

# Visitation Policies in Juvenile Residential Facilities in all 50 States



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## Abstract

Visitation programs have almost always existed within correctional facilities, and for good reason. Prior research suggests that visits generally benefit incarcerated persons, including incarcerated youth. Unfortunately, though, the visitation experience varies and some youth ultimately benefit less from visits than others. One reason for such variation is the toll that visits take on visitors. Indeed, visits can be quite a stressful experience for the visitors as they have to navigate numerous and restrictive policies in order to visit. Questions exist, though, about what visitation policies look like on a national scale, particularly for juvenile facilities. Against this backdrop, the current study highlights the various visitation policies governing juvenile correctional facilities across all 50 states and Washington DC. Furthermore, this paper identifies implications of visitation policy changes made in response to the COVID-19 health crisis.

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## Introduction

Visitation programs have been part of the correctional landscape for decades. However, visitation programs have changed over time. In the 19<sup>th</sup> and early 20<sup>th</sup> centuries, visitation was neither guaranteed nor promoted. Instead, visits were used as a behavioral management tool designed to reward good behavior and punish misconduct (Shafer, 1991). Within juvenile facilities, visits were even more heavily regulated, with families having very few opportunities to visit. It was not until the 1960s that correctional agencies began recognizing the rehabilitative potential of visits (Shafer, 1991). Since that time, visitation rights have been extended by individual states. By the early 2000s, the significance of correctional visits was recognized by the United States Supreme Court and they began to curtail such heavy visitation regulation and more specifically outlined the conditions under which states could lawfully restrict visits (*Overton v. Bazzetta*, 2003). Although visits are still restricted in many ways today, incarcerated persons have more rights to visitation than ever before.

Prior research suggests that, by and large, visits can benefit incarcerated persons, and that this is especially true for juvenile offenders. Several studies report that youth who receive visits fare better both during confinement and after release. During confinement, youth who receive visits have lower incidents of misconduct (Agudelo, 2013), improved mental health functioning (Monahan et al., 2011), and experience greater reductions across numerous measures of dynamic risk (Young, 2020a). And there is some evidence to suggest that these beneficial effects of visits extend after release, with visits reducing the risk of family-related violence and recidivism (Mowen & Fisher, 2016; Ryan & Yang, 2005).

It is important to note, though, that the visitation experience varies widely and is not always positive or beneficial for all youth (Tasca et al., 2016; Turanovic & Tasca, 2019; Young et al., 2019). Some scholars have suggested that whether visits are beneficial “...may depend upon the context under which [visits] occur” (Cochran & Mears, 2013, p. 258). One potentially important context is the visitation experience itself. Prior research suggests that families often go to great lengths to visit—traveling upwards of a hundred miles, spending money on food and travel, and taking off work or reshuffling their schedules (Christian, 2005; Comfort, 2003; Young et al., 2019; Sturges, 2002). Then, once at the facility, families are met with strict security measures and may be denied access for a variety of reasons (Boudin et al., 2013; Comfort, 2003). The reality is that visits can be quite a stressful for visitors. And qualitative work suggests that visitor-stress—when it makes its way into the visiting room—can impact the therapeutic potential of visits (Christian, 2005; Pleggenkuhle et al., 2018; Tasca et al., 2016).

Though we have a growing understanding of how policies and procedures affect the visitation experience, what is missing is an understanding of precisely what these visitation policies look like within juvenile facilities. Prior research has synthesized such information for adult facilities (Boudin et al. 2013), but because the policies that govern visits for juveniles are likely different than for adults, it is important to examine these policies separately within a juvenile context. Doing so could better guide efforts to understand when and why visits benefit youth and guide policies designed to improve visitation programs.

Against this backdrop, the goal of the current study is to develop a greater understanding of the visitation policies within juvenile correctional facilities in the United States. More specifically, we detail the major themes found in visitation policies across all 50 states and the District of Columbia (Washington DC). These themes include the restrictions placed on visitors, security measures required, and the number of days visits are offered. To this end, this paper aims to underscore the variation in visitation policies across the country and provide insight into the juvenile visitation experience. Furthermore, this paper explores the policy changes that states have made in response to the COVID-19 health crisis and the implications these changes have for the well-being of incarcerated youth.

### ***The Historical Context of Visitation***

Although correctional visitation programs have nearly always existed in one capacity or another, these programs were not always considered an integral part of offender rehabilitation. In the earliest correctional facilities, family contact was often used as a means of social control, rather than reform. Prison officials would grant or deny visits “on the basis of his or her behavior” (Schafer, 1991, p. 263), allowing only the most well-behaved inmates to receive visits. These restrictions were even more heavily reinforced in early juvenile facilities, where it was common for “parents [to lose] all prerogatives upon the child’s commitment” to the facility, including the right to visit (Rothman, 1971, p. 223). The New York House of Refuge, for instance, permitted parents to visit their children only once every three months and restricted visiting days to only Wednesdays and Fridays (Rothman, 1971). Very slowly, however, the visitation landscape began to change. Around the time of the great depression, Robert Shaw’s Chicago Area Project began waging a grassroots effort to improve the lives of at-risk youth, including those who were incarcerated. Part of these efforts involved securing visitation rights for incarcerated youth (Krisberg, 2005). Although it is unclear how successful these efforts were, such a focus represents a clear shift in visitation programming.

