



CHILDREN'S RIGHTS

Your Rights When You Live in a Children's Residential
Treatment Facility

November 2023



Disability
Rights **OHIO**



WHAT ARE YOUR RIGHTS?

Care and Treatment

You have the right to be treated with respect and kindness in a comfortable, welcoming, stable and supportive environment.

You have the right to be a part of planning your own treatment. You have the right to know what you are being treated for including; the areas that you are doing really well, and the areas that you still need improvement.

You have the right to be treated like what you say matters. You have the right to be treated kindly by the adults who work with you. You have the right to live in a comfortable and safe place. You have the right to be free from physical, sexual and verbal abuse:

Physical abuse is when an adult hurts a child by hitting, shaking, choking, burning, pinching, beating, or any other action that causes pain and/or injury. Physical abuse will often leave bruises, cuts, and/or other marks on your body.

Verbal abuse is when an adult hurts a child by threatening the child, always yelling at the child, cursing and/or saying mean things that hurt the child's feelings and sometimes makes the child feel unsafe.

Sexual abuse is when a child's private parts are touched or a child has to touch another person's private parts. Private parts are the parts of the body that are covered by underwear. It is also sexual abuse if an adult shows a child pictures or movies of people without their clothes on or takes those types of pictures/movies of a child. Sexual abuse often makes a child feel uncomfortable, unsafe, scared, angry, or confused. (<http://www.ovc.gov/pubs/helpseries/pdfs/CATipSheet.pdf>)

Your Own Things

You have the right to wear your own clothes. You have the right to keep and use personal belongings, including toiletries (toothbrush, toothpaste, lotion, soap, etc.). You have the right to request hygiene products (like certain soap, lotion, hair products) for cultural or religious reasons. The child residential facility may keep certain personal items, such as lotions or sharp objects, in a separate, locked area for safety reasons. If you are unsure of why some of your things are not in your room, you can ask your Client Rights Officer.

Telephone Calls and Visits

You have the right to make and receive confidential phone calls (phone calls without someone else listening to your conversation) at reasonable times. You have an unrestricted right to visit with or call your lawyer, Disability Rights Ohio, doctor, psychologist, surveyor from Ohio Department of Mental Health & Addiction Services, clergy (Priest, Rabbi, Imam, Minister, etc.) or social worker/case worker at any reasonable time. You may also have other visits at reasonable times (according to your treatment plan). The child residential facility may temporarily restrict your telephone rights if it will be harmful to you or others.

Mail

You have the right to send and receive mail. The child residential facility will give you reasonable amounts of materials needed to send letters including stamps and stationery. These materials can be requested from your Client Rights Officer. The mail may be opened, if there is good cause to suspect contraband (things you are not allowed to have for health and safety reasons).

CAN STAFF LIMIT YOUR RIGHTS?

Sometimes, program staff can limit your rights, but only if it is necessary to prevent immediate harm to yourself and others. Immediate means that it would happen right away.

If your rights are limited, the facility will tell you why your rights are limited. The facility will also write the reasons why your rights were limited in your record and develop a plan to end the limit. Sometimes it is hard to understand why something is happening, so you can always ask to speak to the Client Rights Officer who is there to help you understand the process.

Working Together to Be Safe

Child residential facilities want to keep kids safe. One way to help stay safe is to have a plan. This plan is your plan that you create with the program staff to help you when you are upset. You are the expert on you, so you will be able to give important information to help staff know how to help you when you are upset. You also are able to give staff important information to help them understand what does not help you.

Restraints

Sometimes, in an emergency and to keep kids safe from serious and immediate harm, restraint is used. Staff are trained in how to do a proper restraint. A proper restraint does not involve pinching, grabbing your neck, or hitting you. A proper restraint will not involve your hands being bent backwards or twisting your feet. You should not be placed on the floor on your stomach or have any object covering your mouth. No one should be pressing down on your chest or neck area during a restraint. If you are unsure if a restraint was done properly, please contact your Client Rights Officer. No one wants you to be hurt and your child residential facility wants to make sure you are safe and wants to know if you are not.

Seclusion

Some child residential facilities practice seclusion. Seclusion is when a child is placed away from everyone else (isolated) and is unable to leave on their own. Seclusion is only supposed to be done in an approved setting.

You should not be put in seclusion unless you are immediately going to hurt yourself or others. To practice seclusion, a facility must get special permission from Ohio Department of Mental Health and Addiction Services. If the facility is not licensed (meaning, if they do not get that special permission) then the facility should not put you in a seclusion room. If you are unsure if your facility has permission to do seclusion, you can ask your Client Rights Officer. You also have the right to call the Client Rights Office at Ohio Department of Mental Health and Addiction Services. Their phone number is 877-275-6364.



