documentation or additional approval procedures required, as outlined in Section XIV.
- F. Visitors who require a reasonable accommodation for a disability must contact the employee responsible for processing visitors.

The facility’s operational procedures shall address how these electronic applications will be received and processed. Attachment 2, “Procedures for Processing Electronic Visitor Applications,” provides staff with instructions on processing electronic applications.

VII. APPROVAL OF ELECTRONIC APPLICATION FOR VISITATION:

The submission of a completed electronic application acknowledges agreement to all rules and regulations included in this policy and administrative procedure. It is important that the electronic application is completed fully with all questions answered honestly. Failure to provide all necessary information may result in a delay in the processing of the application or a denial of visitation privileges. Falsifying an application shall result in the applicant being banned from all correctional facilities for a period of one (1) year.

In order to receive approval, criminal background/warrant checks shall be conducted on each adult and child sixteen (16) and older applying to visit a youth. When an active criminal warrant is found, the application shall be reviewed by the

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facility Investigations and Intelligence officer and/or Correctional Police Officer (CPO). The agency that issued the warrant shall be contacted and disposition made. Local law enforcement shall be notified of the information provided. The information on the applicant’s criminal history is treated as confidential and will not be released to the youth.

Once a decision is made either approving or denying the electronic application, the youth shall be notified. The vendor shall e-mail applicants that their electronic applications have been approved or denied. The youth and/or designated staff are responsible for advising applicants that their applications have been approved or denied. The applicant’s approved Department visiting application must be on file electronically prior to visiting.

The electronic application for visitation, once approved, shall allow access to the facility to visit the designated youth. Visitors shall be permitted to visit only one (1) youth and/or incarcerated adult within the Department unless the visitor has other immediate family members incarcerated in a Department facility. Therefore, unless the visitor has other immediate family members in different facilities, the visitor shall not be allowed to visit other youth nor other non-immediate family, incarcerated adults in other Department facilities.

Visitors may have their names removed from a youth or adult incarcerated individual’s visiting list by making such a request in writing to the Warden or designee. Once the name is removed, the visitor must wait six (6) months before applying to visit the same or another youth or incarcerated adult. Exceptions may be made for immediate family members.

VIII. VISITOR ORIENTATION (See Operational Procedures):

During the Intake process, designated staff shall provide both youth and Parents/Legal Guardians with a standardized orientation that includes the processes available for applying for visitation privileges and the rules for all types of visitation processes in accordance with Policy and Administrative Procedure 03-02-104, “Youth Classification.”

All other persons who wish to visit a youth shall also complete a visitor orientation that includes a summary of the visitation rules. This orientation must be completed prior to the first visit but after the approval of the visitor application process and/or other approval procedures outlined in this administrative policy and procedure. Each Warden or designee shall designate an employee to conduct this type of visitor orientation, as needed. The orientation may be completed in-person, telephonically, or via videoconferencing and may be conducted immediately prior to the first visit. Each DYS facility shall develop operational procedures to guide this type of visitor

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orientation, including topics covered and documentation indicating the orientation process has been completed.

Once an individual has completed visitor orientation, they will not have to complete the orientation again unless the youth has been released from the facility and has been gone for six (6) months or longer before returning. This provision includes Parent(s)/Legal Guardian(s) with a child that is released from the facility when another sibling could be admitted to the facility within that six (6) month period.

IX. VISITATION LISTS (See Operational Procedures):

Each facility shall maintain an approved visitation list for each youth. This information shall be maintained on the youth electronic information system and in the vendor's visitation database. The youth's visitation list shall be updated semiannually, at a minimum, in a manner convenient to the operation of the facility.

A. The visitation list shall include:

1. The youth's name and number;
2. The name of the visitor;
3. The relationship of the visitor to the youth;
4. The visitor's date of birth;
5. The visitor's address; and,
6. The visitor's driver's license number or state ID information, if available.

B. When entering information concerning the relationship of the visitor to the youth in the youth electronic information system, designated staff shall select the Affiliation Type and Relationship Code that match the visitor. When the visitor is an essential connection who the youth considers as family but who is not related to the youth, that person's Affiliation Type shall be designated as "Other," and their Relationship Code shall be designated as "Non-Family."

C. Visitation lists may be printed from the youth electronic information systems. At the discretion of the Warden or designee, visitation list paper copies may be made accessible at designated locations in the event of technical difficulties with the youth electronic information system.

D. Each facility shall develop operational procedures which outline the specific employee's responsibilities in updating and maintaining the visitation list and the location and/or distribution of the visitation list.

X. RULES FOR VISITATION (See Operational Procedures):

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Each facility shall provide the rules for visitation to the youth and shall make these rules available to persons who are approved to visit a youth. Attachment 3, “Visitation Rules,” presents the Department’s standard rules of visitation.

Each facility shall develop operational procedures regarding the rules for visitation, including but not limited to:

A. Standard visiting hours for the facility:

1. Each facility shall establish and list its own standard visitation hours for all visitation types.
2. Standard visitation hours shall be scheduled outside of mandatory procedures for providing youth education and other required programs and services.
3. Designated staff shall ensure that the facility’s standard visitation hours are also posted and updated as needed on the facility’s website (www.in.gov/idoc).

B. Special visits at the facility:

Occasional special visits at the facility may be granted by the Warden or designee for all visitation types, including contact, non-contact, video, etc. on a case-by-case, including:

1. For persons exempted from the visitation application and scheduling process, including victims of the youth, in accordance with Sections XI, XII, and XV;
2. For approved visitors who are not available to visit during standard visiting hours:
 - a. Approval may even be given for an occasional special visit to occur during the time when a youth is normally in education or other required programs and services.
 - b. Arrangements must be made ahead of time with providers for youth to complete any work or activities missed.
3. For approved visitors who have two (2) or more immediate family members incarcerated at the same facility:

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- a. The visitor may be permitted to visit the immediate family members on the same day. Typically, the visitor does not visit all of the family members at the same time. The Warden or designee may grant an exception.
 - b. When approved, designated staff shall assist in scheduling this type of visit electronically.
4. In addition, consideration should be given to the visitor’s source of transportation, the distance that must be traveled, work schedules, caring for other children or family members, military leaves, pending military deployments, death in the family, accessibility to the facility or electronic devices, and any other special circumstances.
- B. The standard length of a visit at the facility:

Each facility shall establish and list its own rules regarding the length of a visit, which may be limited by the facility’s schedule, space, and personnel constraints; or, when there are substantial reasons to justify such limitations.