By the mid-20<sup>th</sup> century, research began to emerge highlighting the rehabilitative potential of visitation (Borgman, 1985; Glaser, 1964; Holt & Miller,

1972). For the first time, visits were viewed as an integral part of prisoner rehabilitation (Schafer, 1991). By the end of the next decade, the federal government began actively encouraging, rather than merely tolerating, visitation (Schafer, 1991). In 1979, the Commission on Accreditation of Corrections (CAC) released their *Manual of Standards for Juvenile Training Schools and Services*, outlining the standards of care expected within juvenile facilities. Among their recommendations, the CAC not only referred to visitation as “essential,” but outlined several policies they expected juvenile facilities to uphold. Included in these recommendations were that “written policies and procedures that specify all regulations pertaining to visiting should be made available to all staff members, residents, and their visitors” (Commission on Accreditation of Corrections, 1979, p. 79); and that youth should not be denied specific visitors except for security reasons. A few years later, the same organization specified that except for scheduling issues, understaffing, and limited space, facilities should not restrict the length of visits or the number of visitors that individuals could receive (Schafer, 1991). Following suit, correctional agencies began expanding the use of prison visitation programs (Schafer, 1991).

After decades of visitation expansion, though, the punitive shifts of the mid-to-late-1990s threatened to reverse course. In the early 2000s, an investigation by the United States Justice Department found that two Mississippi juvenile facilities were actively discouraging family contact (Abrams, 2004). These facilities were restricting youth from making or receiving phone calls, and visits were limited to only Sundays during a strict two-hour window (Abrams, 2004). Around this same time, the *Overton v. Bazzetta* (2003) Supreme Court case outlined instances where visitation rights could be restricted. The ruling noted that states could (1) limit visitors to immediate family and other designated individuals, (2) deny visitation to minors (under 18 years old) unless they were in the offender’s immediate family, (3) allow children to visit only if the offenders’ parental rights had not been terminated, (4) require an adult to accompany minor children during visitation, and (5) terminate visitation rights for two years if the prisoner commits substance- or alcohol-related policy violations (Farrell, 2004). In the decision, the Court ultimately ruled that restrictions on visitation are permissible for security reasons as long as those restrictions do not prevent family from contacting incarcerated persons in other ways (i.e., letters and phone calls). In effect, the Court argued that “visitation alternatives need not be ideal; they need only be available” (*Overton v. Bazzetta*, 2003, p. 127).

Despite the *Overton* ruling and the ability to limit visitation, states are still committed to promoting visitation. One example of the commitment to the

promotion of visitation is Florida, which has statutory provisions in place to encourage visits:

Upon determining any deficiencies and barriers to the effective and efficient operation of the department's visitation program and services, the secretary shall submit annual budget requests identifying capital improvements, staffing, and programmatic needs necessary to improve the quality and frequency of family visits and the visitation program and services (Criminal Procedures and Corrections, 2018).

In sum, visitation programs have experienced decades of promotion and expansion, with some minor contractions in recent times. Nevertheless, incarcerated persons generally have unprecedented access to their loved ones during periods of confinement, especially in comparison to their historical counterparts. Recently, however, in response to the COVID-19 global health crisis, the visitation landscape has changed again, albeit potentially temporarily. Several recent studies on the Department of Corrections policies for adult facilities have found that most states banned all in-person visits at the beginning of the pandemic (Dallaire et al., 2020; Novisky et al., 2020). These changes were consistent with recommendations from the Center for Disease Control (CDC) to "consider suspending visitation or offering non-contact visits only (CDC, 2021)." It is clear that these recommendations and subsequent efforts to restrict in-person contact were done in order to reduce viral transmission of the coronavirus within these facilities. Regardless of the reasons for the visitation restrictions, though, such policies represent a clear departure from previous developments to promote visits.

### ***Research on the Effects of Visitation***

Existing research suggests that prison visitation has numerous benefits. Indeed, youth who receive visits tend to fare better both during and after confinement. During confinement, visits can have beneficial effects across several domains. First, consistent with research on adult inmate populations (Cochran, 2012; Siennick et al., 2013), juveniles who receive visits are significantly less likely to engage in misconduct during confinement (Borgman, 1985). Agudelo (2013), for instance, reported that youth who were never visited had significantly higher rates of behavioral incidents compared to those who were visited one or more times.

