

TEXAS CIVIL COMMITMENT OFFICE



POLICY AND PROCEDURE

NUMBER: 3.3
EFFECTIVE DATE: 12/16/2019
SUPERCEDES: 01/05/2016

SUBJECT: CLIENT VISITATION POLICY

PURPOSE: To outline the policies and procedures to establish visitation guidelines for clients residing at Texas Civil Commitment Office (TCCO) or approved contract facilities.

DEFINITIONS:

“Approved Contact List” is the official list of approved contacts or chaperones names, phone numbers, and physical addresses of persons with whom the client wishes to visit during authorized visiting hours.

“Contraband” is any item not allowed in a confined treatment facility. These items include, but are not limited to alcoholic beverages, controlled substances or any drug, firearms or deadly weapons, or any item brought onto the property with the intent to deliver to a client such as, paper money, tobacco, lighter, matches, cell phones (non TCCO or facility authorized), pagers, laptop computers, cameras, digital recorders, or any other type of electronic or wireless devices.

“Offender” for the purpose of client visitation, is an individual who has been incarcerated in a state or federal institution, and released under mandatory supervision, parole, discharged, released from a Substance Abuse Felony Punishment (SAFP) facility or released on shock probation or a person who is currently on or has been released from felony probation.

“Extended Visits” are visits permitted at the discretion of the Facility Administrator or designee for individuals traveling in excess of 300 miles one-way for visitation, if space allows and such visitation would not interfere with the client’s treatment or with facility operations.

“Immediate Family” for the purpose of client visitation, is a ceremonial, proxy or common-law spouse; natural or adopted mother and stepmother; natural, or adopted father and stepfather; natural or adopted children, stepchildren, grandchildren, and step-grandchildren; natural or adopted siblings and stepsiblings; natural or adopted grandparents and step-grandparents; aunts, uncles, nieces, nephews; and persons related by marriage, which are in-laws: father, mother, daughters, sons, brothers, sisters, grandchildren, and grandparents.

“Significant Other” for the purpose of client visitation, is a surrogate parent or a special relationship, such as a foster parent or guardian of a client’s minor child that is verifiable by TCCO Case Manager.

“Special Visits” are cases that allow the Facility Administrator or designee with concurrence with TCCO Case Manager to permit visits or authorize special conditions of visits outside of the ordinary course of established visitation rules. Clients or visitors requesting a special visit shall submit the request in writing or via telephone or email to the Facility Administrator or designee.

“Unpacked Food Items” for the purpose of this policy, are homemade food items or items not in the original sealed packaging. These items are prohibited from being allowed inside the secured perimeter of the facility. Purchased items in the original sealed packaging and takeout food purchased from a restaurant, with a receipt, are permitted but are subject to inspection and may be denied.

“Visitor Identification” for visitors ages 18 and older, identification shall be a picture and signed identification (ID) of one (1) of the following: state driver license; state Department of Public Safety (DPS) ID card; Armed Forces ID card; passport or ID card issued by the United States Department of Homeland Security, U.S. Citizenship & Immigration Services (USCIS) such as, Visa Border Crossing ID Card. If an identification document other than a passport is used, the identification document must contain a current physical address. Children under 18 years of age may be required to provide an ID such as, birth certificate, ID card, or student ID card.

“Victims of Family Violence” are the victims of family violence who may be issued a card that indicates the individual has been certified as a crime victim and is entitled to protection. These individuals may visit using a post office box in lieu of a physical address, when presenting the certification card and government ID. In particular, the attorney general is authorized under Texas Code of Criminal Procedure Article 56.82 to protect the address information of victims of family violence.

PROCEDURE:

I. Visitation Schedule (Periods of Visitation)

- A.** Visitation day and times shall be set by the facility. Facility Administrators can allow visits on other days of the week or holidays at their discretion.
- B.** Clients may receive a visit each day visitation is scheduled.

II. Approved Visitors

- A.** Family members, friends, business associates, chaperones, and others may be considered for visitation with clients but have to be on an Approved Contact List (Form TCCO-17-16) approved by a case management team prior to the visit utilizing the procedures set forth in TCCO Policy 3.4 *Approval of Contacts and Chaperones*.
- B.** All requests to add persons to the Approved Contact List shall be submitted to the TCCO Case Manager fourteen (14) working days prior to the proposed date for visitation on a Request for Contact (Form TCCO-07-16).
- C.** A client, not a visitor, must request to have a visitor added to the Approved Contact List. A visitor cannot request to be placed on a client’s Approved Contact List.
- D.** The TCCO Case Manager will confer with the client’s assigned clinician to ensure the requested visitors are appropriate to visit from a treatment perspective.

