

# YOUR RIGHTS



In  
Mental  
Retardation  
Community  
Programs



**TEXAS**  
Department of Aging  
and Disability Services

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## A special note about your rights

**T**his handbook tells you about the rights and privileges you have if you are receiving services in programs offered at community MHMR centers or state-operated community services.

There are some basic things that guide your rights.

- 1 People have rights.** Rights are what you are allowed to do and how you should be treated.
- 2 Rights are not limited without due process.** Due process is a review process that makes sure your rights are not taken away from you without a good reason.
- 3 People are free from abuse and neglect.**
- 4 People have responsibilities with the exercise of rights.** Responsibilities are your duties that you need to try to do, if you are able.

Staff can help you learn about your rights and responsibilities.

All services are provided in compliance with the Civil Rights Act of 1964, as amended, and in the Americans with Disabilities Act of 1990.

## Important words and what they mean

**Advocate** – A person who helps you make decisions and looks out for your best interests.

**Appeal** – To ask for a special meeting when you disagree about a decision.

**Consent (informed consent)** – When you agree to do something or give permission to do something. You must understand what you are agreeing to, be over age 18, and not have a guardian.

**Due process** – A review process to make sure your rights are not taken away from you without a good reason.

**Determination of mental retardation (DMR)** – Testing done by a doctor or psychologist to find out if you have mental retardation.

**Guardian** – Somebody appointed by the courts (often your parent or other adult family member) or your parent if you are under age 18. Your guardian makes certain decisions, as outlined in the court papers. These decisions may be about your money, your rights, and/or your physical needs.

**Hearing** – A special meeting to talk about something with which you or your guardian do not agree.

**Individual Program Coordinator (IPC)** – The staff member who arranges services to meet your needs and help you achieve your goals. Sometimes this person is known as your case manager, your service coordinator, or your Qualified Mental Retardation Professional (QMRP).





**Person-directed plan** – A document that describes the supports and services needed to reach the goals and desired outcomes you and/or your legally authorized representative say are important to you. This may also be called your service plan.

**Planning meeting** – A meeting with your team to develop service plans that will help you meet your goals. (This is sometimes called a “staffing.”)

**Qualified Mental Retardation Professional (QMRP)** – The staff member who arranges services to meet your needs and help you achieve your goals. Sometimes this person is known as your case manager, your service coordinator, or your Individual Program Coordinator (IPC).

**Responsibilities** – What you need to do in order to have your rights and to continue your services.

**Rights** – What you are allowed to do and how you should be treated.

**Rights protection officer (RPO)** – The person whose job it is to help protect your rights.

**Team (interdisciplinary team)** – A group of people who make suggestions for the programs that will help you meet your goals or dreams. You and your guardian are also members of the team.

**Treatment** – This is something that is done for you, like providing you with training.

## Your rights in mental retardation community programs

If you are a person with mental retardation living in Texas, these are some of the rights you have under the Persons with Mental Retardation Act:

- 1 You have the same rights all citizens have, unless some of these rights have been taken away by a judge. These rights include the right to vote, to practice a religion, to keep your own possessions, to contract for something such as buying a house, and to get married. You cannot be treated differently because of your disability.
- 2 No one has the right to hurt you, take advantage of you, or ignore your needs.
- 3 You have the right to live and receive services where you can make as many of your own decisions as possible. This may be with your family, with your friends, alone, or where there are people trained to help you.
- 4 Before you receive services, a doctor or a psychologist must determine that you have mental retardation and explain to you what that means. If you do not agree with them, you can also ask for a meeting to review your case. You can ask for a second opinion that you would pay for with your own money. You can ask for services from other agencies and organizations.





- 5** You have the right to go to public school until age 22.
- 6** Before a guardian is named, you will have a hearing in court with a judge. Only a judge can give you a guardian. That guardian may be a parent or another adult. This hearing is considered due process.

- 7** For issues needing consent, you should be able to understand what you agree to. If you have a guardian, he or she may make decisions for you.
- 8** If you are looking for a job and have the skills to do the job, you cannot be denied it just because of your disability. If you have a job, you have the right to be paid fairly like everyone else.
- 9** You have the right to have treatment and services that are best for you. You can change your mind about any or all of the services you receive.
- 10** You have the right to your own plan for services. You have the right to help decide what your plan will be and to talk with staff about how well your plan is working. If you do not agree with your plan, if you are moved, or if your services are stopped, you can ask for a meeting to review your case. If you have a guardian, this may be one of the decisions they help to make. Staff should review your plan with you at least once per year. You can be told in writing how you are doing.
- 11** You don't have to take more medicine than you need. Staff must tell you about any medicine a doctor has ordered for you. Medicine is not to be used to punish you.

- 12** Records about you are private. You and your guardian have the right to see your records unless your doctor says in writing that it would not be good for you. Other people cannot see your records unless you or your guardian agree in writing, or unless the law says it is all right.



- 13** You have the right to tell someone if you do not like your services or if you think someone is taking away your rights. You can tell your Rights Protection Officer. Look on page 15 of this handbook to learn how to contact them. You can also call Consumer Rights at 1-800-252-8154. If you need help contacting these people, you can ask someone to help you.