Second, visits are associated with positive mental health and behavioral changes during confinement. Monahan and colleagues (2011) reported that visited youth experienced greater reductions in depressive symptoms. In addition, Young (2020) found that youth who experienced visits experienced greater reductions in dynamic risk change during confinement. More precisely, Young (2020) reported that youth

who received visits experienced greater reductions in antisocial attitudes, aggression, and impulse control. Finally, there is also some evidence that when youth receive visits, they are also less likely to recidivate (Ryan & Yang, 2005) and may be less likely to engage in family-related violence upon release (Mowen & Fisher, 2019).

While there are many benefits for youth who are visited during their incarceration, visits may not always be beneficial. Young and colleagues (2019), in their study of youth incarcerated in Florida, found that about 14 percent of youth rated the quality of their visits as being “fair” or “poor.” Similarly, Turanovic & Tasca (2019), in their study of incarcerated adults in Arizona, found that about 20 percent of visited inmates report having arguments or feeling stressed during visits, and 33 percent report feeling sad.

Some scholars have suggested that whether an incarcerated person receives high-quality, beneficial visits, or receive visits at all “...may depend upon the context under which [visits] occur” (Cochran & Mears, 2013, p. 258). One potentially important context of visitation is the facility itself, including the rules, security measures, and policies that govern visits. Qualitative research has found that the correctional environment presents many challenges for families wishing to maintain contact. For example, families have to work around the rigid and sometimes limited visitation hours outlined by the facility. As Young and colleagues (2019) point out in their study of the barriers to visitation among incarcerated youth, when visiting hours conflicted with work schedules or family-responsibilities, families were less likely to visit.

Even if families can coordinate their schedules to make themselves available for visitation hours, they still face a host of restrictive policies once they arrive. For example, families must navigate the facility’s security protocols and face the possibility of being searched upon entry (Boudin et al., 2013; Christian, 2005; Comfort, 2003). They may also be turned away for failure to bring appropriate identification or for dress code violations. Because of these challenges, families, if they are able to visit at all, may arrive to the visitation room stressed and tired (Christian, 2005). Existing research has found that visitor stress can have a profound negative impact on the quality of visits (Pleggenkuhle et al., 2019; Tasca et al., 2016).

Although it is clear that visitation policies can affect visit quality, we do not yet know what visitation policies look like in juvenile facilities and consequently we have a limited understanding of how such policies may positively or negatively impact the visitation experience for juveniles. If we are to truly understand whether

visits are beneficial and in what contexts, we first need to understand what visitation policies look like in juvenile correctional facilities.

### **Current Focus**

Against this backdrop, the broader goal of the current study is to develop a greater understanding of the policies that guide visitation within post-adjudication juvenile correctional facilities in the United States. More specifically, this paper examines and summarizes the various rules and regulations for visitation as provided by each state, including whether visitation policies are publicly available, how policies within the same state are similar or different by facility, the role of visits as a behavioral management tool, and the limitations and requirements placed on visitors. In addition, this paper explores some of the policy changes that states have made in response to the COVID-19 health crisis.

### **Procedure**

Between November 2020 and February 2021, the authors accessed juvenile justice system websites for all 50 states and Washington DC, with the intent of understanding their visitation policies.<sup>4</sup> Prior to data collection, the authors created a list of policies and themes to search for. These themes included: whether the state had codified visitation policies, whether youth could have visits restricted, which types of visitors youth could receive, conditions under which visits could be denied, security measures surrounding visits, and the visiting days and hours. These themes were developed based on prior work (Boudin et al., 2013). In addition to searching for themes that were anticipated to emerge, several unanticipated themes were identified through the analysis of the website data.

The coding procedure was as follows. First, each researcher was assigned an equal number of states for which they were primarily responsible for collecting the data. Second, the researchers searched the appropriate websites and identified the information related to the predetermined themes while also documenting unanticipated themes that arose. The authors recorded policies relevant to both private and state-run facilities. Third, the relevant policies were recorded in an Excel spreadsheet. Fourth, after the initial data were collected, each author reviewed one another's notes to ensure accuracy. Each author then independently created a list of major themes from the findings documented in the spreadsheet, which were then assessed collectively as a team and agreed upon. The coding processes were deemed complete once no new information or themes emerged.

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<sup>4</sup> This is a common approach to the studying of correctional policies, particularly visitation-related policies (Boudin et al., 2013; Dallaire et al., 2021; Novisky et al., 2020).

## Findings

Using the procedure outlined above, several major findings and themes emerged: availability of visitation policies, visiting hours, visitor restrictions, requirements for visitors, visitation as a behavioral management tool, encouraging visits, and changing policies during COVID-19. Each theme will be discussed in turn below.

### ***Availability of Visitation Policies***

One main theme that stood out during our research was that states differed substantially in ease of access to online information about visitation policies and how those policies were presented. With respect to ease of access to policies, two states did this particularly well: Oregon and Ohio. These states each had a webpage dedicated to the visitation policies for the state as a whole, with web links or information relevant to each individual facility. Both states not only made it easy to find their statewide policies, but they provided a great deal of policy-related information. Indeed, both states had information relevant to nearly all, if not all, of the topics we were initially interested in.