- C. The purchasing and consumption of vending machine items during a visit at the facility:

Each adult visitor shall be permitted to bring up to \$20.00, in coins only, into the visiting area to be used to purchase items from vending machines. The youth must consume all of the items during the visit itself, as no items may be taken out of the visiting area by the youth. Visitors shall not give any money to a youth. Giving money to a youth shall be considered trafficking and shall cause the visit to be stopped and the visitor restricted from future visits.

- D. The possession and/or trafficking of controlled substances during visitation at the facility:

The Warden or designee shall ensure that a sign containing these rules is posted in prominent location so that both youth and visitors may read it prior to entering the visitation area. These signs shall contain the following information in English and Spanish:

English:

“A person who, without the prior authorization of the person in charge of a penal facility, knowingly or intentionally:

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1. *Delivers or carries into the penal facility with intent to deliver an article to an inmate of the facility; or,*
2. *Carries or receives with intent to carry out of the penal facility an article from an inmate of the facility,*

commits trafficking with an inmate, a Class A misdemeanor. The offense is a Level 5 felony if the article is a deadly weapon, a controlled substance, a cellular telephone, or other wireless or cellular communications device.

A person who knowingly or intentionally possesses a cellular telephone or other wireless or cellular communications device while incarcerated in a penal facility commits a Class A misdemeanor.

A Class A misdemeanor is punishable by imprisonment for not more than one (1) year and a fine of up to \$5000.

A Level 5 felony is punishable by imprisonment up to six (6) years and a fine of up to \$10,000.

Spanish:

Una persona que sin la previa aprobación del personal deliberadamente:

1. *Lleve o transporte un artículo a la institución para la entrega a un ofensor o*
2. *Reciba un artículo de uno de los ofensores para transportar fuera de la institución,*

está cometiendo contrabando, una falta leve clase A. Si el artículo es un arma mortal, una substancia controlada, un teléfono celular y otro dispositivo de comunicación con conexión inalámbrica, esta ofensa es un delito grave del nivel 5.

Una persona que deliberadamente posea un teléfono celular u otro dispositivo de comunicación con conexión inalámbrica mientras está bajo la custodia de una institución penal está cometiendo una falta leve de clase A.

Un delito menor clase A es sancionable con encarcelamiento por no más de un año (1) años y una multa de hasta \$5,000.

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Un delito grave de nivel 5 es sancionable con encarcelamiento por hasta seis (6) años y una multa de hasta \$10,000.

The Department shall not tolerate trafficking with a youth, or the possession of controlled substances, tobacco, electronic devices, or weapons while on Department property. All youth and visitors shall be subject to search. Refusal to be searched shall result in a denial of the visit.

In all cases where a visitor and/or a youth are found to be trafficking, the incident shall be reported to the facility Investigations and Intelligence Office / Correctional Police Officer. Investigations and Intelligence / Correctional Police Officer shall process the incident to include the arrest of the visitor, if appropriate. All trafficking cases shall be referred to the prosecutor's office with a recommendation that the matter be prosecuted to the fullest extent. In addition, any visitor caught trafficking shall be permanently banned from visiting any youth or adult incarcerated individual in the Department at any facility.

Also, all Department facilities shall post signs in the area(s) where visitors are initially processed and in the visiting rooms/areas that advises visitors that drug, cellular telephone, and tobacco detection dogs (K-9s) may be in use in the facility, and visitors shall be subject to search by these dogs. The sign shall state, in both English and Spanish:

NOTICE:

Drug, cellular telephone, and tobacco k-9's (dogs) may be in use today in the visiting room. These dogs are non-aggressive. All visitors will be searched prior to entering the visiting room and/or during the visit. If you do not wish to be searched, you may choose not to visit today.

ATENCIÓN:

K-9's (perros) que pueden detectar narcóticos, teléfono celular, y tabaco pueden ser usados hoy en la sala de visitantes. Estos perros no son agresivos. Todos los visitantes van a ser registrados antes de entrar en la sala de visita y / o durante la visita. Usted puede optar por no visitar hoy!

XI. PERSONS EXEMPTED FROM THE VISITATION APPLICATION AND SCHEDULING PROCESS (See Operational Procedures):

Attorneys, clergy, media representatives, legislators, government officials, and/or persons from other agencies/organizations providing an approved service for the facility or the youth (e.g., Behavioral Health professionals, Indiana Vocational Rehabilitation counselors, Department of Child Services caseworkers, etc.) may be approved for visitation on a case-by-case basis by the Warden or designee.

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Members of the news media may be granted visits in accordance with Policy and Administrative Procedure 00-03-101, "Distribution of Information."

Exempted visitors do not have to submit an electronic application and be approved as outlined in Sections VI and VII. Exempted visitors need not be on the youth's visitation list as outlined in Section IX. Visits by exempted visitors shall not be considered part of the youth's regular visitation schedule as outlined in Section X.

However, designated staff must verify the qualifications of exempted visitors and may request background information and official assignment documentation from the potential visitor for this purpose. Also, an exempted visitor must still be approved by the youth's Parent(s)/Legal Guardian(s) – unless the exempted visitor is a court-appointed guardian or the youth's own attorney. When applicable, designated staff shall contact the youth's Parent(s)/Legal Guardian(s) to inform them of an exempted visitor's request and then obtain permission for them to visit. If permission is denied, the Warden or designee shall deny the request.

These visits may occur outside of standard visitation hours, as approved by the Warden or designee. However, whenever possible, exempted visitors should schedule their on-site and/or video visits at least twenty-four (24) hours in advance so that the facilities can ensure that suitable accommodations are available and that a gate release can be prepared in accordance with Policy and Administrative Procedure 02-03-103, "Facility Entrance/Exit Standards."

Where space is available and the security of the facility and safety of the people involved will not be impaired, a special area may be set aside for attorney-client visits. If space is available, arrangements also may be made to allow clergy to have a separate space, outside of the regular visiting room/area, to meet with the youth. The area shall be observable by staff; however, staff shall not listen to the conversations.

Each facility shall maintain a record for each youth documenting all of the youth's visits, including visits by persons exempted, such as attorneys, government officials, and clergy, etc. These records shall be maintained on the youth electronic information system. Any hard copy records involving youth visits shall be placed in the youth's institutional packet prior to the youth being transferred to another facility or, if the youth is released, prior to the transfer of the packet to storage.

Operational procedures shall identify employee(s) responsible and methods of:

- A. Verifying the qualifications of exempted visitors and if permission is needed from Parent(s)/Legal Guardian(s) for that exempted visitor;

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- B. Informing the youth’s Parent(s)/Legal Guardian(s), as needed, of the exempted visitor’s request to visit and obtaining permission for the visit(s);
- C. Arranging and approving the schedule, location, and supervision of the visit(s); and,
- D. Maintaining the visitation records for each youth, including the disposition of the record when a youth is released from the facility.