- E. The TCCO Case Manager will provide the Facility Administrator with the Approved Contact List of all clients assigned to the facility and any time Approved Contact Lists are updated with approved changes. The Approved Contact List shall be utilized by the facility to identify contacts that are approved for visitation.
- F. The client is responsible for notifying all persons on the clients Approved Contact List of his assigned facility, facility mailing address, visitation schedule to include frequency and length of visits, and number of visitors allowed per visit.

III. Visits with Offenders

- A. Persons with a criminal record shall not automatically be precluded from visiting. Each visit with an offender requires prior approval. The nature and extent of the criminal record and the time lapse since the criminal activity shall be taken into consideration.
- B. The client shall be required to identify all individuals on the proposed Approved Contact List who have pending criminal charges or are on felony probation, parole, mandatory supervision, or have discharged a felony sentence.
- C. Offenders, who are not immediate family members, are required to wait twenty-four (24) months from their release date before being eligible to visit.
- D. When a client requests a visit with an offender, the Case Manager shall verify that written permission has been received from the Region Director or supervisor of the supervising agency for the offender to have contact and in-person visits with the client as set forth in TCCO Policy 3.4 *Approval of Contacts and Chaperones*. The verification shall be completed within two (2) working days.
- E. Within two (2) working days of completing the verification above, the Case Manager shall submit an email request to the Unit Supervisor. The email shall include a copy of the written permission for in-person contact from the supervising agency and the signed decision memorandum approving the offender as a collateral contact. The Unit Supervisor shall review the request within two (2) working days. If recommended for approval, the Unit Supervisor shall forward the request to the Civil Commitment Manager and Director of Program Operations for review. Within two (2) working days, the Director of Program Operations shall staff the request with the Civil Commitment Manager and determine whether the request is recommended for approval. If recommended for approval, the Director of Program Operations shall forward the request to the Executive Director via email.
- F. The TCCO Executive Director or designee has the authority to make the final determination whether an offender is allowed or not allowed to visit a client.
- G. Upon approval of a visit with an offender, the Case Manager shall send a notification via email to the Facility Administrator including a copy of the written permission.
- H. The Facility Administrator can recommend that an offender not be allowed to visit a client based on safety and security concerns.

IV. Visits with Children

- A.** Each visit with children under 18 years of age requires prior approval by the TCCO Executive Director.
- B.** Within two (2) working days of receipt of a request for visitation with a child under 18 years of age, the Case Manager shall verify that permission has been granted for the child to have in-person contact with the client as set forth in TCCO Policy 3.4 *Approval of Contacts and Chaperones*.
- C.** Within two (2) working days of completing the verification above, the Case Manager shall submit an email request to the Unit Supervisor. The email shall include the signed decision memorandum approving the child as a collateral contact. The Unit Supervisor shall review the request within two (2) working days. If recommended for approval, the Unit Supervisor shall forward the request to the Civil Commitment Manager and Director of Program Operations for review. Within two (2) working days, the Director of Program Operations shall staff the request with the Civil Commitment Manager and determine whether the request is recommended for approval. If recommended for approval, the Director of Program Operations shall forward the request to the Executive Director via email.
- D.** Upon approval of a visit with a child under 18 years of age, the Case Manager shall send a notification via email to the Facility Administrator including a copy of the written permission.
- E.** Children under 18 years of age must be accompanied by an adult who is listed on the client's Approved Contact List.
- F.** Children shall not be left unattended.
- G.** Failure to control the conduct of children will be subject to the visit being terminated.
- H.** Approved visitation with children shall be conducted in the sight of security staff in a separate visitation area not in the sight or sound of other clients.

V. Deletions from Approved Contact List

- A.** The Facility Administrator may recommend any visitor be removed from a client's Approved Contact List for such reasons as criminal activity, rule violations, infraction of visiting procedures, security breaches, or any combination of the above.
- B.** Whenever an incident occurs during visitation, an incident report containing all facts of the incident will be submitted to the Facility Administrator by the visitation staff. The Facility Administrator or designee will determine the final action to be taken, if any.
- C.** If a visit is terminated while already in progress or a visitor is not permitted to conduct a visit upon arrival, the visitor(s) involved will be notified in writing of the decision and any action to be taken. A copy of the Client Visitation Denial Form (TCCO-19-16) will be placed in the client's file and scanned into the case management automated system.