More commonly, though, states' visitation-related information was scant or difficult to find. For example, Hawaii, Michigan<sup>5</sup>, Mississippi, Missouri, Nevada, New Jersey, Pennsylvania, and West Virginia provided limited, if any, visitation-related policies. These states either did not have a webpage dedicated to visitation or provided only a few pieces of information. In other cases, their website was not clear whether the policies listed were for detention facilities or residential placement facilities.

A few states fell somewhere in the middle—meaning that some information was easy to find and other information was less accessible. Florida, for example, has a website dedicated to statewide visitation policies, but it requires you to call the facility to obtain any facility-specific information about visiting dates and times. Similarly, Iowa only had visitation information available for some of their facilities and provided little if any information on the statewide visitation policies. It is also important to note that some states only had outdated visitation information on their websites. New York, for example, had information dating from 2015 and Georgia from 2018. Furthermore, as is discussed in greater detail below, other states only provided visitation policies relevant to COVID-19, without offering any information on the visitation rights generally afforded to youth and their families.

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<sup>5</sup> At the time of writing this paper, we were met with “server error” messages on their website.

### **Visiting Hours**

We also found that states differed in the number of days and hours visitation was available. Several states offer fairly limited options for visiting days and hours. Georgia, for example, only requires facilities to offer visits two days a week for at least one-hour. Less restrictive states include Connecticut—which allows families to visit any day of the week, but only for 30 minutes—and New York—which requires that visits be available to youth at least twice a week for two hours. A large number of states, however, had quite extensive visiting hours. Some facilities in Colorado, for example, offer visits seven days a week in four- to five-hour blocks. Similarly, Indiana, Maryland, and Ohio also allow visits seven days a week, and Montana, Minnesota, and Wisconsin make visits available five to six days a week.

Furthermore, we found that there is not only variation in visiting schedules *between* states, but *within* states as well. Indeed, facilities within the same states were often markedly different with respect to how many days and hours per week visits were offered—this was true for the majority of states. Oregon, for example, had one facility that offered visits anytime between 9:00am and 4:00pm each weekday, while others made visits available only on the weekends and one weekday. Another example is Illinois, whose Chicago facility has visiting hours Thursday through Sunday (and holidays) for at least two hours per day, whereas other facilities make visits available only on weekends and holidays.<sup>6</sup> Of course, there were also a considerable number of states for whom no specific visiting days and hours could be found.<sup>7</sup> It is important to note that these patterns reflect pre-COVID visiting days and times. We discuss below the ways in which COVID-19 has affected typical visitation schedules.

### **Visitor Restrictions**

Furthermore, we found that many states placed numerous restrictions on visits. These restrictions include limiting *who* could visit, the number of visitors approved, and the number of visitors allowed during a given visit. The most common restriction was from *whom* youth could receive visits. In nearly all states, youth were permitted to receive visits only from family, clergy, and legal staff. This differs from adult facilities where incarcerated persons can receive visits not only from family, but also from friends and significant others (Bales & Mears, 2008; Duwe & Clark, 2011; Turanovic & Tasca, 2019).

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<sup>6</sup> Other states for whom policies differed between facilities within the same state include Colorado, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, New Mexico, New York, North Dakota, Ohio, South Dakota, and Wisconsin.

<sup>7</sup> Examples: Hawaii, Mississippi, Missouri, Nevada, New Jersey, Pennsylvania, and West Virginia.

Within the context of the juvenile justice system, states differed in who was considered “family.” Arizona, for example, considered family to be parents or legal guardians, grandparents, and siblings, but also made allowances for family who was otherwise pre-determined to be significant to the youth. Generally, states define family quite generously. Georgia, for example, allows family to include parents, foster parents, children, siblings, aunts and uncles, nieces and nephews, significant others, in-laws, and grandparents. Within that state, parents, grandparents, and siblings can be step-relations or half-relations as well. Florida shares a similar definition of family (Young et al., 2019).

Although many states have fairly exhaustive definitions of “family,” other states do not. Nevada only allows visits from immediate family—though who constitutes immediate family is not listed. Similar policies exist in North Dakota, Oklahoma, and Rhode Island. It should be noted that one state appeared to offer a departure from the family-only rule: Ohio. Ohio listed that they allowed youth to also receive visits from friends in addition to family.

Many states limited youths’ visits in other ways. Several states, including Georgia, Minnesota, and North Dakota, restricted youth from receiving visits from their victims. States also tended to restrict youth from receiving visits from individuals under a certain age unless they were accompanied by an adult, typically a parent or guardian. Maryland, for example, required anyone under the age of 21 to visit with a parent, while Montana, Nebraska, and New York required anyone under the age of 18 to visit with a parent or guardian. Finally, states typically placed limits on the number of visitors that youth could receive per visit. This requirement varied by state. Connecticut, for example, allowed only two visitors at a time, whereas Delaware, Louisiana, and Washington DC allowed three visitors at a time, and South Carolina and Maine allowed up to four visitors at a time.