- 14** Staff will explain your rights to you so you can understand them. Your parents or advocate can also be told about your rights, if you don't understand them. You can ask questions about your rights at any time.

- 15** You can decide to stop getting services at any time, unless a judge says it would not be safe for you to stop getting services.



- 16** You should always be treated with respect. No one has the right to hurt you, say mean things to you, be too personal with you by touching you in the wrong way, or make you feel bad by what they say or do to you. Tell staff, your parent, guardian, or advocate if this happens. Report all abuse to the Texas Department of Family and Protective Services (TDFPS) at 1-800-647-7418.



- 17** You can know how much you will have to pay for services. You will not be charged if you do not have any money.
- 18** You have the right to know the name, title, and abilities of any staff working with you.
- 19** If you or your guardian choose to change or stop receiving certain services, this will not stop you from getting other services.
- 20** You have the right to be free from the use of physical restraints, except when ordered by a physician or used to protect yourself or others. You have the right to be released from this restraint as soon as it is safe. You cannot be restrained as punishment, as treatment, or to make it easier for staff.

**Your rights under the In-Home and Family Support Program**

If you receive services in the In-Home and Family Support Program, you have all the rights listed in this handbook under the Persons with Mental Retardation Act. This includes the right to complain or ask for a special meeting.

**Your guardian's rights and responsibilities**

If you have a guardian, there are certain decisions they can make for you. Your guardian might make decisions about

- your money,
- where you live, or
- what services you will receive, and
- may consent to medical treatment.

**Your guardian helps to protect your rights**

Your guardian should participate in the planning meetings with you and your team. They have the right to look at your records and to talk with staff about you. They can file complaints for you.

Your guardian has to tell the court every year about how you are doing. For the guardian of the estate, this is called an annual accounting. For the guardian of the person, it is known as an annual report. The law requires all guardians to complete an annual accounting or report to the court, no matter how long they have been a guardian. When your guardian files the annual accounting or report, they are given letters from the court to show the guardianship is current. They need to share this letter with your staff. Your guardian helps protect your rights.



**Your responsibilities in a mental retardation community program**

Along with rights come certain responsibilities. Responsibilities are your duties that you need to try to do, if you are able. You may not be able to do all these things by yourself, and you can ask for help.

- 1** You should not hurt others.
- 2** You should follow the rules and regulations of your program.





- 3 You should tell staff what you need.
- 4 You should speak up at your planning meeting and tell your team about your goals and dreams.
- 5 You should try your best to follow the treatment plan developed by you, your guardian, and those who work with you. If you do not like your plan, you can ask that the plan be changed.

## Special meetings

### Guardianship hearing

If you have a guardian, the guardian had to go to court to tell the judge why he or she wanted to be your guardian to help you make decisions. This process in the court is known as due process. If your guardian is given permission by the court to make certain decisions, then your staff will need your guardian's permission before restricting any of your rights in those areas. You have the right to know about your guardian's decisions.

### Human Rights Committee

Sometimes, your team may recommend to take away one or more of your rights. If they do, then another group of people will have a meeting to decide if they agree. This group is called the Human Rights Committee (HRC).

You can tell the HRC how you feel about the restriction to your rights. This review is due process. The review is to make sure that your team doesn't restrict your rights without giving you a chance to talk about it.

### Administrative Hearing

If you or your guardian do not agree with the findings of a determination of mental retardation, you can request an administrative hearing. You must submit a request to the MR Authority. This request must be made within 60 days of the determination of mental retardation.



## How to make a complaint

If you think that anyone or anything is going against your rights, you should call one of the following people or groups and tell them. Ask staff to help you do this if you need help.



### Your Rights Protection Officer (RPO)

You can talk to your local rights protection officer if you get services from the local community mental health and mental retardation center. Their telephone numbers and addresses are posted at all community center service locations. More information about your RPO may be found on page 13 of this handbook.



### State offices

If you want a Rights Protection Officer to help you or your family members with complaints/ rights violations regarding mental retardation services, you can call Austin, Texas:

**Consumer Rights and Services  
Texas Department of Aging  
and Disability Services ..... 1-800-458-9858**

If you think staff have abused you, neglected you, or taken advantage of you, you should call and report this to:

**Texas Department of Family  
and Protective Services (TDFPS) ..... 1-800-647-7418**

If you want to complain about public school, you should call:

**Texas Education Agency (TEA) ..... 1-800-252-9668**

Other places you can call if you have complaints or need help:

**Advocacy, Inc. .... 1-800-252-9108**

**Parent Association for the  
Retarded of Texas, Inc. (PART) ..... (512) 453-7145**

If you are hearing impaired and need TDD to make a phone call, you can get help from:

**Relay Texas (voice) ..... 1-800-735-2988  
(TDD) ..... 1-800-735-2989**

### How to reach your Rights Protection Officer

Telephone numbers and addresses of local rights protection officers are posted at all community center service locations.

Your Rights Protection Officer is:

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Your Rights Protection Officer's telephone number is:

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