- D. TCCO can remove any visitor from the client's Approved Contact List for any reason as set forth in TCCO Policy 3.4 *Approval of Contacts and Chaperones*.

VI. Special Visits

- A. Special visit requests will be considered under the following circumstances:
 - 1. Living outside of the practical driving zone (300 miles); or
 - 2. Extenuating circumstances that an approved visitor needs a visit outside the normal visitation day/time.
- B. Clients seeking a special visit with persons on their Approved Contact List shall submit a written request to the Facility Administrator.
- C. All arrangements to schedule special visits must be made through the Facility Administrator's or designee's office between 8:00 a.m. and 5:00 p.m. (M-F) at least ten (10) working days prior to the visit.
- D. Special visits shall be on a scheduled basis with the date, time and place to be determined by the Facility Administrator or designee. Special visits shall not interfere with the client's required treatment activities or related programming.

VII. Visitor Identification (ID)

- A. Visitors shall provide the following information prior to entering the facility or the facility's designated visitation registration area:
 - 1. Name of the client to visit;
 - 2. Visitor's relationship to the client; and
 - 3. Visitor's current physical address and phone number.
- B. Visitors shall present to the staff in charge of visitation registration one of the following
 - 1. State issued driver license;
 - 2. State Department of Public Safety (DPS) ID card;
 - 3. Armed Forces ID card; or
 - 4. Passport or ID card issued by the United States Department of Homeland Security, U.S. Citizenship & Immigration Services (USCIS) such as, Visa Border Crossing ID Card.
- C. If the visitor's ID is questionable or not acceptable, further verification shall be required, such as birth certificate, pictured credit card, or another official ID.
- D. Children under 18 years of age may be required to provide an ID, such as birth certificate, DPS ID, or student ID, if the child's age is questionable due to physical maturity of the child. Student IDs may be used only for children under 18 years of age.
- E. The staff in charge of visitation registration shall verify all visitor's identification and approval prior to allowing the visit. Questions regarding identity shall be referred to the Facility Administrator or designee immediately.

- F. Identification documents, other than a passport, used to determine identity must contain a current physical address. Exceptions will be made for victims of family violence who have been certified by the attorney general to have address protection and visitors that qualify for address protection per state law (e.g., law enforcement, military, government officials, etc.). Certification documentation has to be provided at time of registration.

VIII. Visitor Searches

- A. All visitors are subject to search when entering contract facilities.
- B. Visitors shall be screened by a walkthrough or handheld metal detector and may be pat searched prior to entering the visitation area.
- C. If a visitor has a pacemaker, or any other type of medical implant, the visitor must have written documentation from a physician or pacemaker manufacturer indicating that the metal detector screening may cause the visitor's pacemaker to malfunction. Once this documentation is presented to staff, the visitor shall submit to a pat search.
- D. Pat searches shall be conducted by staff of the same gender; however, metal detector screening may be performed by either gender.
- E. Children under 18 years of age shall not be pat searched by staff, but shall be screened by staff using a handheld or walkthrough metal detector.
- F. Parents, guardians, or accompanying adults shall be responsible for ensuring visiting children are free of contraband prior to entering the facility.
- G. Any visitor refusing a search procedure shall be required to leave the facility property.
- H. All visitors shall leave any metal objects or material capable of causing injury, abetting absconding, or otherwise causing a threat to the safety or security of the unit in secured vehicles.
- I. The Facility Administrator or designee has the authority to make a final determination whether an object is prohibited.
- J. All hand-carried items shall be searched.
- K. No internal body cavity searches or strip searches of visitors shall be conducted.

IX. Permissible Items

- A. Upon entering the visitation registration area, visitors shall declare to the facility staff all personal items in their possession at the time of entrance.
- B. Items allowed inside the secured perimeter of a facility include:
 1. A small wallet, clear plastic bag (Ziploc type) or change purse.
 2. \$25 cash (in coins) – Vending machines are available in the visitation area;
 3. One (1) watch;
 4. One (1) ring;

5. One (1) necklace;
 6. One (1) bracelet;
 7. One (1) pair of earrings; and
 8. Two (2) sanitary napkins or tampons in a sealed wrapper.
- C. Visitors may not give a client any item they have in their possession at any time during the visit unless authorized by staff.
- D. Subject to the approval of the facility, visitors may bring outside food into the facility for visitation if the food is in sealed, original packaging or may order food such as pizza for delivery from a restaurant during visitation. All items are subject to search.
- E. Care packages that have been approved prior to the visit will be given to staff to search and secure until after the visit when it will be inventoried by the property officer with the client in accordance with TCCO Policy 3.38 *Approval and Processing of Packages for Clients*.
- F. Snack and drink items purchased from the vending machines must be consumed in the visitation area if opened. Vending machine items that are sealed may be retained by the client to take back to their living area.