As part of this, some states (e.g., Delaware, South Carolina, and Illinois) require youth to pre-register their visitors. This often requires youth to submit names of individuals ahead of visits for approval. In some states, facilities would only pre-approve up to a certain number of visitors. Delaware allows youth to have an approved visitor list of up to six people and Indiana allows up to twelve. Other states require visits to be pre-arranged (e.g., Nebraska and Oregon), where visitors essentially book an appointment to visit. In some cases (e.g., Oregon and Virginia) staff members were available to help youth compile these lists and make visitation arrangements more easily. It is possible many other states had similar programs, but they did not mention any.

### **Requirements for Visitors**

Even if individuals are allowed to visit (i.e., are immediate family or are over a certain age) and can make the scheduled visiting days and times, we found that visitors often have numerous security-related requirements to meet upon their arrival to the facility. Most states, for example, require visitors over a certain age to present a form of identification (ID) at the time of their visit. There is a great deal of variability in *who* has to provide an ID, though. Some states, like Georgia, Indiana, and Iowa require those of driving age or older (16 years old+) to bring identification. However, there are several states that require those as young as 12 or 13 years old to provide a photo ID. Arizona, California, Colorado, Connecticut, and Delaware require those 12 and older to provide ID; Ohio, Tennessee, and Texas require IDs for those 13 or older; and at least eight states including Louisiana, Maryland, and New York require IDs for visitors over 14.

In addition to providing identification when they arrive, many states (e.g., Montana, Nebraska, New York, Ohio, and Maryland) also require that visitors consent to a search—either via metal detectors or pat downs—upon arrival. Some states, like Florida, Indiana, and South Dakota incorporate language into their policies that allow them to deny entrance to anyone who does not consent to a search. States typically do not specify if those under a certain age are exempt from searches. However, Virginia does indicate that children of diaper-wearing age must be changed into a facility-issued diaper before being allowed into the visiting room. This policy suggests that perhaps there are security measures for younger visitors as well.

Many states also require visitors to adhere to dress codes. The following states list dress codes: Arizona, Florida, Georgia, Maine, Oregon, Tennessee, Virginia, and Kansas, but others likely have them as well. Some states, like Ohio, simply require that visitors adhere to “appropriate dress,” whereas others have more specified dress codes. Virginia, for example, does not allow clothing with antisocial references and does not allow tight or revealing clothing. Similarly, South Carolina requires that visitors wear shoes, tuck in their shirts, and do not have gang-oriented clothing or too short of shorts or skirts.

Not only do some states have guidelines on what visitors can wear, but others also restrict what visitors can bring into the facilities. For example, states like Kansas and Texas allow visitors to only bring up to \$10 cash with them. Numerous states also restrict visitors from bringing food, medication, packages of any sort, and electronic devices into visiting rooms as well (i.e., Arizona, Colorado, Connecticut, Florida, Georgia, Iowa, Kansas, Louisiana, North Dakota, South Carolina, Texas, Utah, Virginia, and Wisconsin).

Of course, security considerations do not begin only when a visitor arrives. Several states, like Indiana, Louisiana, and South Dakota require visitors to pass a background check before they are able to visit. This likely occurs after the youth provide the facility with a list of potential visitors or at the time that visitors sign up for visits. In some states, like Montana, if the background check indicates a prior criminal record, the visitor can be denied visitation privileges. This is likely true in other states as well, but not all states provided such information.

### ***Visitation as a Behavioral Management Tool***

A far less common theme across states is to include language that uses visits as a behavioral management tool. That is, very few states—at least as formal policy—restrict youths' visits as punishment for misconduct within the facility. Colorado allows for the possibility for visits to be restricted based on bad behavior, but also allows youth to earn additional visitation privileges for good behavior. Florida too allows visits to be restricted if “behavior of youth is disruptive or not in compliance with facility policies and procedures” (FDJJ, 2012). Similarly, Indiana refers to visits as a privilege, suggesting that they take a similar approach. It is quite possible that other states also use visits as a behavior management tool but simply do not state it in their codified policies.

On the other end of the spectrum is New York City, which explicitly prohibits using visits as a behavioral management tool. According to a New York Administration for Children's Services Policy and Procedure (2015), “Provider agencies shall not withhold visits as a form of discipline or punishment” (City of New York, 2015, p. 2). Most states, however, do not provide information on the use of visitation in this manner.

### ***Encouraging visits***

For every state that limits visits for youth who engage in misconduct, there are more states that actively encourage visitation. Indeed, the Florida Department of Juvenile Justice, on their visitation webpage, says: “Visitation is an important component of a youth's stay in a detention or residential facility, and it is encouraged and supported by DJJ staff” (FDJJ, 2012). Colorado too has such language listed on each facility's webpage. Conversely, Indiana's website has language expressing that parents have the *right* to visit.

