

Protecting the Rights of Children and Teens in 24-hour Facilities



Kids and teenagers have the same basic rights as everyone else.

Rights That Cannot be Taken Away or Restricted

North Carolina state law (NCGS 122C-62) protects these rights of children in 24-hour facilities.



Right to communicate and consult with a **parent, guardian or the agency or individual who has legal custody** of him or her.



Right to contact and consult with an **attorney, physician, mental health provider or other professional of choice**. The cost of these services is the responsibility of the individual or their parent or guardian.



Right to contact and consult with a **client advocate**.

The right to calls to/from, mail to/from, or visits from parents, guardians, attorneys, client advocates, physicians, and mental health providers **cannot be restricted!**

Rights That Can be Restricted (if rules are followed)



Right to **make and receive telephone calls**. All long distance calls must be paid for by the client or by calling collect.



Right to **send and receive mail** and to have access to writing materials and postage, and the right to have staff help when necessary.



Right to have **visitors with appropriate supervision** from 8 a.m. and 9 p.m. daily. Visits should not interfere with school or therapy.



Right to **receive special education and vocational training** in accordance with federal and state law.



Right to be **outdoors daily** and participate in play, recreation, and physical exercise on a regular basis.



Right to **keep and use personal clothing** and possessions under appropriate supervision.



Right to participate in **religious worship**.



Right to have **individual storage space** for the safekeeping of belongings.



Right to have access to and spend a **reasonable amount** of own money.

In order for a facility to restrict a right, **it must follow these rules:**

- The restriction must be **documented** in the child's record.
- **Only a qualified professional** may limit or restrict someone's rights.
- The qualified professional must document a **detailed reason** for the restriction.
- The restriction must be **reviewed every 7 days**.
- The restriction must be **reasonable** and must be related to the child's treatment or habilitation needs.
- **The parent/guardian must be notified** of each instance of an initial restriction or a renewal of a restriction and the reason.

remember!

The Right to be Free from Seclusion and Restraint



Children and teenagers have the right to be free from seclusion and restraint except in an emergency to prevent imminent harm to self or others. **Restraint and seclusion must never be used as punishment!**

Restraint



Drug Restraint

A drug is given to control behavior and temporarily restricts freedom of movement. Also called chemical restraint.



Mechanical Restraint

Mechanical devices are applied to restrict freedom of movement.



Physical Restraint

The use of physical force to restrict freedom of movement. Also called personal restraint or therapeutic hold.

Physical contact that is **not** considered restraint includes briefly holding a child without undue force for the purpose of comforting him or holding a child's hand or arm to safely escort her from one area to another.

Seclusion

Seclusion is when the child is **involuntarily confined** to an area or room and **physically prevented** from leaving. Staff must monitor the child at all times. Some facilities may describe seclusion as "time-out" or "quiet time," but they are not the same.



Time-out involves restricting a child in a designated area for a period of time to give him or her an opportunity to regain self-control. Children and youth in time out must be monitored by staff and may not be physically prevented from leaving the area.

Kids, You Have a Voice!

Being your own advocate means **speaking up** if you believe your rights have been violated. It's important to look for help. Tell someone you trust such as parent, guardian, case manager, teacher, doctor, counselor, or advocate. You can file a grievance by asking for the internal grievance procedure within a facility. In addition to Disability Rights NC, agencies that may help you include:

The NC Division of Health Service Regulation Complaint Intake Unit at 1-800-624-3004

Your county Department of Social Services

The Customer Service and Community Rights Team of NC's Division of Mental Health, Development Disabilities, and Substance Abuse Services at 1-855-262-1946 or dmh.advocacy@dhhs.nc.gov

Your Local Management Entity/Managed Care Organization (check www.ncdhhs.gov/providers/lme-mco-directory)

Local law enforcement agency

919-856-2195
877-235-4210 (toll free)

info@disabilityrightsncc.org
www.disabilityrightsncc.org

