

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 401 YOUTH REHABILITATION AND TREATMENT CENTERS

CHAPTER 1 GENERAL PROVISIONS

001. SCOPE AND AUTHORITY. These regulations implement the Department of Health and Human Services' administrative powers over the Youth Rehabilitation and Treatment Centers pursuant to Neb. Rev. Stat. § 43-404. The provisions in these regulations apply to all youth committed to the Youth Rehabilitation and Treatment Centers.

002. ACCESS TO SERVICES. All youth committed to a Youth Rehabilitation and Treatment Center have access to academic education, vocational education, health maintenance services, mental health services and substance abuse programming.

003. RELIGIOUS PRACTICES. Youth committed to a Youth Rehabilitation and Treatment Center may practice the religion of his or her choice as long as the safety, security or good order of the facility is not threatened.

004. DISAPPROVED CONTACTS. The Youth Rehabilitation and Treatment Center may establish a list of disapproved contacts for any youth committed to a Youth Rehabilitation and Treatment Center. The list may be changed or amended by the Youth Rehabilitation and Treatment Center at any time. Youths shall not be allowed to correspond with youth or adult offenders at juvenile or adult correctional institutions or juvenile detention centers without the approval of both institutions.

005. MAIL SERVICES. Youth committed to a Youth Rehabilitation and Treatment Center will have access to mail services so long as state and federal laws and regulations governing the use of the mail are not violated, and the security, safety and good order of the facility is not threatened.

005.01 CONTACTS. A youth may write and receive mail from anyone he or she chooses so long as the name of each party on the letter does not appear on the youth's list of disapproved contacts.

005.02 MAIL PROCEDURES. All outgoing and incoming mail will be processed by an employee of the Youth Rehabilitation and Treatment Center. All mail is subject to examination for enclosures and contraband.

005.02(A) PRIVACY. Mail may be read by an employee of the Youth Rehabilitation and Treatment Center.

005.02(B) OUTGOING MAIL. No sealed envelopes will be permitted to be mailed from a youth committed to the facility unless the letter is addressed to one of the Privileged Contacts identified this chapter. All sealed envelopes not addressed to a Privileged Contact shall be returned to sender along with a written explanation for the return. Each outgoing letter shall bear the name of the writer and his or her address in the upper left-hand corner on the front of the envelope. If any outgoing mail is not allowed to leave the facility, it will be returned to the sender, along with an explanation for the reasons for the action.

005.02(C) INCOMING MAIL. All mail sent to a youth must include the name and address of the sender on the outside of the envelope.

005.02(C)(i) MONETARY FUNDS. Monetary funds received through the mail will be posted to a youth's institutional account if the sender is identified and receipt of these funds does not otherwise violate a Departmental rule or regulation. If there is no indication of the name and address of the sender, the funds will be placed in the institutional welfare fund.

005.02(C)(i)(1) PROHIBITED MONETARY FUNDS. A youth may not receive monetary funds from another youth in a Youth Rehabilitation and Treatment Center, a relative of another youth in a Youth Rehabilitation and Treatment Center, a youth or an adult inmate in a correctional institution, a volunteer, or a person sending money at the request of another youth in the correctional institution. Any monetary funds received from these sources will be returned to the sender.

005.02(D) PRIVILEGED MAIL EXCEPTION. Mail may not be subject to the other provisions of this section if the requirements of this subsection are met.

005.02(D)(i) OUTGOING MAIL. A youth may send sealed letters if the letters are clearly addressed to any federal or state official, including the Ombudsman and Inspector General of Child Welfare, or to any attorney of record for the youth.

005.02(D)(ii) INCOMING MAIL. If a youth receives mail and the sender is identified in commercial printing on the envelope as a federal or state official or an attorney of record for the youth, mail will be opened by the youth in the presence of staff. An employee of the Youth Rehabilitation and Treatment Center may examine the mail for contraband, but shall not read the mail unless there is clear and convincing evidence that such mail constitutes a threat to the safety, security or good order of the facility.

005.02(E) CONTRABAND. No outgoing or incoming mail may include contraband. The Youth Rehabilitation and Treatment Centers will established a list of designated items that are considered contraband.

005.02(E)(i) CONTRABAND IN OUTGOING MAIL. If contraband is found to be contained in any outgoing mail, such contraband shall be seized and a receipt given to the youth. In the event that seizure of the letter containing contraband is necessary

for disciplinary purposes, the youth shall be notified in writing. At the conclusion of any disciplinary action, seized contraband shall be destroyed, retained, or referred to a law enforcement agency, as appropriate. If a youth desires to challenge a seizure of contraband, he or she may do so by employing the grievance procedure set forth in this Title.

005.02(E)(ii) CONTRABAND IN INCOMING MAIL. If any contraband is found to be contained in any incoming mail, such contraband will normally be returned to the sender, along with a copy of the written statement indicating the reason for the return which shall be delivered to the addressee. A written statement will then be delivered to the addressee with a description of the items removed and an explanation of the reasons for the removal. In the event that the mailing of such contraband violates state or federal law, the contraband and the letter, if necessary, shall be referred to proper law enforcement authorities for appropriate action. If a youth desires to challenge a seizure of contraband, he or she may do so by employing the grievance procedure set forth in this Title. If a sender desires to challenge a seizure of contraband, he or she may do so by contacting the Youth Rehabilitation and Treatment Center in writing.

006. TELEPHONE PRIVILEGES. Youth placed at a Youth Rehabilitation and Treatment Center will have reasonable and equitable telephone privileges and shall retain such privileges for the duration of his or her stay so long as the facility's policies governing such activities are not violated.

006.01 RECORDING CALLS. Any telephone calls made by the youth may be recorded, unless the telephone call is between the youth and his or her attorney of record. If a youth wishes to contact his or her attorney of record, the youth may request to do so, and arrangements will be made for the youth to make a telephone call that will not be recorded.

006.02 CALL LOG. The Youth Rehabilitation and Treatment Center may maintain a record or written log of any incoming received by or outgoing call made by each youth.

007. VISITATION. Youth placed at a Youth Rehabilitation and Treatment Center will be allowed to receive visitors and will retain that privilege for the duration of his or her stay so long as the facility's policies governing visitation activities are not violated.

008. FURLOUGH. A youth may be allowed to leave the Youth Rehabilitation and Treatment Center in accordance with the facilities established furlough policy.