Other states encourage visits more directly by providing families with transportation assistance. This is potentially quite important given that distance is one of the most commonly cited barriers to visits for families of incarcerated youth (Young et al., 2019; Young & Turanovic, 2020). Although it is possible that transportation assistance is available in other states, only New York, Virginia,

Washington DC, and Wisconsin explicitly list their commitment to providing this form of assistance. Washington DC, for example, has specific meeting places within the city limits where buses will pick families up and bring them to the facility. Relatedly, Texas facilities have family liaisons that help youths' families with financial assistance necessary for visits. This is perhaps just as important as transportation assistance given the possibly high costs associated with traveling to the facilities (Christian, 2005; Christian et al., 2006).

Other states work to encourage visits by making visitation information more accessible to families. Georgia, Nevada, and Ohio all indicate that they provide a packet of information to families upon youths' arrival to the facility, which includes visitation information. More specifically, Nevada indicates, "The facility Superintendent will give you specific information about visitation in a letter sent to your home. If you do not get a letter, please call the facility" (Nevada Division of Child and Family Services, 2021, p. 17). Illinois also stipulates that families must be made aware of the ability to visit, but does not specify how they must be made aware. Relatedly, Delaware indicates that their staff contact family members to schedule visits. Insofar as Delaware is diligent in setting up these visits, such efforts might encourage visits. The extent to which other states may follow similar practices is unclear.

### **Changing Policies During COVID-19**

It is important to note that the trends in visitation policies and procedures outlined here detail what is allowed in a typical year. Unfortunately, little about the last year (2020/2021) has been "typical," given the COVID-19 global health crisis. Although COVID-19 has had a global impact, its effects on correctional institutions and their populations have been particularly profound. In addition to little access to personal protective equipment (PPE) and cleaning supplies, the close living quarters and direct contact with persons living in the community (e.g., correctional officers) puts this population at increased risk for exposure (Dallaire et al., 2021; Novisky et al., 2020; Nowotny et al., 2020). As part of efforts to curtail the spread of the virus within correctional facilities, many states have limited visitation during this time (Dallaire et al., 2021; Novisky et al., 2020), though the extent to which this occurred within the juvenile justice system is unclear.

In comparison to the Department of Corrections websites highlighted in research on adult inmate populations (Dallaire et al., 2021; Novisky et al., 2020), the juvenile justice system websites we examined provided very little information about their COVID-related policies, including any changes to visitation policies. Some states, like Alaska, Massachusetts, and North Carolina, *only* had COVID-specific

visitation policies available on their websites.<sup>8</sup> This, of course, is helpful, but does not give us a sense of how visitation policies have changed. Other states, like Florida, provided no information on their current COVID-related policies on their visitation page at all. Then there are states like Ohio and Oregon that have both their pre-COVID policies and their current COVID-related policies.

From what little information is available, it appears that juvenile facilities, like those for adults, heavily restricted in-person visits in response to COVID-19. Some states, like Ohio, indicated that in-person visits would be replaced by video visits (other states listed no alternatives). The reliance on video visitation in states like Ohio represent a far departure from their typical policies. In Ohio, for example, youth can receive visits from an extensive list that includes not only immediate family, but also friends and mentors; and Ohio facilities traditionally offer visits 7 days a week in 3-hour blocks. If Ohio—a state that typically has quite generous visitation policies—restricted visits so heavily during the pandemic, we might assume that many other states did as well. But because states are inconsistent in how they present their information generally, and with respect to COVID-19 in particular, we cannot discern how widespread visitation restrictions are among states. It is also difficult to know when these policies may shift back to “normal.” Such a dearth of information on COVID-related policies on juvenile justice system websites is shocking considering that recent research on the adult correctional system was able to find COVID-related visitation policies on all 50 states’ Department of Corrections websites (Dallaire et al., 2021; Novisky et al., 2020).

## Conclusion

The central purpose of this study was to understand the key policies that guide visitation within juvenile correctional facilities. This research was conducted to understand, generally, the ways in which states might help facilitate or hinder visitation. Given the recent global health crisis related to COVID-19, the secondary purpose of this paper was to understand the ways in which visitation changed during the pandemic. Results from this study point to several conclusions with regard to visitation policies and procedures across the country.

First, juvenile visitation is very family-centered. By-and-large, states allow youth to receive visits mainly from family, but typically do so in ways that are inclusive of the youth’s broader family network. That is, many states define “family” quite generously and include not only the youth’s parents and siblings, but, in many

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<sup>8</sup> These policies reflect those listed during the time the contents were being assessed.

cases, extended family like grandparents, aunts and uncles, and cousins. Whether youth receive visits from such an extensive network, though, is unclear. Existing research tends to suggest that youth receive *most* of their visits (upwards of 75%) from their parents (Monahan et al., 2011; Young et al., 2019). This is likely the result of other restrictions—scheduling conflicts, distance to the facility, money, and ID requirements—that preclude a large portion of a youth’s network from visiting. Nevertheless, allowing and encouraging visits from a larger network might be beneficial (Duwe & Clark, 2011).