X. Prohibited Items

- A. Items not allowed inside the secured perimeter of the facility include: unpackaged food items, purses, briefcases, cameras, photographs or photograph albums, paper money, knives, firearms, alcohol, drugs, medication (exceptions are granted regarding prescribed medications on a case-by-case basis), tobacco products, electronic cigarettes, lighters, matches, cellphones, pagers, laptop computers, digital recorders, Bluetooth devices, smart watches, or any other type of electronic/wireless devices, or any other non-authorized items determined by the Facility Administrator or designee.
- B. Items not allowed on facility property include: any intoxicating beverages, any controlled substance or dangerous drugs, any firearm or instrument customarily used or designed to be used as a dangerous weapon or having explosive substance, or any instrument that may be used in affecting or attempting to affect an absconding.
- C. All vehicles on facility property are subject to search. All individuals shall ensure all vehicle doors, windows, and trunks are secured and locked. The bed of trucks shall be free of garden tools, clothes, or anything that could be used as a weapon or aide in absconding. All tools in the bed of the truck shall be secured.

XI. Dress Code

- A. All visitors are encouraged to dress conservatively.
- B. Sandals, flip-flops, and open-toe shoes may be worn, as long as allowed by the facility.
- C. Clothing that is tight fitting, revealing, or made with see-through fabrics shall not be allowed. Sleeveless shirts and dresses are allowed, but must cover the shoulders.

- D.** Shorts, skirts no shorter than three (3) inches above the middle of the knee while standing, Capri pants or long pants are allowed.
- E.** Clothing with pictures or language that may be considered profane or offensive by current public standards shall not be allowed.
- F.** All male visitors shall wear underwear. All female visitors shall wear bras and underwear. All undergarments shall remain covered by clothing at all times.
- G.** Visitors are not to remove any clothing items during visitation except for outerwear (jackets and coats).
- H.** The Facility Administrator or designee shall make the final decision on whether clothing is appropriate.

XII. Visitor Rules

- A.** A client may receive a visit by up to four (4) individuals at a time. Visits by more than four (4) individuals at a time may be requested and approved by the Facility Administrator or designee subject to the availability of space.
- B.** Only those persons on a client's approved contact list or those who have been granted a special visit will be permitted to enter the contract facility.
- C.** Once entry is permitted into the visiting area, visitors must remain in the visiting area until they have completed their visit.
- D.** Any visitor who leaves the visitation area will automatically terminate their visit unless they are utilizing the designated visitation restroom for visitors.
- E.** Visitors can only visit with one approved client at a time.
- F.** General visiting by clients and/or visitors, with a person other than those approved, may cause the visit to be terminated and/or placement of future restrictions.
- G.** Visitor vehicles that have an approved and displayed handicap decal will be authorized to park in designated handicap parking spaces. All others are required to park in the general parking lot.
- H.** Visitors under the influence of alcoholic beverages, narcotics, or other drugs, or exhibiting irrational behavior for any reason, shall not be permitted to visit or to remain on property.
- I.** Visitors are prohibited from loitering around the facility's front gate or parking lot.
- J.** Visitors are prohibited from walking along the perimeter fence and road, photographing buildings, fences, or other parts of the facility.
- K.** Visitors are prohibited from playing radios loudly, yelling, or talking to clients from the parking lot.

- L. Clients and visitors may embrace once at the beginning and once at the end of each visit, unless otherwise instructed by the TCCO Case Manager and Treatment Provider.
- M. Holding hands is permitted during visitation, as long as hands remain on top of the table in full view of staff, unless otherwise instructed by the TCCO Case Manager and Treatment Provider.
- N. No other form of affection or physical contact between the client and visitors is authorized.
- O. Arguments, disturbances, and/or excessive display of affection or emotion, may result in the termination of a visit.
- P. While on the facility property, all visitors will be subject to the rules of the facility, the direction of authorized staff, and any restrictions imposed as a condition for admittance.