XII. VISITS BY VICTIMS OF THE YOUTH (See Operational Procedures):

Victims generally shall not be allowed to visit youth. However, a request for a one-time visit by a victim of the youth may be approved by the Warden or designee on a case-by-case basis:

- A. The request must meet one (1) of the following requirements:
 - 1. Victims who are immediate family members of a youth may request a visit.
 - 2. A victim’s licensed therapist may request that a victim visit if the visit is for therapeutic reasons: If the victim is in therapy, and the victim’s therapist believes that the visit is necessary for the successful treatment of the victim, the therapist may request a special visit. The therapist must submit a request on official letterhead stating the purpose of the visit and those to be present at the meeting. Additionally, the therapist must provide a signed statement from the victim or the victim’s parent/legal guardian, if the victim is still a minor, authorizing this visit and a copy of the therapist’s state license. Finally, the therapist who has requested the visit must agree to be a part of the visit.
 - 3. A representative of a victim reconciliation or restorative justice program may request for a victim to visit if the representative is able to provide details of the program, if the representative and/or facilitator(s) of the program will be a part of the visit, and if the Warden or designee has enough staff to provide supervision of the visit and the process.
- B. Upon receipt of a request, the Warden or designee shall determine if the visit of the victim will be in the best interests of the youth’s re-entry into the community as well as the safety and security of the facility, or the persons involved. The Warden or designee shall review the records regarding the actual crime and determine whether it appears that the victim

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and youth can safely visit. Visits between victims and youth may be non-contact visits or other restrictions may be placed on the visits, including a requirement that the visit be supervised.

- C. If the proposed visit appears to be appropriate, the Warden or designee shall contact the youth to ensure that youth agrees to such a meeting. If the youth does not agree, then the Warden or designee shall deny the request.
- D. If the youth approves the visit, then designated staff shall contact the youth's Parent(s)/Legal Guardian(s) to obtain permission. Designated staff shall inform them of the request and the therapeutic or programmatic reason(s) for the visit. If permission is not granted, then the Warden or designee shall deny the request.
- E. Once all parties approve the request, then a written notification, indicating the date and time of the visit, shall be sent to the therapist. The permission for such a therapeutic visit shall be for one (1) visit only. Therefore, the victim and the therapist do not need to complete the electronic application and approval processes as outlined in Sections VI and VII.
- F. If the therapist believes that another visit is necessary, the therapist must complete a second approval process. They must obtain approval from the youth, youth's Parent(s)/Guardian(s), and the victim. If approved, the request would be sent to the Warden or designee for approval. If approved, then the victim shall be required to complete the electronic application and approval processes in accordance with Sections VI and VII in order to be placed on the youth's visitors list as a regular visitor.
- G. Each time a visit between a youth and a victim is approved and scheduled, and the youth has a Victim Notification flag, the Warden or designee shall contact the Victim Notification Section in Central Office to advise of the intended visit.
- H. A youth who is approved to visit with a victim may be permitted to meet with a Mental Health Professional either before or after the visit in accordance with the facility's procedures for requesting Health Services.

XIII. VISITATION BY EMPLOYEES:

In accordance with Policy and Administrative Procedure 04-03-103, "Information and Standards of Conduct for Departmental Staff," an employee shall notify the Warden or designee in writing whenever a friend or relative is committed to the Department. An employee may be permitted to visit a youth who is an immediate family member. Additionally, with sufficient justification, an employee may be

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permitted to visit a youth who is a family member but not an immediate family member. In these cases, the employee shall provide the facility with sufficient information to verify the relationship and the need for such visits and permission must be obtained from the youth's Parent(s)/Legal Guardian(s).

An employee must obtain prior written approval to visit a youth. The employee shall obtain State Form 51058, "Request for Staff Contact with Offender," from the facility. The employee shall complete Sections I and II. The employee shall provide as much information as possible, including information verifying the relationship, so that a decision can be made regarding the visit. The employee shall submit the form to the Warden or designee of their facility. The Warden or designee shall review State Form 51058 and determine whether approval of the requested visit is in the best interests of the Department, youth, and employee. The Warden or designee shall consider such factors as the relationship between the employee and the youth, the employee's work history with the Department and the potential impact on the facility and the youth's adjustment. The Warden or designee shall indicate their decision on the form and forward it to the Warden or designee of the facility housing the youth or adult incarcerated individual.

Upon receipt of the request, the Warden or designee of the facility housing the youth shall forward it to designated staff who shall contact the youth's Parent(s)/Legal Guardian(s) to obtain permission. If permission is not granted, then the Warden or designee shall deny the request. If permission is granted, the Warden or designee of the facility housing the youth shall review the request. The Warden or designee of the facility housing the youth shall consider such factors as: the relationship between the employee and the youth; the youth's conduct history; the frequency of visits to the youth; the youth's family background; and, the decision of the staff member's Warden or designee and any comments made by that Warden or designee, etc.

If both Wardens or designees approve the request to visit, the Warden or designee of the facility housing the youth shall return the State Form 51058 to the staff member's Warden or designee who shall note the approval. A copy of State Form 51058, with the approvals of both Wardens/designees, shall be given to the employee who will be required to bring the form with them whenever a visit takes place. Additionally, a copy of the approved State Form 51058 shall be placed in the employee's personnel packet and a copy placed in the youth's packet.

Once the approval is given by both Wardens or their designees, the employee shall be required to complete the electronic application and approval processes as outlined in Sections VI and VII in order to be placed on the youth's visitors list.

If either or both of the Wardens or their designees do not approve the request from the employee to visit the youth, the Warden or designee of the facility housing the

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youth shall forward the request with all recommendations to the Executive Director, Division of Youth Services (ED/DYS). The ED/DYS shall review the request and, if necessary, contact the facilities to obtain additional information before rendering a decision. If one of the facilities involved is not under the ED/DYS's supervision, State Form 51058 shall be forwarded to the other Executive Director, as appropriate, for review and approval. If either of the Executive Directors deny the request, the request shall be considered denied and the employee shall not be allowed to visit the youth. The decision of the Executive Director(s) shall be final.

Following approval/denial by the ED/DYS, the original State Form 51058 shall be returned to the originating Warden or designee for filing and a copy shall be forwarded to the Warden or designee of the facility housing the youth. Once an approval has been granted for visits between an employee and a youth, the approval shall remain in effect until rescinded by the ED/DYS. If an employee terminates their employment with the Department, any approval to visit a youth shall be rescinded immediately and the employee will be required to follow the procedures for ex-staff members to visit a youth or adult incarcerated individual.

