

3. Ensure that no child remains in such a room for more than two consecutive hours or for more than four hours in a 24-hour period unless approval from a physician is obtained. The facility may request approval from the physician to exceed the time frame limitations for the use of the behavior management room when it appears that a child needs additional time to gain control of his or her behavior. A written copy of the physician's order to extend the time a child remains in the behavior management room shall be filed in the child's case record;

4. Ensure that objects such as belts, matches, pens or other potentially harmful objects are removed from the child prior to the child's placement in the behavior management room;

5. Ensure that there is no minimum length of time for placement when children are isolated in such a room;

6. Ensure that a staff member:

i. Maintains constant visual contact with any child considered to be at high risk if left unattended in such a room; and

ii. Visually observes a child not considered a high risk in such a room at least every 15 minutes to ensure the safety of the child;

7. Ensure that the child has access to toilet facilities;

8. Prohibit the use of a behavior management room for non-violent or non-assaultive offenses or behaviors or for practices to:

i. Prevent runaways;

ii. Seclude a child who is ill; .

iii. Punish a child for stealing, cursing, or failing to cooperate with house rules;

iv. Facilitate supervision for the convenience of staff; and/or

v. Permit a child to eat his or her meals in such a room;

9. Maintain a log book detailing each use of the behavior management room. This log book shall contain the following:

i. The name of the child;

ii. The date and time of day that the child was placed in such a room;

iii. The signature of the supervising staff member authorizing placement;

iv. A description of the behavior precipitating the decision to place the child in such a room;

v. The time(s) the observing staff member checked on the child in such a room, including a description of the child's behavior and signature of the staff member responsible for observing the child;

vi. The time that the child was removed from such a room;

vii. The child's condition and appearance at the time of removal; and

viii. The child's behavior upon return to the group; and

10. Maintain a copy of the log book entry as identified in (m)9 above in the child's record.

(n) Facilities that are operated by the Division shall adhere to all the restrictive behavior management practices policies that are developed, implemented and promulgated by the Department and the Division.

Amended by R.1998 d.413, effective August 17, 1998.

See: 30 N.J.R. 1494(a), 30 N.J.R. 3055(a).

In (i), rewrote 2; and in (j), rewrote 6.

#### 10:127-6.14 Discipline and control

(a) The facility shall develop house rules to help the children develop self-control and conform to acceptable patterns of social behavior.

1. The facility shall put the house rules in writing.

2. The house rules shall include a rationale for such rules and delineate the consequences for infractions.

3. The facility shall explain its disciplinary practices individually with each child at the time the child is placed in the facility.

4. The rules shall be maintained on file in the facility and made available to parents.

5. The house rules may be incorporated in the child's bill of rights, as specified in N.J.A.C. 10:127-3.2.

(b) The facility shall assign responsibility for the discipline, control, and supervision of children to staff members and shall not delegate that responsibility to other children.

(c) The facility shall not threaten discipline or administer discipline to a child for the misbehavior of another child or group of children.

(d) The facility shall prohibit the following types of punishment from being used on a child:

1. Any type or threat of physical hitting or the use of corporal punishment;

2. Forced physical exercise or forcing a child to take an uncomfortable position;

3. Subjection to verbal abuse, ridicule, humiliation, or other forms of degradation;

4. Deprivation of meals, sleep, mail, clothing appropriate to the season or time of day, or verbal communication;

5. Mechanical or chemical restraint;
6. Assignment of overly strenuous physical work;
7. Exclusion from any essential program or treatment service, such as education or clinical treatment;
8. Refusal of entry to the residence;
9. Temporary suspension and return of a child from the facility to a parent, relative, foster home, or shelter, unless approved by the Division or other placing agency; and
10. Seclusion in a locked room.

#### **10:127-6.15 Search and seizure of weapons and contraband**

(a) Facilities may conduct searches for weapons or contraband, provided that they maintain on file in the facility written policies and procedures that are consistent with the requirements of this chapter.

1. The facility shall define contraband to include illegal drugs, unauthorized property, stolen property or items otherwise obtained illegally.
2. The facility shall post the policy in an area conspicuous to children, explain the policy and distribute copies of the written policy to children and their parents upon admission and when changes are made to the policy.
3. The facility shall specify the actions that it will take when weapons or contraband are found.

(b) The facility shall prohibit all staff members, consultants and volunteers from strip searching a child for any reason.

(c) The facility shall permit frisk searches (surface searches of the outer clothing) of a child only when there is reasonable suspicion that the child is in possession of a weapon.

1. The facility shall prohibit staff members from reaching into a child's pockets unless the frisk search confirms the reasonable belief that the child is in possession of a weapon.
2. The facility shall not frisk search a child who is suspected of possessing contraband other than a weapon, but may frisk search a child who is suspected of possessing illegal drugs when:
  - i. The facility has met the requirements, as specified in (d) below;
  - ii. The child refuses to empty his or her pockets or belongings; and
  - iii. The police refuse to respond to the facility's request to conduct a lawful search.

3. The facility shall not frisk search a child who is suspected of possessing contraband other than a weapon or illegal drugs.

4. The facility shall ensure that a frisk search is conducted:

- i. In the presence of two staff members, one of whom has supervisory or administrative responsibilities in the facility; and
- ii. Only by staff members of the same sex as the child. If same sex staff members are not available, staff members shall provide one-to-one supervision of the child, until the search can be properly conducted.

5. The facility may choose to use an electronic "wand" or other similar noncontact device on a child who is suspected of possessing a weapon.

- i. The facility shall obtain written approval from the Bureau for the use of an electronic "wand" or other noncontact device prior to its use with children;
- ii. The facility shall maintain on file a written policy that outlines the use of an electronic "wand" or other similar noncontact device;
- iii. The facility shall inform children and parent(s) that an electronic "wand" or other similar noncontact device may be used to search for a weapon; and
- iv. All staff members who use an electronic "wand" or other similar noncontact device shall be instructed in its use.

(d) When the facility has reasonable suspicion that a child is carrying illegal drugs or other contraband in a garment, pocket, purse, or other possession within the child's immediate control, the facility shall ensure that the staff member:

1. Asks the child to empty voluntarily any garment, pocket, purse or other possession;
2. Inspects all such items that are in plain view; and
3. If necessary, summons a law enforcement officer to conduct a lawful search of the possessions within the child's immediate control whenever the child refuses a voluntary search by the facility staff member.

(e) If a facility has reasonable suspicion that a child's room or other possessions not within a child's immediate possession or control contain contraband, stolen property or weapons, the facility may conduct an unannounced search if:

1. The facility has explained and documented this practice to the child and his or her parents, as specified in N.J.A.C. 10:127-3.2 and 3.6;
2. The search is conducted in the presence of two staff members, one of whom has supervisory or administrative responsibility; and