

LEARNING THE BASICS

INDIVIDUAL RIGHTS OF PERSONS RECEIVING SERVICES

Overview/definitions:

It is imperative that people we serve exercise or are assisted to exercise all rights under the Constitution of the United States and those declared in statute. Know that people most vulnerable to rights violations are those members of society who are least aware of their rights and least able to afford or access a lawyer. Adults that we serve are vulnerable to rights restrictions when:

1. Decision makers see the adults we serve as "children".
2. Decision makers prioritize efficiency and/or cost reduction over individual lives.
3. Decision makers fail to include the person involved in the decision making process.
4. Decision makers think they "know what's best" for people with disabilities.

Often there are many "people of influence" in the lives of people we serve. They may include parents, guardians, service provider staff and even service coordinators. Most of these people have the best interest of the person at heart but sometimes due to various reasons may attempt to unnecessarily limit or restrict rights of the people we serve.

The children we serve also have rights. Children are vulnerable to rights violations when parents are not given the information or assistance needed to advocate for the services and education to which they are entitled.

The role of a service coordinator is to be an advocate for the person, to help that person participate in exercising his/her rights as a citizen of the United States to the fullest degree possible without placing that person's health and/or safety at jeopardy.

Guiding Principles:

Core Principles as defined by Office of Quality Management Certification Team:

- 3.2.01: Individuals have information on the rights and responsibilities of citizenship.
- 3.2.02: Individuals are involved in any process to limit their rights and are assisted through external advocacy efforts.
- 3.2.03: Individuals are entitled to due process when limitations are imposed.
- 3.2.04: Individuals are free to communicate privately.
- 3.2.05: Individuals have freedom of movement.
- 3.2.06: Staff is trained in preventing, detecting, and reporting abuse/neglect.
- 3.2.07: Abuse/neglect is prohibited by policy.
- 3.2.08: Research must comply with state and federal regulations.
- 3.2.09: Guardians and advocates, chosen by the individuals, participate in planning and decision-making.

- 3.2.10: Individuals are informed of or are assisted in the process of obtaining a guardian, conservator, and/or referred to advocacy services.
- 3.2.11: Staff maintains all information about individuals in confidence.
- 3.2.12: Individuals have access to their records and staff is available to answer their questions.
- 3.2.13: Individuals do not perform unpaid work for which others receive pay.
- 3.2.14: Individuals' rights to a free, appropriate public education are supported.

Service Coordinator Roles/Responsibilities:

We can best advocate for the people we serve if we:

1. Know the rights of all people guaranteed by the Constitution of the United States.
2. Always make sure the persons we serve are included in any process or decision involving the restrictions of any right.
3. Be knowledgeable of the individual terms of a guardianship and/or conservatorship for any person you serve whose rights have been restricted in such a way.
4. Understand the procedure of "due process" for individuals' rights.
5. Assist the persons and families we serve in getting the information and/or training needed to increase their knowledge of their rights & responsibilities so that they are empowered to exercise them.

Mandatory Reading:

"Individual Rights of Persons Receiving Services from the Division of Developmental Disabilities" Department of Mental Health; Division of Developmental Disabilities (revised 11/08). <http://dmh.mo.gov/docs/dd/indrights.pdf>

Applicable Rules & Regulations:

DOR 2.105: Clients Rights and Grievance Procedures

<http://dmh.mo.gov/docs/diroffice/dors/ch2/DOR2.105.pdf>

9 CSR 10 7.020: Rights, Responsibilities and Grievances

<http://www.sos.mo.gov/adrules/csr/current/9csr/9c10-7.pdf>

<http://www.sos.mo.gov/adrules/csr/current/9csr/9c45-3.pdf>

RSMo Chapter 630

<http://www.moga.mo.gov/STATUTES/C630.HTM>

Section 630.110

Section 630.115