If the request is approved and the youth is transferred to another facility, the approval shall continue to be in effect unless the Warden or designee of the new facility determines that there is a reason to require the employee to submit a new request.

XIV. VISITATION BY EX-STAFF MEMBERS, EX-INCARCERATED INDIVIDUALS, VOLUNTEERS, AND EX-VOLUNTEERS:

For ex-staff members, ex-incarcerated individuals, volunteers, and ex-volunteers who wish to visit a youth, they must submit a written request for approval to the Warden or designee of the facility housing the youth. Upon receipt of the request, the Warden or designee shall forward it to designated staff who shall contact the youth's Parent(s)/Legal Guardian(s) to obtain permission. If permission is not granted, then the Warden or designee shall deny the request.

If permission is granted, then the Warden or designee shall review the request, considering the safety and security of the individuals and the facility, whether the visit is in the best interest of the facility and the individuals involved, and the following specific factors:

A. For EX-STAFF MEMBERS:

Generally, ex-staff members shall not be allowed to visit a youth who has been housed in the same facility in which the ex-staff member was employed and who was incarcerated at the facility during the time the ex-staff member was employed there. Unless the ex-staff member and the

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youth are immediate family members or special circumstances exist, visits by ex-staff members shall not be authorized until one (1) year after the staff member's separation from the Department.

An ex-staff member shall not be permitted to visit a youth if the relationship between the youth and the ex-employee started or resulted from contact between the ex-staff member and the youth during the ex-staff member's period of employment with the Department.

In cases where an ex-staff member has been terminated from employment or allowed to resign prior to termination, or during an investigation arising from a violation of Department rules or procedures involving a youth or adult incarcerated individual, (e.g., trafficking, inappropriate contact, etc.) the ex-staff member shall be denied visitation privileges permanently from all Department facilities. Such denials shall be noted in the youth electronic information system.

Once the Warden or designee approves the request, then the request shall be forwarded to the Executive Director, Division of Youth Services (ED/DYS) for review and approval/denial. The ED/DYS shall render a decision and so notify the Warden or designee submitting the request. The decision of the ED/DYS shall be final.

If the decision is to deny the request to visit, the ex-staff member may submit another request one (1) year from the date of the denial. If the request is approved by the ED/DYS, then designated staff shall inform the ex-staff member that they are now required to complete the electronic application and approval processes as outlined in Sections VI and VII in order to be placed on the youth's visitors list.

Once the ex-staff member is approved, and the youth is transferred to another facility, the approval shall continue to be in effect unless the Warden or designee of the new facility determines that there is a reason to require the ex-staff member to submit a new request.

B. For EX-INCARCERATED INDIVIDUALS:

Ex-incarcerated individuals shall be approved or denied for visitation on a case-by-case basis. Permission for visits by ex-incarcerated individuals, who are not under any type of community supervision (e.g., parole or probation), may be considered after the ex-incarcerated individual has been discharged or released from parole or probation supervision for a period of one (1) year. Individuals who received county jail time but have never received a court order for any type of community supervision, and who have

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not been incarcerated in a state or federal prison do not fall under the (1) year consideration and can be approved or denied at the discretion of the Warden or designee.

Ex-incarcerated individuals, including parolees, and probationers, may also be considered for visits if special circumstances warrant such consideration. Special circumstances are visits that will aid in the youth's treatment, education/employment transition, and/or re-entry and other aftercare programming. If still on probation / parole, the ex-incarcerated individual shall obtain written authorization from their parole / probation officer prior to consideration by the Warden or designee. The original signed approval from the parole or probation officer must be sent to the Warden or designee where the ex-incarcerated individual is requesting visitation.

Once the person(s) is approved by the Warden or designee, then designated staff shall inform the ex-incarcerated individual and provide them with an approval letter. However, approvals to visit shall be for one (1) visit only, unless otherwise specified by the parole or probation officer, if applicable, and the Warden or designee. Since the ex-incarcerated individual is approved for one (1) visit only, they do not need to complete the electronic application and approval processes as outlined in Sections VI and VII. If they request additional visits, they must repeat this process for each additional visit and obtain a separate approval letter.

If denied at any stage of the process, designated staff shall inform the ex-incarcerated individual. Denials of requests to visit shall be noted in the youth electronic information system. In cases of denials, the parolee or probationer may submit a request again no earlier than one (1) year from the date of the last denial. If the request is approved and the youth is transferred to another facility, the approval shall continue to be in effect unless the Warden or designee of the new facility determines that there is a reason to require the ex-incarcerated individual to submit a new request.

The Warden or designee may also approve for regular visitation an ex-incarcerated individual who has children under the age of eighteen (18) with a current youth, provided the relationship of the children to the youth is verifiable and the ex-incarcerated individual visits the youth with the mutual children each time. However, then the ex-incarcerated individual shall be subject to the same Parent(s)/Legal Guardian(s) and electronic application approval process as other ex-incarcerated individuals as outlined in this section. The children shall be subject to the application and approval processes as outlined in Sections VI and VII.

C. For VOLUNTEERS:

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Once volunteers are approved by the Parent(s)/Guardian(s), the electronic application and approval processes, and the Warden or their designee, they are still subject to Policy and Administrative Procedure 00-03102, "Community Engagement."

Visits by volunteers as a part of an approved volunteer program at the facility shall be in addition to a youth's normal visiting schedule. Volunteers shall be advised of the facility's visitation rules/procedures during their orientation training.

Persons who are providing services to youth in a volunteer capacity may be allowed to visit one (1) youth outside of the approved volunteer program. Persons who are on a youth's visitation list may be permitted to provide volunteer services at the facility housing the youth if the volunteer's program duties are such that visiting the youth would be in the best interests of the program and the youth. Volunteers may be allowed to visit a youth or adult incarcerated individual at a facility not receiving their services. However, they are to report to the Warden or designee of the facility where their services are provided and the Warden or designee of the facility housing the youth or adult incarcerated individual that they are visiting a youth or adult incarcerated individual at another Department facility.

D. For EX-VOLUNTEERS:

Unless the ex-volunteer and the youth are immediate family members, or special circumstances exist, visits by ex-volunteers shall not be authorized until one (1) year after the ex-volunteer's separation from the Department.

If authorized, and once the Warden or designee approves the request, then the request shall be forwarded to the Executive Director, Division of Youth Services (ED/DYS) for review and approval/denial. The ED/DYS shall render a decision and so notify the Warden or designee submitting the request. The decision of the ED/DYS shall be final.

