

**Delaware Health and Social Services  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES  
Dover, Delaware**

**Title: Rights and Responsibilities**

Approved by: \_\_\_\_\_

Acting Division

Director

Written/Revised By: DDDS Policy & Records Committee

Date of Origin: March 1987

Revision Date: January 2010

**\*\*\*\* *Replaces Individual Rights Review policy***

**I. PURPOSE**

To establish a process for informing and supporting individuals in the exercise of his/her rights as well as the documentation and ongoing review of those rights.

**II. POLICY**

DDDS promotes individuals having an understanding and an awareness of their rights and responsibilities, and assists individuals, their families, advocates and those who support them in the exercise of those rights.

**III. APPLICATION**

Stockley Center

DDDS Community Services (Residential and Day Programs)

All DDDS staff and contractors (both residential and day)

Contractors of day services and residential services

**IV. DEFINITIONS**

A. Due Process – A fair impartial process/procedure, which requires at least an opportunity to present objections to the proposed action.

B. Guardian – A person who has a legal relationship which authorizes him/her to make decisions for another person who has been determined by a court to be incompetent to manage his/her affairs and/or property.

**V. STANDARDS:**

A. The Statement of Rights and Responsibilities (Exhibit A) shall be:

- 1) Provided to the individual and his/her family or guardian, at the time of the initial meeting and yearly thereafter, at the time the Family Support Agreement is updated.
  - 2) Reviewed with the individual receiving residential services at his/her 30 day post placement conference and yearly thereafter in coordination with the Essential Lifestyle Planning meeting.
- B. The communication of rights and responsibilities shall be presented in a format that is understandable to the individual and his/her advocate.
- C. The delegation of rights shall be made to the individual's guardian or next of kin if any of the following apply:
- a. The person has been adjudicated incompetent;
  - b. The person has been determined to be incompetent by his/her attending physician;
  - c. The person is unable to communicate.
- D. The team shall respect and promote the exercise of rights by all individuals by:
- 1) Clearly informing the individual of his/her rights, in verbal and written form or with whatever adaptations are necessary.
  - 2) Assuring that parents, guardians or advocates are similarly informed of the individual's rights.
  - 3) Providing ongoing and documented teaching and support strategies for those individuals identified as needing supports for understanding and exercising his/her rights.
  - 4) Implementing mechanisms to assist any individual who requests or is identified as needing specialized supports to exercise his/her rights.
  - 5) Reviewing and documenting on an ongoing basis that all individuals are being supported to the best of their abilities to understand and exercise his/her rights.
- E. Each individual's record (COR) or electronic record (Therap) shall contain documentation that:
- 1) Indicates that the person has been informed of his/her rights and responsibilities;
  - 2) Identifies any issues needed to assist an individual to more fully understand and exercise his/her rights;
  - 3) Routinely indicates what instruction is provided to an individual relative to exercising rights.
- F. A right of an individual shall not be limited or restricted without due process.
- G. Rights shall only be restricted or limited when it is necessary to protect the individual or those around him/her from harm.
- H. Restrictions shall be documented on the Restriction of Rights (Exhibit B) form and be filed in the individual's COR or Therap electronic record. Documentation shall clearly indicate:
- 1) The right(s) that is restricted;

- 2) The reasons for the restriction;
  - 3) When the restriction will again be reviewed;
  - 4) The training and/or supports provided to remove the need for the restriction;
  - 5) Description of efforts to support the person without restriction(s).
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- I. Annual Statement of Rights and Responsibilities for people who receive Family Support Services shall be completed by the State operated or contracted day providers. Restrictions of rights within the day setting shall follow the same standards as contracted residential and shared living providers.
  - J. Individuals and/or their guardian or next of kin shall have the right to file a Client Rights Complaint if it is believed that a right was unfairly restricted/denied and resolution cannot be achieved.
  - K. HRC shall review all rights restrictions in accordance with the Human Rights Committee policy.
  - L. The DDDS Volunteer Services Coordinator shall be responsible for ensuring that approved sponsors and volunteers are advised of the DDDS' policy entitled Rights and Responsibilities.
  - M. Stockley Center, DDDS Community Services (to include day and residential services), and contractors of services to people supported by DDDS residential or day services (including Stockley Center) shall establish internal protocol/procedure for the implementations of the standards setforth in this policy.
  - N. Internal protocol/procedure shall be made available to the DDDS Director of Policy Development, as requested.
  - O. This policy shall be effective immediately upon DDDS dissemination.

