

## **86572 Personal Rights**

### **(a)**

The licensee shall ensure that each child is accorded the following personal rights:

(1) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment that are appropriate to his/her age and needs. (2) To be treated with respect and to be free from physical, sexual, emotional or other abuse. (3) To have fair and equal access to all available services, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, ethnic group identification, gender identity, color, religion, ancestry, national origin, mental or physical disability, medical condition, HIV status, or sexual orientation or perception. (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning. (5) To receive adequate and healthy food. (6) To be provided adequate clothing and personal items. (A) To wear his/her own clothes. (7) To receive necessary medical, dental, vision, and mental health services. (8) To be free of the administration of medication or chemical substances, unless authorized by a physician and, if required, by court order. (9) To have social contacts with people outside of the crisis nursery, such as teachers, church members, mentors

and friends. (10) To contact and visit family members, unless prohibited by court order. (11) To have visitors, provided the rights of others are not infringed upon, including: (A) Relatives, during waking hours, unless prohibited by court order, or by the child's authorized representative. (B) Authorized representative. (C) Other visitors, unless prohibited by court order or by the child's authorized representative. (12) To contact Community Care Licensing Division of the California Department of Social Services regarding violations of rights, to speak to representatives of the Department confidentially and to be free from threats or punishments for making complaints. (A) The child's authorized representative shall be informed of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the Department and of information regarding the confidentiality of complainants. (13) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order. (A) Reasonable restrictions may be imposed by the authorized representative or caregiver to calls and correspondence. (B) Other reasonable time, place, or manner restrictions may be imposed. (C) To have access to letter writing material. (14) To be free to attend religious services and activities of his or her choice and to have visits from the spiritual advisor of his or her choice. (15) To be accorded the independence appropriate to the child's age, maturity, and capability, and to attend and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level. (16) Not to be locked in any room, or building. (A) The licensee shall not be prohibited from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the crisis nursery. (17) Not to be placed in any restraining device. Postural supports may be used if they are

approved in advance by the Department as follows: (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The Department shall be authorized to require other additional documentation in order to evaluate the request. (C) Approved postural supports shall be fastened or tied in a manner that permits quick release by the resident. (D) The Department shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 86520(a) or (b), has been secured. (E) The Department shall have the authority to grant conditional or limited approvals to use postural supports. (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior departmental approval. Bed rails that extend the entire length of the bed are prohibited. (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices. Protective devices may be used if they are approved in advance by the Department as follows: 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The Department shall be authorized to require additional

documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The Department shall have the authority to grant conditional or limited approvals to use protective devices. (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes. (18) To be accorded dignity in his/her personal relationships with other persons in the crisis nursery. (A) To be free from unreasonable searches of person. (B) To be free from unreasonable searches of personal belongings. (19) To have all the child's court records be confidential, consistent with existing law.

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To be treated with respect and to be free from physical, sexual, emotional or other abuse.

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To have fair and equal access to all available services, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, ethnic group identification, gender identity, color, religion, ancestry, national origin, mental or physical disability, medical condition, HIV status, or sexual orientation or perception.

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To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating,

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To have social contacts with people outside of the crisis nursery, such as teachers, church members, mentors and friends.

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To contact and visit family members, unless prohibited by court order.

**(11)**

To have visitors, provided the rights of others are not infringed upon, including: (A) Relatives, during waking hours, unless prohibited by court order, or by the child's authorized representative. (B) Authorized representative. (C) Other visitors, unless prohibited by court order or by the child's authorized representative.

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Relatives, during waking hours, unless prohibited by court order, or by the child's authorized

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**(B)**

Authorized representative.

**(C)**

Other visitors, unless prohibited by court order or by the child's authorized representative.

**(12)**

To contact Community Care Licensing Division of the California Department of Social Services regarding violations of rights, to speak to representatives of the Department confidentially and to be free from threats or punishments for making complaints. (A) The child's authorized representative shall be informed of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the Department and of information regarding the confidentiality of complainants.

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To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order. (A) Reasonable restrictions may be imposed by the authorized representative or caregiver to calls and correspondence. (B) Other reasonable time, place, or manner restrictions may be imposed. (C) To have access to letter writing material.

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To be free to attend religious services and activities of his or her choice and to have visits from the spiritual advisor of his or her choice.

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To be accorded the independence appropriate to the child's age, maturity, and capability, and to attend and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.

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Not to be locked in any room, or building. (A) The licensee shall not be prohibited from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the crisis nursery.

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not limited to, preventing a child from falling out of bed, a chair, etc. 1.

Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B)

All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The Department shall be authorized to require other additional documentation in order to evaluate the request. (C) Approved

postural supports shall be fastened or tied in a manner that permits quick release by the resident. (D) The Department shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 86520(a) or (b), has been

secured. (E) The Department shall have the authority to grant conditional or limited approvals to use postural supports. (F) Under no circumstances shall postural

supports include tying of, or depriving or limiting the use of, a child's hands or feet. 1. A

bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior departmental approval. Bed rails that extend the entire length of the bed are prohibited. (G) Protective devices

including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices. Protective devices may be used if they are approved in

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To have all the child's court records be confidential, consistent with existing law.

**(b)**

Each child's authorized representative, shall be personally advised, and given at admission, a copy of the rights specified in Section 86572(a).

**(c)**

In ensuring childrens' personal rights the licensee is not required to take any action that would impair the health and safety of children.