If the decision is to deny the request to visit, the ex-volunteer may submit another request one (1) year from the date of the denial. If the request is approved by the ED/DYS, then designated staff shall inform the ex-volunteer that they are now required to complete the electronic application and approval processes as outlined in Sections VI and VII in order to be placed on the youth's visitors list.

XV. RESTRICTIONS ON VISITS WITH MINORS (See Operational Procedures):

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Youth who have a current or prior sex offense adjudication and/or conviction involving a minor (i.e., any persons under the age of eighteen [18] years old) may be restricted from receiving visits from any persons under the age of 18 years old. In these cases, the youth shall be made aware of this restriction and may appeal the decision to deny these visits. Visitors should be aware of this restriction before attempting to bring persons under the age of 18 years old to visit.

A. CONDUCTING THE INTAKE ASSESSMENT:

1. When a youth is received at a DYS Intake Unit, staff at the Intake Unit shall review the youth’s records to determine whether there has been a current or prior sex offense adjudication and/or conviction involving a minor (i.e., any persons under the age of 18 years old). If there is such a conviction/adjudication, the youth’s record shall be marked with a “Y” (for Yes) in the “VMR” (Visitor-Minor Restriction) field in the youth electronic information system.
2. Any youth identified as having a sex offense involving a minor shall be notified in writing of the visitation restriction with minors. State Form 3779, “Denial/Restriction of Visitation Privilege,” shall be used for this purpose. The youth shall be advised that their visitation with minors will be restricted until their records have been thoroughly reviewed. A copy of the completed State Form 3779 shall be placed in Section VI of the youth’s institutional packet.
3. The following visiting restrictions for minor visitors shall be imposed:
 - a. Youth with no current or previous sex offenses involving a minor – No restrictions on minor visitation.
 - b. Youth with no sex offense(s) in the current commitment period and a previous sex offense that did not involve a minor – No restrictions on minor visits.
 - c. Youth with a current or previous sex offense involving a minor: No minor visitation.

B. APPEALING THE RESTRICTION ON VISITS WITH MINORS:

Youth who are denied visits with minors may file a grievance in accordance with Policy and Administrative Procedure 03-02-105, “Youth Grievance Process”:

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1. The Warden or designee shall review the grievance and approve or deny the youth's request for an exemption to the visitation with a minor restriction.
2. The Grievance Specialist shall prepare a response using the appropriate response form and meet with the youth to explain the results of the grievance.
3. If the youth rejects the response and wishes to appeal the response to the next level, the Grievance Specialist/designee shall explain to the youth the appeal process. The appeal shall automatically be forwarded along with the typed grievance, the grievance file, and the investigation of the grievance to the Warden or designee for review and a decision.
4. The decision of the Warden or designee in consultation with the SOMM Program Director shall be final. There are no other appeals available within the Department.

C. APPROVING AN APPEAL AND REMOVING A RESTRICTION:

If the decision is to approve the appeal, remove the restriction, and grant the visits, the Grievance Specialist shall inform the youth that the requested visits are granted. However, these visits are contingent on the following:

1. The youth must consent to send State Form 50270, "Sex Offender Visitation with Minor Visitation Disclosure," at their expense to the parent/legal guardian of the intended visitor(s), and the parent/legal guardian must complete the form. This form, completed by the youth's assigned treatment staff, not the youth, shall indicate the youth's offense; the age of the victim; sentence imposed by the court; an agreement to accept responsibility for a minor to visit the youth; agreement to abide by all of the facility's visitation rules; and the conditions of the visit. This form must be completed, signed, notarized, and returned to the youth's assigned treatment staff.
2. Whenever such a visit occurs, all rules and procedures regarding visits made by visitors under the age of eighteen (18) shall be followed in accordance with this policy and administrative procedure. However, all minor visitors specially approved to visit VMR offenders shall be required to provide a legible copy of a birth

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certificate no matter their age and additional identification may be required in other special circumstances as required by the Warden or designee.

3. The child(ren) may visit the youth only in the company of the parent/legal guardian unless prior approval has been given and recorded by the parent/legal guardian on SF 48965, "Authorization for Minor Child to Visit," in accordance with this policy and administrative procedure, to allow another adult to accompany the child(ren) to the facility.

If all of the above conditions are met, visitation is granted, and visits with the requested minor who is immediate family may occur:

1. Designated staff shall ensure that the approval is noted in the "Comment" field in the "Counselor's Approval List" in the youth electronic information system while retaining the "Y" indicator on the "VMR" field.
2. The decision to allow a youth with a current or previous sex offense involving a minor to have visits with minors shall be honored by all facilities dependent upon the youth continuing to meet the stated criteria. The deciding facility's designated staff shall ensure that notation of the decision is documented in the approved electronic record.

D. REINSTATING RESTRICTIONS:

The decision to allow a youth with a current or previous sex offense involving a minor to have visits with minors may be rescinded and restrictions reinstated by the Warden or designee based upon:

1. The youth's behaviors during visits or in the facility, which result in any disciplinary actions taken against the youth.
2. The youth, after having been approved for visits, fails to continue to meet any of the above criteria or exhibits any behavior that raises concerns about the safety or security of the facility or the public.

In such instances, the process to restrict visitation outlined above shall be followed again.

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E. PERMITTING VISITS WITH MINORS VIA AN ORDER OR REQUEST BY EXTERNAL STAKEHOLDERS:

In certain cases, visits with minors may be permitted even if the youth does not meet all of the above criteria. Unless prohibited by a court order, the Warden or designee may approve a visit with minors who are immediate family members in the following situations:

1. The facility receives a court order instructing it to allow the youth to visit with a specific minor. If a facility receives a court order for a VMR youth to be permitted visitation with a minor, the facility shall contact the Division of Legal Services as soon as possible. The Division of Legal Services shall contact the court and advise the facility as to what action is to be taken.
2. A therapeutic visit is requested by the victim's licensed therapist. If requested, then the therapist must complete the approval process outlined in Section XII. However, in addition to the Warden or designee reviewing the request, the Warden, the assigned intake, or treatment, staff, and the SOMM Program Director shall review this request and determine whether it appears that to permit such a visit will be in the best interests of all parties. If permission is denied by this group, then the Warden or designee shall deny the request.
3. If the therapist believes that another visit is necessary, then the therapist must complete a second approval process as outlined in Section XII.F.
4. The Victim Notification Section in Central Office may need to be contacted, and youth may be permitted to meet with mental health either before or after the visit in accordance with Section XII.G and XII.H.

XVI. VISITATION RECORDS (See Operational Procedures):

Each facility shall maintain a record for each youth documenting all of the youth's visits, including visits by attorneys, clergy, current and former employees or volunteers, ex-incarcerated individuals, media representatives, legislators, government officials, victims of the youth, and persons from other agencies/organizations providing an approved service for the facility or the youth. These records shall be maintained on the youth electronic information system. Any hard copy records involving youth visits shall be placed in the youth's institutional

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packet prior to the youth being transferred to another facility or, if the youth is released, prior to the transfer of the packet to storage.

