Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Detention Centers and Secure Care Centers for Children and Youth.

28-4-355a. Rights of juveniles.

(a) The rights of juveniles while in detention or secure care shall not be diminished or denied for disciplinary reasons.

(b) Written policies and procedures shall provide that juveniles are assured their rights subject only to the limitations necessary to maintain order and security in the center. Procedures and practice shall ensure the following:

(1) Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping;

(2) freedom from discrimination based on race, culture, religion, national origin, sex or disability;

(3) equal access to programs and services for both male and female juveniles in co-ed facilities;

(4) receipt and explanation of written rules and grievance procedures of the center, in a language which the juvenile can understand;

(5) opportunity for a variety of physical exercise, including outdoor exercise when weather permits;

(6) participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain facility order and security;

(7) reasonable religious diets;

(8) the right to wear personal clothing consistent with center guidelines. If the center provides clothing, it shall be of proper size and contemporary style;

(9) access to the courts and confidential contact with attorneys, judges, parents, social workers and other professionals, including telephone conversations, visits and correspondence;

(10) medical treatment and emergency dental care, a medically proper diet and the right to know what and why medications have been prescribed;

(11) the right to send and receive uncensored mail in accordance with K.A.R. 28-4-355 (f)(4);

(12) the right to receive visitors and communication in accordance with the center's visitation policies;

(13) the right to determine the length and style of hair, except when a physician determines that a haircut is medically necessary; and

(14) the right to keep facial hair, if desired, except when a licensed physician determines that removal is medically necessary for health and safety.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

***** Authenticated Kansas Administrative Regulation *****