

	<b>JUVENILE JUSTICE SERVICES</b> <b>Client Rights and Services</b>	<b>Effective Date: 7/31/2010</b>
		<b>Issue Date: 7/31/2010</b>
	<b>Title: Client Right to Visitation</b>	
	<b>Procedure #: P.20.13</b>	

**1 ISSUING AGENCY** Children, Youth and Families Department (CYFD)

**2 SCOPE** Juvenile Justice Service (JJS)

**3 STATUTORY AUTHORITY** NMSA 32A-2-1, 32A-2-2.E

**4 FORMS**  
**JJS Notice Of or Request For Denial/Suspension/Modification Of Visiting Privileges**  
**JJS Visit Denial/Suspension/Modification Appeal**

**5 APPLICABLE POLICY NMAC 8.14.20.13 CLIENT RIGHT TO VISITATION:**

To maintain ties with the community, each client in the care and custody of Juvenile Justice Services shall have the right of regular visitation with frequency and time allotments subject only to valid safety and security concerns, the facility schedule and their respective program evaluation level. Visitation shall foster the ability for informal communication, including the opportunity for physical contact, unless otherwise directed by the superintendent for cause.

**6 CONTENTS**

General Provisions for Client Communications	Page 2
Limitations on Persons With Whom Clients May Communicate	Page 2
Visiting	Page 3
Notice and Opportunity to Object	Page 4

**7 DEFINITIONS**

7.1 **“Contraband”** means objects or items which are unlawful or which threaten the security of the facility. Each facility shall provide to each facility client and the parent/guardian/custodian a copy of a list of what constitutes contraband items. This list shall include but not be limited to: weapons or objects that might be made into weapons, controlled substances including prescription medications that are not prescribed and distributed by facility personnel, escape plans, and plans for or incitement to any activity which is unlawful or which threatens the security of the facility.

7.3 **“Obscene”** means content or material the dominant theme of which, taken as a whole, appeals to the prurient interest or is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and lacks serious literary, artistic, political or scientific value. The use of “swear words,” foul language, etc., standing alone, does not constitute obscenity.

7.4 **“Prohibited material”** means any inappropriate objects or items that a client is prohibited from possessing while in the facility. Each facility shall provide to each facility client a copy of a list of what constitutes prohibited material. This list shall include but not be limited to: obscene materials, gang signs or symbols or messages written in code, and any material which threatens the security of the facility.

7.5 “Reasonable cause” means knowledge by the Superintendent or any member of the facility staff of articulable facts, together with rational inference based on those facts, that would lead a reasonable person to believe that a client has committed an act or is planning an act that is prohibited by law or by CYFD facility procedures, or that an envelope or package contains contraband or prohibited material as defined by these procedures, or that a communication that appears to be privileged is not in fact a privileged communication.

8. GENERAL PROVISIONS FOR CLIENT COMMUNICATIONS

8.1 These procedures will be provided to each client upon admission to the facility and prominently posted on bulletin boards in areas of the facility that are commonly used by clients.

8.2 Staff will give a copy of these procedures to non-clients upon request.

8.3 Clients have the right to communicate with persons or organizations subject only to these procedures, which are designed to balance the client’s right to correspond with others against the need of the institutional staff to maintain the security of the facility and the health and safety of the clients and staff.

8.3.1 Attorneys who represent the client or with whom the client is discussing potential representation, clergy, Juvenile Probation Officers, representatives of child advocacy groups, judicial or public officials, parents, siblings, grandparents, legal guardians or custodians, incarcerated and non-incarcerated relatives, non-incarcerated partners, privileged entities as detailed in this procedure, and children of the client shall be permitted to have written and telephonic communication with clients. A list of the persons who satisfy each of these types of contacts shall be immediately compiled for each client upon admission to the facility and regularly be updated to ensure that clients are not impeded in their efforts to communicate with these persons.

8.4 Items not on a facility’s list of contraband or prohibited material will not be seized without a basis to believe they constitute a threat to the security of the facility.

8.4.1 Such determination must be documented in writing in the client’s master file and will require review and approval by the JJS Director/designee.

8.5 Any basic communication privilege, as described in this procedure, is never withheld or used as punishment, denied as a means of reducing privileges, or restricted for disciplinary reasons. Clients may be given additional privileges based on positive behavior.

9. LIMITATIONS ON PERSONS WITH WHOM CLIENTS MAY COMMUNICATE.

9.1 Clients may communicate/correspond with any person on their MDT-approved contact list, except as limited below. Based on clients individual program needs, clients may have other contacts as permitted by their MDT. Upon arrival at the facility and until the client’s first MDT, the client’s initial approved contact list is provided by the JPPO at intake.

