

# **MENTAL HEALTH MINORS' RIGHTS**

## **Introduction**

If you are a minor between the ages of 14 and 17 and have been admitted to a private acute psychiatric facility for voluntary inpatient treatment, 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 clinical review
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 Clinical Review**

If you have been placed in a private psychiatric facility by your parent or legal guardian, and if you do not want to stay in the facility, you are entitled to an independent clinical review.

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 staff must also inform you in writing that you may have an independent clinical review of your stay in the facility. You may ask for this review at any time during the first ten [10] days after your admission to the facility.

Once requested, the review must take place within five [5] days of your request, and you have the right to change your mind about requesting the review.

The purpose of the review is to decide whether you still have a mental disorder and also to determine if the facility is the most appropriate place to help you to get better.

If the reviewer decides that there is not enough cause to hold you, you will be released on the same day, probably back to your parents or your legal guardian.

The review is a private, informal meeting which is held at the facility within five days after the request for the review. It will be attended by your parents(s) or legal guardian, a patients' rights advocate, a representative from the facility, the reviewer (who is a psychiatrist not involved with your case) and you.

You may choose not to attend, in which case the patients' rights advocate will represent your wishes. You may question anyone who is recommending that you stay in the facility.

If you ask for the review, the county patients' rights advocate will be available to assist you.

In order for you to be kept in the facility against your wishes, the review must show that you have a mental health problem at the present time, and that further inpatient treatment is likely to help reduce the problem, and that the facility is the best setting for you at this time. If the reviewer decides that these conditions have been met, you will then need to remain in the facility.

## **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 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

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

#### ***Local Advocate Name and Contact Information:***

JFS PATIENT ADVOCACY PROGRAM  
8804 BALBOA AVENUE  
SAN DIEGO, CA 92123  
619-282-1134  
TOLL FREE 1-800-479-2233