**VII. REFERENCES:**

- A. Delaware Code Title 16, Section 1121 (1-33)
- B. DDDS Individual Rights Complaint Policy
- C. DDDS Human Rights Committee Policy

**VIII. EXHIBITS:**

- A. Statement of Rights and Responsibilities
- B. Restriction of Rights Form

**Individual Rights Review**  
**Statement of Rights and Responsibilities**

**The Division of Developmental Disabilities Services holds the philosophy that people with developmental disabilities are entitled to the same basic rights as other citizens of the State of Delaware. These rights include (but are not limited to):**

**Your Rights and Responsibilities Regarding Services and Supports**

You Have the Right to:

- Receive considerate, respectful, and appropriate care, treatment, services and supports, regardless of race, creed, nationality, sexual orientation or level of disability
- Be informed of medical condition, developmental and behavioral status and risks of treatment and services provided
- Be free from unnecessary drugs or physical restraint and research that might cause psychological or physical harm.
- Be free from physical, verbal, sexual, psychological/emotional abuse and exploitation
- Voice grievances, file a complaint and recommend changes concerning the care, treatment, services and supports you receive

You Have the Responsibility to:

- Participate as much as you can in the planning of your services and supports
- Ask questions about your condition and status and the risks of treatment
- Report problems or concerns you have to someone on your team or your family or advocate so that they can be addressed

**Your Rights and Responsibilities Regarding Privacy**

You Have the Right to:

- Have time, space and opportunity for privacy.
- Meet privately with people of your choice.
- Privacy during treatment and care of personal needs.
- Review information that is kept concerning you.
- Determine who can review information that is kept concerning you.

You Have the Responsibility to:

- Exercise your right to privacy in a way that does not interfere with the rights of others
- Communicate your need for privacy to the members of your support team
- Provide enough information about yourself so that your support team can obtain appropriate services for you.

**Individual Rights Review**  
**Statement of Rights and Responsibilities (continued)**

**Your Rights and Responsibilities Regarding Choice**

You Have the Right to:

- Give and/or withhold consent for treatment.
- The least restrictive and most appropriate living situation.
- Choose between a living in a Home and Community Based Service (HCBS) residential setting (apartment, neighborhood Home, shared living) or an ICF/MR facility.
- Choose your HCBS Residential Provider.
- Choose your HCBS Day Service Provider.
- Choose your HCBS Clinical Services Provider (RNs and/or BAs).
- Speak openly and freely.
- Have and use personal property and possessions and to have them safeguarded.
- Participate in the life of your community, including belonging to clubs, organizations, and attending functions or events of your choice.
- Participate in the political process.
- Make decisions that directly affects your life including managing your finances.
- Plan for your future.
- Religious expression.
- Have a personal advocate.
- Equal educational and work opportunities.
- Have meaningful relationships.

You Have the Responsibility to:

- Be informed about the consequences of the decisions you make
- Make choices that are not harmful to yourself or to other people
- Communicate your choices to your support team
- Manage yourself in a manner that is acceptable when you are participating in activities in your community
- Involve yourself in relationships of your choice in a way that does not harm yourself or other people

\_\_\_\_\_  
Signature of Individual Receiving Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Family/Advocate/Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Case Manager/Support Coordinator

\_\_\_\_\_  
Date



**DELAWARE HEALTH & SOCIAL SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**RESTRICTION OF RIGHTS FORM**

**Name:** \_\_\_\_\_ **MCI Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Residence:** \_\_\_\_\_

**I. Right(s) Being Restricted:**

**II. Reasons For Restriction:**

**III. Past Efforts To Support The Individual To Exercise This Right Without Restriction:**