9.2 The MDT reviews client requests to communicate with individuals not on the client’s contact list, and makes decisions for approval/disapproval. Once a decision has been made by the MDT, the MDT provides the client’s updated approved contact list to the Superintendent/designee, who then provides it to control. Any time a client request for contact has been denied by the MDT, the client shall be informed of their grievance rights and shall be given the opportunity to file a grievance.

9.3 If the client’s MDT is not immediately available, clients may receive permission from their Case Manger or the Superintendent/designee to contact educational, vocational, and other necessary persons to facilitate their educational, vocational, or other programming

goals. All such short-term contact approvals shall be forwarded to the client's MDT for notification and approval.

10. VISITING.

- 10.1 The Superintendent determines visiting days, hours and duration within the following parameters.
  - 10.1.1 Visiting may occur on several designated days of the week, at designated times;
  - 10.1.2 Families may schedule visits at other times with the permission of the superintendent or designee, after consultation with education and behavioral health staff;
  - 10.1.3 Clients are given the opportunity to have visits that are at least one (1) hour in length;
  - 10.1.4 Visits with attorneys who represent the client or with whom the client is discussing potential representation may occur at any reasonable time between 8 am and 8 pm, and are not limited to family visiting hours; and
  - 10.1.5 Visitors will be provided with visiting permits unless the Superintendent/designee determines *in writing* that there is reasonable cause to believe the visit on that particular day would endanger the safety or welfare of the client or the security of the facility. Clients and other persons denied visits under this circumstance may seek and will be granted review by the JJS Director/designee, who shall render a decision within five (5) working days.
- 10.2 Facilities provide designated visiting areas for clients to receive visitors. Facilities provide an indoor visiting area for attorney client visits or family therapy that preserves confidentiality.
- 10.3 Other visitors will be given special visiting permits when it is in the best interest of the client. The Superintendent/designee issues special visiting permits on a case-by-case basis. The client's treatment team reviews special visit requests and makes recommendations for approval/disapproval to the Superintendent/designee.
  - 10.3.1 Family therapy sessions that are arranged by the client's behavioral health therapist and/or MDT are not to be considered special visits and do not need special visiting permits from the Superintendent. Family therapy visits shall be otherwise subject to all visit procedure requirements.
- 10.4 All visitors provide identification and sign in at the facility prior to visitation.
- 10.5 Visitors whom staff believes to be under the influence of drugs or alcohol are not allowed to visit and are instructed to leave the facility.
- 10.6 Visitors must lock phones, pagers purses, and briefcases in their vehicles prior to visiting with clients.
- 10.7 Visitors may be required to pass through a metal detector and/or be scanned with a hand held metal detector prior to being allowed into visiting area. Items being brought into the facility by visitors, such as baby seats, are subject to being searched for contraband or prohibited materials.
- 10.8 Visitors may purchase food items to consume during the visit, using on-site vending machines. The Superintendent/designee may permit visitors to bring in snack food and beverage items, such as soda, candy bars, chips, fruit or nuts. Any unconsumed food is returned to the visitors at the end of the visit.
- 10.9 Clients allowed contact visits by the Superintendent may hold hands with and hug their visitors. The Superintendent may require non-contact visits, if a prior visit resulted in a disturbance, disruptive behavior or a violation of these visitation procedures and there is reasonable cause to believe that the visitor will again cause a disturbance, disruptive behavior, or a violation of these procedures.

- 10.10 Visitors who introduce contraband into the facility are not allowed to return for visits and are referred for prosecution if they have engaged in a criminal act.
  - 10.10.1 Some evidence of a visitor introducing contraband, other than a client merely possessing contraband after a visit, must be discovered in order to suspend visits for that particular visitor;
  - 10.10.2 JJS clients may not be denied visits with other persons based merely on the fact that they had another visitor who introduced contraband.
- 10.11 Visitation procedures are provided to clients and mailed to client's parent/guardian/custodian within twenty-four (24) hours of the client's arrival at the facility.
- 10.12 Facilities provide client's parent/guardian/custodian with directions to the facility and information regarding transportation to and from the facility.
- 10.13 Visiting rules are posted in the designated visiting room.

**NOTICE AND OPPORTUNITY TO OBJECT.**

11

- 11.1 When any action is taken to limit a client's communication (including limitations on sending or receiving mail; denials on sending or receiving packages; denials of, or restrictions on, access to the phone; and denials of, or restrictions on, visits) the client and any other party affected by the action will be notified in writing as to the reason for action. The client or other party may contest the action through the client grievance procedure.

**12 AUTHORIZED SIGNATURE:**



**APPROVED:** \_\_\_\_\_

**Bill Dunbar, Cabinet Secretary  
Children Youth and Families Department**