Operational procedures shall identify the employee 's responsibilities and method of maintaining this record, including the disposition of the record when a youth is released from the facility.

XVI. VISITOR SIGN-IN:

Each visitor shall sign-in at a place designated by the Warden or designee and in a manner appropriate for the facility. This designated location shall have access to the youth electronic information system. State Form 14389, "Log of Visitors," shall be completed for this purpose.

- A. Staff assigned to the sign-in area shall confirm and update the visitor's date of birth (DOB), gender, phone number, and current address.
- B. Immediately prior to entry into the authorized visiting area, all visitors shall be asked, "Do you have in your possession any firearms, weapons, knives, ammunition, narcotics, medication, controlled substances, alcoholic beverages, marijuana, tobacco or tobacco related items, money/currency, cameras, video or audio recording equipment or electronic devices, including cellular telephones, pagers or other communication devices?"
 - 1. If the visitor responds negatively, and no contraband or prohibited property is found in the search process (including searches by drug and tobacco detecting dogs), entry into the visiting room may be allowed.
 - 2. If the visitor responds affirmatively, or contraband or prohibited property is found during the search process, staff shall advise the visitor that they will not be allowed into the visiting room.
 - 3. If the visitor is in possession of prohibited property, the staff member shall advise the visitor what action (method of disposal of the prohibited property, such as putting in a vehicle or a locker if available) may be taken so that the visit may proceed. If the property is contraband, the employee shall notify their supervisor immediately for instructions regarding how to proceed and whether facility Investigations and Intelligence / Correctional Police Officer or law enforcement will be notified.

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- C. Staff shall follow the facility's procedures for entry into the facility. Cameras, recording equipment and other electronic devices shall not be permitted into the facility without the prior written approval of the Warden or designee, except in cases involving the news media as provided in the administrative procedures for Policy and Administrative Procedure 00-03-101, "Distribution of Information," or Department staff/law enforcement who need the equipment to carry out their duties.

- D. During the influenza season, staff shall question the visitor about influenza-like illness prior to entering the facility to visit:
 - 1. All visitors must be asked specifically if they have had, within the previous seven (7) days, any of the following symptoms:
 - a. Fever;
 - b. Cough;
 - c. Body aches;
 - d. Runny nose; and/or,
 - e. Sore throat.

 - 2. Visitors with current symptoms observed during questioning or those who acknowledge having had any of the symptoms listed above in the previous seven (7) calendar days prior shall not be permitted to enter the facility.

- E. Hand sanitizer shall be available in all visitor entries and all visitors shall be encouraged to use this product or wash their hands before entering the facility.

- F. Additionally, all visitors shall be asked "Are you or have you ever been an employee of the Department of Correction?" If the visitor answers affirmatively, facility staff shall determine whether the visitor has received the necessary approval in accordance with Sections XIII and XIV. If the visitor has not received the necessary approval, staff shall advise the visitor of the proper request procedures and deny entry until approval is obtained. If it is determined that the visitor has not been truthful, the Warden or designee shall be notified. The Warden or designee shall submit a written report to the Executive Director, Division of Youth Services (ED/DYS). All facilities shall be notified that the individual shall not be permitted entry into any Department facility. The visitor shall have the right to appeal the decision to the ED/DYS.

- G. Furthermore, visitors shall be asked if they have any disabilities that will require special accommodations. Such accommodations may include

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allowing the visitor to enter the facility with a service dog (seeing-eye dog, etc.). Once alerted by staff, the Warden or designee shall determine whether the visitor's indicated a need shall be approved for a special accommodation.

- H. If this need was indicated and a special accommodation has been approved, staff shall process the visitor in accordance with policy and administrative procedure, including preparing a gate release in accordance with Policy and Administrative Procedure 02-03-103, "Facility Entrance/Exit Standards."
 - 1. Visitors with special accommodations shall be advised that they will be searched, and the search shall include any special equipment, such as wheelchairs or service animals. Service animals shall have their collars/harnesses searched by staff, and the service animal shall be required to pass through the facility's metal detector.
 - 2. While service animals may be permitted in the visitation area, the visitor shall be advised that if the animal becomes disruptive or interferes with the visit, the visitor and the service animal shall be advised that the visit is terminated. The visitor shall be liable for all actions of the service animal while on facility grounds.
- I. The Department shall oversee the development of posters that will be placed in prominent locations within the facilities displaying various methods of reporting sexual behaviors and incidents. These posters shall be placed in locations in the facilities where they can be seen by staff, visitors, and youth, and they will be written in both English and Spanish.
- J. The sign-in area shall have a supply of brochures regarding the Prison Rape Elimination Act (PREA) available for visitors to review.

XVII. VISITOR SEARCHES:

All visitors attempting to visit a youth shall submit to a search of their person and property. Minimally, all visitors shall be required to submit to a modified frisk search in accordance with Policy and Administrative Procedure 02-03-101, "Searches." Frisk/modified frisk searches of a visitor's person shall be conducted by staff of the same gender as the visitor.

- A. The modified frisk search shall consist of all aspects of the frisk search conducted on youth with the exception of:
 - 1. It will not be necessary for the staff person conducting the search to inspect the mouth or nasal passage;

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2. The person being searched will not be required to bend at the waist and run their hands through the hair; and,
 3. Pulling the shirt/blouse out of the pants, if tucked into the pants.
- B. If reasonable cause exists to believe the visitor is carrying prohibited property or contraband, staff may request that the visitor submit to a frisk search, with approval of the Warden or designee.
- C. Additionally, visitors shall be subject to additional searches using metal detectors, and/or other approved search methods. Visitors in the waiting area and in the visiting room may be searched by trained K-9s at any time while in the facility. Searches by K-9s shall be in accordance with the procedures for the search of persons using drug and tobacco detecting K-9s in the Department’s Emergency Manual. Facilities shall ensure that visitors are informed of the proper behavior and actions when being searched by K-9s. This notification shall include a sign posted in the visitor waiting area and the visiting room as well as staff announcing the entrance of K-9s into an area for searches.
- D. Any visitor who refuses to be searched shall be advised that they will not be permitted to enter the facility visiting area. In cases where a visitor refuses to be searched by any means during a visit, the visit shall be terminated, and the visitor shall be escorted from the facility.

Staff at the initial processing area and in the visiting area shall maintain a log of all visitors who refuse to be searched upon demand. The facility shall follow the procedures for documenting the denial of a visit in accordance with Section XX of this policy and administrative procedure.

