



Ohio Administrative Code

Rule 5139-36-21 Juvenile rights, control and treatment.

Effective: [October 22, 2018](#)

(A) The CCF shall have a written policy and procedure which prohibits facility employees from violating any civil rights of juveniles.

(B) The CCF shall have a written policy to ensure that CCF staff and the CCF program protect the following rights of juveniles:

(1) The right to a reasonable amount of privacy.

(2) The right to have his/her opinions heard and be included, to the greatest extent possible, when any decisions are being made which affect his/her life.

(3) The right to receive adequate and appropriate food, clothing, and housing.

(4) The right to his/her own money and personal property in accordance with the juveniles treatment plan.

(5) The right to participate in an appropriate educational and/or vocational program.

(6) The right to timely medical care, dental, and mental health services.

(7) The right to reasonable and confidential access to counsel through attorneys and their authorized representatives as well as access to courts and legal materials.

(8) The right to appropriate family contact through visitation, mail and telephone and access to parents or legal guardians.

(9) The right to access to obstetrical, gynecological, family planning, health education, and pregnancy management services for female juveniles.



(10) The right to report incidents of sexual abuse, sexual assault and sexual harassment to a designated staff member other than an immediate point-of-contact line staff member.

(C) The CCF shall have a written policy, procedure and practice when allowing freedom in personal grooming and dress except when a valid interest justifies otherwise.

(D) The CCF shall have written policies and procedures regarding the photographing and audio or audio-visual recordings of juveniles in their custody which require that:

(1) The written consent of a juvenile and the juveniles parent(s) or guardian be obtained before the juvenile is photographed for fund raising or program publicity purposes.

(2) All photographs and recordings are used in a manner which respects the dignity and confidentiality of the juvenile.

(E) The CCF shall have written policies protecting juveniles from being used as human subjects and regarding the participation of juveniles in research projects.

(F) A CCF shall develop and implement, a written set of policies and procedures regarding discipline, control and treatment of juveniles. These policies and procedures shall be explained to each juvenile, all staff, and a copy provided to persons or agencies who desire to place a juvenile at the CCF.

(G) The discipline policies and procedures of the CCF shall incorporate the philosophy that discipline is to be both constructive and educational in nature. The CCFs discipline policies and procedures shall prohibit all acts of punishments including, but not limited to:

(1) Any type of physical punishment inflicted in any manner upon the body such as spanking, punching, paddling, shaking, biting, or roughly handling a juvenile.

(2) The assignment of physically strenuous harsh work or exercises, when used solely as a means of punishment



- (3) Requiring or forcing a juvenile to maintain an uncomfortable position, such as squatting or bending, or requiring a juvenile to continuously repeat physical movements when used solely as a means of punishment.
- (4) Group punishments for the behavior of an individual, except in accordance with a recognized therapeutic modality and as described by written CCF policy.
- (5) Verbal abuse or derogatory remarks.
- (6) Denial of planned and required recreational activity.
- (7) The denial of social or casework services, medical treatment, or educational services.
- (8) The deprivation of meals, although scheduled meals may be provided individually.
- (9) The denial of sleep.
- (10) The denial of shelter, clothing, bedding, or restroom facilities.
- (11) Inappropriate or intentionally painful physical restraint.
- (12) Organized social ostracism, such as codes of silence.
- (13) The use of chemical restraints, except by order of a physician.
- (14) The use of mechanical restraints.
- (H) Discipline shall be delegated only to persons who are employees of the CCF. Juveniles shall not discipline other juveniles except as part of an organized self-government program that is conducted in accordance with written policy and directly supervised by designated staff of the CCF.
- (I) Written policy, procedure and practice provide that the facility does not discriminate on the basis



of race, religion, national origin, gender, sexual orientation or disability.

(J) Room confinement shall not be used for punishment, administrative convenience, retaliation, staffing shortages absent exigent circumstances, or reasons other than a temporary response to behavior that threatens immediate harm to a child or others.