Debriefing

Once your restraint and/or seclusion is over, a staff member must have a debriefing with you. Debriefing is a time to understand why the restraint and/or seclusion happened, how it made you feel, what can be done differently next time, check to see if you were hurt, and to make sure that you feel safe.

Everyone has triggers, which cause people to get upset. A trigger is something that causes something to happen or exist. It is important to learn what your triggers are so that you can learn how to cope with them. If your trigger is another person, please share that with your Client Rights Officer. No one wants you to be restrained or secluded, so it is important to think of different coping skills that might be helpful in helping you calm down. Some ideas will work and some may not, but keep trying because you are the person who understands you the best!

If you are restrained or placed in seclusion, you have the right to express your feelings on a form that your staff will give you. You have the right to write or talk about how the restraint and/or seclusion made you feel and how you think things could change in the future so you wouldn't need to be restrained and/or secluded.

If you do not think you were treated correctly or if someone hurt you, you have the right to write that on your form. You also should write whether or not your plan was followed.

YOU HAVE THE RIGHT TO FILE A GRIEVANCE

A grievance is your way to complain or speak out if you are upset about something, someone has hurt you, if you feel unsafe, or if you think your rights are being limited unfairly. You should not worry about being treated badly or differently for filing a grievance. It is your right to stand up (advocate) for yourself without fear of retaliation (someone striking back or taking revenge against you).

If you have a question about whether something is a grievance or not, you can ask your Client Rights Officer. Grievances are complaint forms that you can fill out if you are not able to resolve your problem with staff or if your problem is with a particular staff person. Each child residential facility should have grievance forms that staff can give you. There should be a grievance box that is clearly marked so that you can freely drop in your grievance without staff knowing, in case you are afraid of someone being upset or mad at you. You drop your grievance form into the box. Your Client Rights Officer is the only person who has a key to the box and will read your grievance. Sometimes the Client Rights Officer will talk to you and other times the Client Rights Officer will talk to other people. You will be notified in writing after a decision is made about your grievance. When your Client Rights Officer makes the decision about your grievance and you don't agree with the decision you have the right to file a complaint with another agency.

Filing a Complaint

Filing a complaint means that you are asking for help because you feel like your rights are being limited unfairly, and you do not agree with the decision of your Client Rights Officer. You can file a complaint by sending a letter. Please include the same information you wrote on your grievance form and add what your Client Rights Officer did or did not do that caused you to file a complaint. You can also file a complaint by telephone. This telephone call is not restricted and is confidential. There are four agencies you can contact to file a complaint. You have the right to contact all four or you can choose one. The agencies that you have the right to file a complaint with are:

YOUR COUNTY MENTAL HEALTH BOARD

877-275-6364

You have the right to file a complaint with your county community mental health board. You should file your complaint with the community mental health board in the county where you are from. The Ohio Department of Mental Health & Addiction Services (OhioMHAS) or your Client Rights Officer can give you the right address and phone number.

OHIO DEPARTMENT OF MENTAL HEALTH & ADDICTION SERVICES

Client Rights Office

30 East Broad Street, 36th Floor

Columbus, Ohio 43215-3430

877-275-6364

DISABILITY RIGHTS OHIO

200 Civic Center Drive, Suite 300
Columbus, OH 43125
800-282-9181

UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES

233 N. Michigan Ave., Suite 240
Chicago, IL 60601
800-368-1019

Site Visits

While you are staying at a child residential facility, you may meet people from other agencies who visit child residential facilities to make sure that the youth are being treated well, are safe, and to make sure your rights are being protected. People who may visit you could include surveyors from the Ohio Department of Mental Health and Addiction Services (OhioMHAS), advocates or attorneys from Disability Rights Ohio (DRO), case workers from Children Services, and client rights officers from County Mental Health Boards. All of these people are working to make sure you are getting the treatment you are working to achieve in a safe place where your rights matter. Feel free to talk to any of these people if you have any problems or concerns with your rights or safety.

Communication

You have the right to have information communicated to you in a way that you understand. Some people understand information better if someone speaks the information to them. Other people understand information better if it is written down. Some people understand information better through pictures, like a book. If information is not being communicated to you in a way that you understand, you have the right to request an accommodation through your Client Rights Officer. When you request the accommodation, you need to say that you do not understand the way that information is being communicated to you and you need to have it communicated in a different way. Your Client Rights Officer will ask you what way would be the best way to communicate with you and you should tell the Client Rights Officer the best way to give you information. If an accommodation is not given to you then you should contact Ohio Department of Mental Health & Addiction Services (OhioMHAS) and Disability Rights Ohio (DRO).



Disability Rights Ohio
200 Civic Center Drive, Suite 300
Columbus, Ohio 43215-5923

614-466-7264 or 800-282-9181

FAX 614-644-1888

disabilityrightsohio.org