- E. Youth shall be strip searched prior to entering the visiting room and shall be strip searched immediately upon leaving the visiting room before being allowed to return to their living area or assignment:
1. At the conclusion of the visit, the youth shall be required to leave the visiting area first. The visitor shall be requested to wait until the youth has been processed and searched. If staff finds any prohibited property or contraband on the youth, staff shall identify the visitor and shall contact local law enforcement and the facility Investigations and Intelligence Office / Correctional Police Officer. The visitor shall be allowed to leave the visiting area once the youth is searched and leaves.

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2. If staff searching the youth discovers any prohibited property or contraband in the youth’s possession after a visit with an Official Youth Visitor, the employee conducting the search shall follow standard procedures when such items are discovered and shall notify the Shift Supervisor. The Shift Supervisor shall notify the Warden or designee as soon as possible. The Warden or designee shall advise the Executive Director, Division of Youth Services (ED/DYS) of the incident and shall contact the Official Youth Visitor’s supervisor with the information.
- F. Frisk and strip searches, use of metal detectors, x-rays, K-9’s and inspection of purses, packages and bundles shall be governed by the standards established in Policy and Administrative Procedure 02-03-101, "Searches," and shall be consistent with the facility’s security needs.

XVIII. IDENTIFICATION:

All visitors aged sixteen (16) years and older shall be required to produce picture identification before entering the visiting area. All visitors must present valid identification each time they visit. The only forms of identification accepted by the Department are:

- A. A valid driver’s license from the state of residence;
- B. A valid state photo identification card from the state of residence;
- C. A valid photo military identification card;
- D. A valid passport; and,
- E. A valid government identification card, including foreign governments.

Children under the age of three (3) months are not allowed in the facility under any circumstances. Children who are over three (3) months of age but are under the age of eighteen (18) shall be accompanied by a parent or legal guardian at all times while on facility grounds. This procedure does not apply to a youth's spouse who is under the age of eighteen (18) years. Based upon a request from the youth, the Warden or designee may grant an exception to this requirement. In cases where a parent or guardian cannot accompany a minor child, the Warden or designee may approve another responsible adult to accompany the child during a visit. In these cases, the accompanying adult must be on the youth’s visitor list. The minor child’s parent or legal guardian must sign and have notarized State Form 48965, “Authorization for Minor Child to Visit,” prior to the minor child being authorized to visit.

Children who are over the age of three (3) months but under the age of eighteen (18) shall be assigned a computer-generated identification number in the youth

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electronic information system. All visitors over the age of thirteen (13) years shall be logged into the youth electronic information system.

XIX. VIDEO VISITATION (See Operational Procedures):

Facilities providing video visitation through a contracted vendor, whether by on-site or at-home visitation, shall provide youth with the information and rules governing the use of the kiosk and fee schedule during facility orientation.

- A. Youth and visitors using video visitation shall be subject to the same rules, hours of availability, and procedures as regular visitation as outlined in this policy and administrative procedure. Youth or visitors that violate or abuse the rules governing visitation or video visitation may have their video visitation privileges temporarily or permanently suspended, following the same guidelines for suspension of regular visitation privileges as outlined in Section XX.
- B. Visitors for any video visitation must appear on the youth's approved visitation list.
- C. Video visitation may be monitored by staff live or by review once the uploads are archived. A poster near the kiosk shall notify youth that video visits may be monitored. The Warden or designee, in consultation with the facility's Intelligence and Investigative staff, shall determine the staff members granted access to the video visits.
- D. The Warden or designee shall determine the days and times that video visitation shall be available.

Each facility in the Division of Youth Services shall develop operational procedures to guide the operation of video visitation.

XX. DENIAL AND SUSPENSION OF VISITATION AND GATE CLOSURES (See Operational Procedures):

A youth's visitation privileges may be denied or suspended, and individual visitors may have their visitation status suspended or permanently denied:

- A. Suspension and denial of visitation privileges may be applied to on-site visitation, video visitation, or both.
- B. Youth or Parent(s)/Guardian(s) who falsify the identity of an essential connection may have their visitation privileges temporarily suspended. Youth or visitors who violate or abuse the rules governing visitation at the

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facility may have their visitation privileges temporarily suspended. A youth's visitation privileges also may be temporarily suspended for administrative reasons, such as during lockdowns. Temporary suspensions of a youth's visitation privileges may be for all visits or may be limited to a specific visitor. Temporary suspensions of a youth's or visitor's visitation privileges shall be for a determinate length of time. However, visitation privileges for a specific visitor may be permanently denied and a gate closure issued if it is determined that to allow such visits would threaten the safety and security of the facility.

- C. Any temporary suspensions for a period of more than 60 days or permanent suspensions (gate closures) shall be reported to the Executive Director, Division of Youth Services (ED/DYS). Suspension of a youth's visitation privileges, and gate closures, shall be noted in the youth electronic information system. Additionally, the Warden or designee issuing the suspension or gate closure shall send an e-mail to all other facilities notifying the facilities of the suspension or gate closure. The e-mail shall indicate the name of the visitor, the youth who was being visited, the reason for the suspension or gate closure and, if it is a temporary suspension, the date that the suspension will end.
- D. Visitors who violate the visitation rules/procedures may be denied visits to a particular youth or adult incarcerated individual, to a specified facility, or to all Department facilities. Denial of these privileges shall be based upon the Department's interest in security, safety, and order of the facility and the safety of the individuals involved.
- E. Denial or suspension of visitation privileges or gate closures shall be given to the youth and visitor in writing, including the reason for the denial, the name of the employee making this decision, and the right of the youth to appeal the decision to deny visitation privileges through Policy 03-02-105, "Youth Grievance Process." State Form 3779, "Denial / Restriction of Visitation Privilege," shall be used to notify the youth of the decision to deny or restrict visitation privileges. Additionally, the visitor shall be advised that while the suspension or gate closure is in effect, the visitor shall not be permitted to visit youth or adult incarcerated individual in any Department facility. Whenever possible, the youth and the visitor should be notified of the suspension or gate closure within two (2) weeks of the initial decision. The denial or suspension of visitation privileges or gate closures shall be logged in the youth electronic information system.
- F. In cases where a youth's visitation privileges are suspended due to either the youth's behavior or based upon security needs of the facility, it shall be the responsibility of the youth to advise any prospective visitors of this

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suspension. Visitors who come to the facility to visit youth whose visitation privileges have been suspended shall be advised that the youth may not receive visitors and be given the approximate date for when the suspension may be lifted.