Not only do most states allow visits mainly from family, but the language in their policies also typically stresses the importance of familial visits above all else. New York City’s (2015) Policy and Procedure handout states:

Regular visiting between youth in juvenile justice placement facilities and their families and other important people in their lives is critical for sustaining and strengthening those positive relationships necessary to support youths' rehabilitation, well-being, and development into adulthood (p. 1).

Although states emphasize the importance of visits generally, many of the efforts to disseminate and promote visits for youth seem to focus primarily on the most immediate family. Several states provide packets of information to families that outline their visitation policies and procedures at the time of the youth’s admission to the facility. Presumably, these packets would be sent to their parent or caretaker, and not extended family or other adults invested in the youth’s life. Furthermore, because most juvenile justice systems provide very little (if any) visitation information on their public-facing websites, extended family might find it difficult to access visitation policies without the support of the youth’s immediate family. It is possible that extended family could call the appropriate facility to get such information. However, it is unclear whether that information would be provided to them or how easy it would be to get in-touch with the facility. Future research might consider exploring these areas.

Second, families must meet numerous requirements in order to visit. Not only do families need to make sure they know the appropriate visiting days and times for the facility, but they have to ensure everyone traveling to the facility with them has the appropriate clothing, has an identification card, and that no one is bringing to the facility any prohibited items. Furthermore, in some states, families need to submit background checks and any required documentation ahead of time so that they are not turned away when they arrive. Coordinating such efforts is difficult for some families. It is therefore unsurprising that many visitors feel a heightened level of stress during visits (Arditti, 2012; Comfort, 2003; Nurse, 2002; Pierce, 2015;

Tewksbury & DeMichele, 2005). And visitors' emotional state is important to the quality of the visit. Existing research suggests that visitor stress can negatively impact the visit itself—leading to more arguments and less loving and supportive visitation experiences (Christian, 2005). It is no wonder then that visits sometimes go poorly and youth will request that family no longer visit (Young et al., 2019), or that not all youth end up benefitting from visits (Young, 2020b).

Third, visitation policies involve several requirements that are potentially costly for visitors. For example, most states required that all visitors produce an identification (ID) card at the time of their arrival to the facility. ID cards can be quite expensive. In some states, the costs of IDs (e.g., Hawaii, Rhode Island, and Washington) are over \$25 each (Shared Prosperity Philadelphia, 2015). In Florida, a standard ID card costs \$25 and a driver's license costs at least \$40 (FLHSMV, 2021). To make matters worse, most states require all visitors over a certain age to provide an ID at the time of visiting. Given that the average incarcerated youth comes from lower income families (Young & Turanovic, 2020)<sup>9</sup>, such costs might make visiting quite difficult or impossible. And this might be especially true for the youth that stand to benefit from visits the most—lower income youth.

Furthermore, the dress codes could also be costly. If visitors do not meet the dress code requirements, they face the very real possibility of being turned away at the door. This, in and of itself, could be costly if the visitor traveled a substantial distance to visit. But dress codes could also pose additional financial burdens by forcing families to purchase additional articles of clothing to conform to the standards of the facility. If families make these purchases ahead of time, they might be able to budget for such expenses. But if they are turned away after arriving at the facility and have to buy clothing at that point, that could be an unforeseen expense. Although each of these costs could, in isolation, seem minor, we must remember that these costs occur on top of those associated with traveling to the facility including gas, food, and overnight accommodations (Young et al., 2019). While some states offer assistance with transportation, most do not. As a result, the policies in place could make in-person visits cost-prohibitive for many families.

Fourth, some state policies are vague. Often the vague language surrounds the requirements that visitors must follow, including how they should conduct themselves during visits and what they are permitted to wear. With respect to conduct, some states simply state visitors should not engage in "disruptive" behavior, but do not define what that entails. Some states also have vague dress

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<sup>9</sup> Young & Turanovic (2020) reported nearly 87% of youth incarcerated in Florida had household incomes of less than \$35,000 a year, with about 36% reporting household incomes of less than \$15,000.

code requirements suggesting visitors should only wear “appropriate” clothing. Vague language in policies can pose significant barriers to visitors. Visitors could travel for hours only to be turned away for what they were wearing because their interpretation of “appropriate” dress differs from the correctional officers at the facility. Anecdotal evidence has highlighted this experience (Vann Sprecher, 2016).

The concern over vague policy language is not just that it could create confusion for visitors; vague language could also allow staff to apply policies in ways that are discriminatory. It has been documented that dress codes tend to disadvantage women more so than men (Martin & Brooks, 2021), which could be problematic for incarcerated youth whose visitors are largely female relations (Young et al., 2019). If dress codes limit clothing or hairstyles that are more common among different racial or ethnic groups, then certain groups might have fewer visitors than others. Certainly, some policies need to be intentionally vague or subjective, as not all behavioral problems or actions can be codified and correctional officers need some leeway to make decisions that best suit the security needs of the facility. However, where possible, perhaps states and facilities could be more explicit in behavioral and dress code requirements. Doing so could better encourage family contact during confinement.

