

PUBLIC FACILITY **MENTAL HEALTH MINORS' RIGHTS**

Introduction

If you are a minor between the ages of 14 and 17 and our parents have admitted you to a **public acute psychiatric facility**, you possess the rights outlined in this document.

You have the right to see and receive the services of a patients' rights advocate. It is the advocate's job to make sure that your rights are protected. Your advocate's name and telephone number (and the hours he or she may be reached) are listed at the bottom of this document.

Your Rights

By Law you have the following rights to:

1. a Roger S. Hearing
2. see patients' rights advocate
3. wear your own clothes
4. keep your personal possessions
5. keep and be allowed to spend a reasonable sum of your own money for small purchases
6. use the phone
7. see visitors
8. have ready access to letter writing materials, including stamps, and to receive and send unopened mail
9. have private storage space

Your parent or guardian cannot make an agreement with the facility that you do not have these rights.

The facility staff can deny your rights, except they cannot deny numbers [1] and [2]. In order to deny your rights, the facility staff must show that there is "good cause".

If you are denied one of the rights listed above you must be told the reasons why the right is being denied. The fact that the right has been denied and the reasons for the denial must be written in your treatment record. Your rights must be returned to you as soon as the reasons for the denial no longer exists.

You cannot be forced or threatened to give up any of your rights as a condition of being admitted or released from the facility. However you may agree not to exercise a specific right in the interest of your treatment plan.

Right to a Roger S. Hearing

If you are between the ages of 14 and 17 and have been placed in a public psychiatric facility by your parent or legal guardian, you will have a Roger S. Hearing.

As part of the admission procedure, the facility must make sure that your parent, guardian or other person entitled to your custody is given a full explanation of their treatment philosophy, the use of seclusion and restraints, the use of medication and the degree to which family members may be involved in your treatment program.

The purpose of the hearing is to decide whether the facility has legal cause to keep you in the hospital, against your wishes. This hearing is automatically arranged when your parents sign you in for treatment.

If you wish to stay in the hospital voluntarily, you may waive this hearing, and it will not take place. If you change your mind while you are still in the hospital, and you wish to contest your stay, the hearing will be arranged.

The hearing is a private, informal meeting which is held at the facility within five days after you are signed in by your parents.

The hearing will be attended by a San Diego Superior Court Hearing Officer, a patient advocate, a representative from the facility, and you. You may request your parents to attend as well. You may choose not to attend. Regardless if you attend, the patient advocate will represent your wishes on your behalf. You may question anyone who is recommending that you stay in the facility.

If the Hearing Officer decides that there is not enough evidence to hold you, you will be released on the same day.

In order for you to be kept in the facility against your wishes, the Hearing Officer must decide that the facility has proven that:

- You have a mental disorder
- 24-locked placement is necessary
- Hospitalization is likely to help reduce the problem
- Hospitalization is the least restrictive placement and
- The facility is in your community

Personal Possessions

You have the right to wear your own clothes, to keep and use personal possessions like your toilet articles, and to keep enough personal money for small day-to-day purchases.

Storage

You have the right to storage space for your personal belongings that is reasonably accessible to you. Your possessions cannot be searched unless adequate reasons for the search are given.

Phone & Visitors

You have the right to use the phone. You have the right to receive visitors of your own choice, during visiting hours.

Mail

You have the right to send and receive mail, unopened and uncensored. Your mail may not be read without your permission.

It must be possible for you to obtain letter writing materials, including postage. You may be required to pay for these items.

Seclusion

You have the right to be free from excessive seclusion and restraint.

Medication

The doctor may prescribe medication for you while you are in the facility. Medication may not be used as punishment, to the convenience of staff, as a substitute for program, or in quantities that interfere with your treatment program.

You and your legal guardian have the right to know about the medication you will be receiving. If you have questions about your medication, you should talk with your doctor.

Refusal

You have the right to refuse to take part in any research project or medical experiment. You have the right to refuse psycho surgery, that is, any operation on your brain to change your behavior. No one can overrule your refusal.

You have the right to refuse Electroconvulsive Treatment (ECT) or any other form of convulsive therapy. However, ECT or shock treatment may be given without your consent under certain

conditions that are designed to protect your rights and are specified in law.

Constitutional Rights

In addition to those rights already mentioned above, you have constitutional rights which include:

A right to social interaction, participation in community activities, physical exercise, recreational opportunities, religious freedom and practice.

You have the right to education, and required by state law.

Privacy

You have the right to privacy such as during medical treatment, when bathing, dressing, toileting, visiting and at other appropriate times.

Nondiscrimination

You have the right to be provided with mental health services without discrimination because of race, color, sex, religion, age or national origin.

Complaints

You have the right to contact the patients' rights advocate, if you have a problem or complaint regarding your rights. **You may not be punished for requesting advocacy services.** It is the advocate's responsibility to investigate and resolve your complaint to your satisfaction. If the advocate is unable to do so, the complaint must be referred by the advocate to the local mental health director.

If you have any questions regarding your rights, please contact your local advocate.

Local Advocate Name and Contact Information:

JFS PATIENT ADVOCACY PROGRAM

JOAN & IRWIN JACOBS CAMPUS

Turk Family Center

8804 Balboa Ave.

San Diego, CA 92123

(619)282-1134

TOLL FREE 1-800-479-2233

If your problem is still not resolved, it must be referred to:

California Office of Patients' Rights

100 Howe Avenue, Suite 210 North

Sacramento, CA 95825

916-575-1610