XIII. Attorney or Government Official Visits

- A. An attorney may visit a client who he/she represents and/or request a conciliation if the client wishes to confer with the attorney.
- B. The attorney shall contact TCCO's General Counsel via phone or email to schedule a visit with clients at the Texas Civil Commitment Center. The TCCO General Counsel shall notify the Facility Administrator of the attorney visit via email.
- C. The attorney shall complete and submit a TCCO-07-18 Attorney Registration to Visit for each client whom the attorney wishes to visit.
- D. Upon arrival to the facility, the attorney must present sufficient identification and evidence of his/her status as an attorney, unless in the case of an emergency.
- E. Attorney visits shall be conducted during normal business hours (8am to 5pm), Monday through Friday. Visits outside of the above days and/or hours may be permitted when a clear need is indicated and approved by the Facility Administrator or designee.
- F. A law student, law clerk, or legal professional working under the supervision of an attorney may visit a client whom the attorney represents, subject to all conditions applicable to the attorney, if the attorney provides a signed statement agreeing to supervise the assistant and to accept personal and professional responsibility for all acts of the assistant that may affect the facility, its clients, and staff.
- G. Attorneys shall be allowed to bring documentation pertaining to the respective client's case and provide the client with copies, if desired.
- H. Attorneys shall be allowed to bring a writing pad, pen, and law reference books to the visit. Attorneys may be permitted to bring a laptop to the visit if requested and approved by the Facility Administrator in advance.
- I. The Facility Administrator or designee will determine the area for the visit that will allow the visit to be monitored visually by staff (staff shall not be able to hear conversation between the attorney and client).

- J. Attorneys are not allowed to use cameras or tape recorders without written approval from the Facility Administrator.
- K. Government Official such as staff of the Governor's Office, Members of the Legislature, Judges of State and Federal Courts, Attorney General's Office, County Officials, State Auditor's Office, and Legislative Budget Board members may visit at their pleasure.

XIV. Hospital Visits

- A. Visits with clients at an off-site medical facility will not be allowed except on a case-by-case basis based on the client's medical condition.
- B. Visits with clients at an off-site medical facility require the approval of the TCCO Executive Director.

XV. Denial of Visits or Visitors

- A. The Facility Administrator or designee shall have the authority to cancel or deny a visit when there is reason to believe a forthcoming visit or particular visitor may compromise the safety and security of clients, staff or the facility. In addition, the Facility Administrator may recommend the removal of an individual from a client's Approved Contact List when there is cause to believe the visitor may compromise the security of the facility or safety of clients and staff.
- B. The specific reasons for canceling a visit, denying a visitor, or removing a visitor from a client's Approved Contact List shall be documented on a Client Visitation Denial Form (Form TCCO-19-16) by the facility staff. A copy of the Client Visitation Denial Form shall be provided to the denied visitor and the client, and the original shall be provided to the Case Manager and filed in the client's file and scanned into the case management automated system.
- C. A visitor shall be denied permission to visit and may have the visitor's name removed from the client's Approved Contact List if, the visitor:
 - 1. Appears to be under the influence of drugs or alcohol;
 - 2. Refuses or fails to produce identification or falsifies identification information;
 - 3. Refuses to be searched or refuses to allow the vehicle to be searched;
 - 4. Misrepresents the relationship; or
 - 5. Knowingly violates any facility visitation rules.
- D. Visits in progress can be terminated for the following reasons:
 - 1. If the client violates established facility rules and regulations.
 - 2. If the client's visitors fail to comply with the rules and regulations for visitors.
 - 3. Prior to termination of a visit, less severe alternatives shall be attempted if appropriate. This shall include warnings to the client or visitors of improper conduct which, if continued, shall result in the visit being terminated and may cause the visitor's name to be removed from the client's Approved Contact List.
 - 4. When a visit is terminated while in progress, the reasons for ending the visit shall be fully documented by the Facility Administrator or designee on the Client Visitation Denial Form.

- E.** A client may appeal the decision to remove an individual's name from the client's Approved Contact List through the client grievance procedures.

Exceptions may be made to the above policy. All exceptions shall be submitted to TCCO Executive Management for review and approval.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Associated Forms:

- Approved Contact List (Form TCCO-17-16)
- Request for Contact (Form TCCO-07-16)
- Client Visitation Denial Form (Form TCCO-19-16)
- Attorney Registration to Visit (Form TCCO-07-18)