Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Secure Residential Treatment Facilities.

28-4-339. Rights of youth.

(a) The rights of youth while in the licensee's care or control shall not be diminished or denied for disciplinary reasons.

(b) Each secure residential treatment facility shall establish and implement written policies and procedures concerning the rights of the youth. These policies and procedures shall provide that youth are assured of their rights, except if it is necessary to maintain order and security in the secure residential treatment facility or if it is contrary to a youth's approved treatment plan. These policies and procedures 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, including eating or sleeping;

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

(3) equal access to programs and services for both male and female youth in coed facilities;

(4) receipt and explanation of written rules and grievance procedures of the facility, in a language that the youth can understand;

(5) opportunity for physical exercise on a daily basis, including outdoor exercise if weather permits;

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

(7) reasonable religious diets;

(8) the right to wear personal clothing consistent with secure residential treatment facility guidelines. If the facility provides clothing, it shall be of proper size and shall be approved by the department;

(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 are being prescribed;

(11) the right to send and receive uncensored mail in accordance with K.A.R. 28-4-336(i)(4);

(12) the right to receive visitors and communication in accordance with the facility'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. 1998 Supp. 65-508; effective, T-28-7-8-99, July 8, 1999; effective Nov. 5, 1999.)

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