Fifth, policies suggest that visits were restricted because of COVID-19. Although there was limited information provided on most juvenile justice system websites regarding those policies, it appears that visitation was restricted in response to the coronavirus pandemic. Scaling back correctional visits in times of health concerns is not unprecedented. Like with the COVID-19 health crisis, the CDC recommended that correctional facilities be cautious and possibly restrict visits during the H1N1 outbreak in 2009 (CDC, 2009). There is no doubt that highly contagious respiratory illnesses like COVID-19 pose a significant health threat to incarcerated populations, and that there is a great deal of racial inequality in severe infection likelihood. In Louisiana, Black-Americans made up 31% of state’s population, but accounted for nearly 77% of those hospitalized and 71% of those who died from COVID-19 (Price-Hawyard et al., 2020). Because Black youth make up approximately 40% of youth in residential placement, COVID-19 in these facilities likely disproportionately affects this group (Hockenberry, 2020).

It is quite possible that suspending visits might have reduced COVID-19-related illnesses within residential facilities, particularly for youth of color. However, with staff entering and leaving the facility daily, infection rates have been alarmingly high within these facilities (Pyrooz et al., 2020). Indeed, some studies have estimated that rates of infections within adult correctional populations are five times greater than that of the general population (Saloner et al., 2020). Although

there are no national estimates of rates of infection among juvenile populations, some states, like Texas, have estimated rates of infection that are two times higher than in the general population (Asgarian, 2020). More research is needed to determine whether, and to what extent, the restriction of in-person visits helped stall the spread of the virus within these facilities.

It should be noted that just because in-person visits were restricted does not mean that youth were unduly separated from families during the pandemic. In fact, there is some indication that youth were released from facilities and returned to their families in greater numbers than is typical to keep infection rates lower (Annie E. Casey, 2021; Rovnor, 2020). There is also evidence that within adult facilities, more emphasis was placed on phone calls and virtual visits during this time (Dallaire et al., 2021; Novisky et al., 2020). In fact, some states offered free video visitation to families (Dallaire et al., 2021; Novisky et al., 2020). Unfortunately, incarcerated persons have mixed reactions to video visits. One study conducted by the Vera Institute suggests that some find it a great way to connect with family, but others complained about the video quality (Digard et al., 2016). Additional research is needed to understand how these alternatives compare in their frequency of use and the effects they may have on behavior during and after incarceration.

These findings have important policy implications. First and most importantly, there is a need for more transparent and up-to-date visitation policies on juvenile justice system websites. This update would allow families—even those who are not the immediate caretakers of youth—to more easily find the information needed to plan and make a visit. This change would also be important for families of youth who have been transferred between facilities, given that many facilities have vastly different policies. Second, facilities should consider allowing individuals under the age of 18, who are accompanied by parent or guardian, to visit without an ID. This could potentially reduce the financial burden associated with visitation. We recognize, however, the inherent security problems this might pose. Another solution would be to allow school IDs—which are typically given out for free—as a substitute to a state-issued ID. Third, to the extent that it does not pose a security threat, facilities should consider relaxing their dress code requirements. This could be an easy way to reduce the costs associated with visits and the barriers families must overcome to visit. Finally, more states could offer visitation counselors or coordinators whose job is to facilitate visits. Some states, like Virginia, have such counselors. Individuals in these positions could help arrange transportation, provide information on visits, and troubleshoot issues (i.e., whether certain articles of clothing fit the dress codes).

The findings and conclusions of this paper, however, should be viewed in the context of its limitations. There are two main limitations of the current study. First, this paper used the policies derived only from each state's public-facing websites, and not all states have policies listed. It is possible that states without policies listed, or those with incomplete policies, operate differently than what was described here. Relatedly, we had a very incomplete picture of COVID-19 related visitation policies because of this issue. Second, visitation policies are likely not static. We examined the visitation policies as they were listed during a specific period of time. It is possible that these policies have changed since the writing of this paper. Therefore, the patterns presented here should offer a guide for how visitation policies operate, not a reference point for specific state-policies.

These limitations notwithstanding, this paper represents an important effort to better understand the policies that guide visitation within juvenile correctional facilities. These findings suggest that many of the policies that guide visitation seem to run counter to the goals of visitation programs: they act as a barrier to visits. Indeed, many of the policies described here seem to increase the costs associated with visits that could simply make visits out of reach for the average family of an incarcerated youth. In addition, the lack of information on juvenile justice system websites and the vague policies that sometimes are listed could also serve to limit visits. It is necessary for juvenile justice administrators and policymakers to continue to be conscious of how visitation policies may undermine efforts to encourage family involvement with youth through visitation since there is a possibility that not doing so could ultimately disadvantage the youth.

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