Visitors whose visitation privileges to visit a youth are denied or suspended or who are the subjects of gate closures may submit a letter to the Warden or designee of the facility housing the youth requesting that the denial, suspension, or gate closure be reconsidered:

- A. The Warden or designee shall review the request and determine whether the denial, suspension or gate closure was applied in accordance with this policy and administrative procedure.
- B. If the Warden or designee determines that the denial, suspension, or gate closure is to be rescinded, the Warden or designee shall ensure that all appropriate staff at the facility and any other facilities are notified of the decision and that the visitor shall be allowed to visit the youth again.
- C. If the decision of the Warden or designee is to uphold the denial, suspension or gate closure, the visitor shall be advised that they may appeal the decision of the Warden or designee by writing to the Executive Director, Division of Youth Services (ED/DYS). The visitor shall explain the circumstances of the denial and why the visitation privilege should be reinstated. The ED/DYS shall contact the Warden or designee who has denied visitation and determine the reasons for this action. The ED/DYS shall notify the visitor of their decision. The ED/DYS shall maintain a file of all requests to reinstate visits and the decision to uphold or reverse the restriction. The decision of the ED/DYS shall be final.
- D. If the action of the Warden or designee is upheld, the visitor may apply again to have visitation reinstated no earlier than one (1) year from the date of the ED/DYS's denial. The visitor shall send a letter to the Warden or designee of the facility housing the youth requesting that visitation be reinstated. The Warden or designee shall review the request and any previous materials relating to the request. If the decision of the Warden or designee is to lift the visitation restriction, the Warden or designee shall forward a letter to the visitor advising that the restriction has been lifted and that the visitor may commence visiting the youth again. If the visitation restriction is upheld, a letter shall be sent to the visitor advising that they may again apply for visitation no earlier than one (1) year from the denial. The visitor shall be advised that the decision of the Warden or designee may be appealed to the ED/DYS.

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E. If the visitor appeals the Warden or designee’s denial, the ED/DYS shall review the appeal. If the Executive Director overturns the Warden or designee’s decision upon review or on appeal, the ED/DYS shall notify the visitor and Warden or designee issuing the gate closure as to the decision. The Warden or designee shall be instructed to lift the gate closure and allow the visitor to have visits at the facility. Also, the ED/DYS shall send an e-mail to all facilities advising that the gate closure has been lifted. If the ED/DYS upholds the Warden or designee’s decision, the visitor shall be so notified and advised that this decision may be appealed to the Warden or designee of the facility housing the youth one (1) year from the date of the ED/DYS’s decision.

Temporary suspension of a youth’s visitation privileges for on-site, video, or both may be lifted by the Warden or designee due to extenuating circumstances, such as a death in the family, pending military deployment, or family has been away on military leave where a special visit is warranted.

When a youth is no longer on temporary visitation suspension, their visitation privileges shall be reinstated.

Operational procedures shall be developed that include notification to the appropriate Executive Director of all facility gate closures. The Restrictions Report shall be reviewed routinely by the facilities to monitor the denial or suspension of visitation privileges or gate closures.

XXI. BODILY CONTACT BETWEEN YOUTH AND VISITORS (See Operational Procedures):

Youth and visitors may be physically separated. In those cases where a youth and visitor are permitted contact, the youth and visitor may be permitted to shake hands and/or embrace at the beginning and end of the visit. There shall be no embracing nor hand holding during the actual visit. Children too small to sit in a chair by themselves may sit on the youth’s lap during the visit.

Additionally, if family or friends wish to purchase vending machine items for the youth they are visiting, they may do so at the end of the visit. These items will not be consumed during the visit. A maximum of three (3) unopened purchased items may be taken back to the housing unit upon the youth leaving the visiting area.

Denial of contact visits shall be based upon a reasonable suspicion that to allow the youth contact visits would jeopardize the safety and security of the facility or the persons involved or may lead to the introduction of contraband or prohibited property. The denial of contact visits shall require the same notice and right to appeal in accordance with Section XX of this policy and administrative procedure.

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Youth who are placed on non-contact visitation may have the option of regular non-contact visits, on-site video visitation or at-home video visitation through a vendor, if these options are available at the facility. There shall be no cost for intra-facility video visitation; however, there may a cost associated with video visitation provided by a vendor.

Non-contact or video only visits shall be imposed as an administrative restriction. The basis for the imposition of non-contact visits is an action that took place during a visit. Non-contact or video visits shall be imposed as an administrative action by the Warden or designee based upon a staff member’s written recommendation and justification indicating reasonable knowledge or information and belief that non-contact visitation is appropriate. Any imposition of non-contact or video visits must have the written approval of the Warden or designee.

Facilities shall develop operational procedures to ensure that non-contact or video only visits are authorized and implemented in accordance with this policy and administrative procedure.

XXII. SUPERVISION OF VISITING ROOM:

The following rules shall be maintained in the visiting area Post Orders:

- A. Facilities must provide direct visual supervision of the entire visitation area at all times. Staff must position themselves throughout the visitation area to maintain a direct line of sight on interactions between youth and visitors. While mirrors or cameras can augment direct supervision and compensate for blind spots, staff shall position themselves with a direct line of sight on interactions between youth and visitors.
- B. Staff shall immediately intervene on inappropriate behavior, which may include behavior outside the bounds of permitted intimacy or involve any violation of visiting regulations that may prove uncomfortable, disruptive, or offensive to other youth and visitors.
- C. Should inappropriate behavior result in an incident report or termination of the visit, staff must provide the reasons for terminating a visit in writing, by using State Form 3779, “Denial/Restriction of Visitation Privilege,” to the youth who in turn may appeal the action to the Warden or designee.
- D. Notices shall be posted informing visitors of the potential for monitoring anywhere in the visiting area (e.g., staff of the same gender as the visitor should monitor the restrooms during visits if there is a reasonable suspicion that a visitor or youth may engage or be engaging in some form of prohibited behavior).

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XXIII. EMERGENCY SITUATIONS:

When the Warden or designee determines that an emergency situation exists as presented in Policy and Administrative Procedure 02-03-102, "Emergency Response Operations," any or all visits shall be suspended. Any visits in progress shall be terminated and the visitors escorted from the facility.

In cases where the Warden or designee determines that it is in the best interest of the facility, visitors or youth, the Warden or designee may suspend any or all visitation privileges. In those cases, the Warden or designee shall notify the individuals involved that the visit is terminated. The individuals involved in the terminated visit shall be advised if and/or when a visit may occur again.

XXIV. APPLICABILITY:

This policy and administrative procedure is applicable to all Division of Youth Services facilities, staff, and youth.

signature on file
Robert E. Carter, Jr.
Commissioner

Date