

How to Use Your Rights to Tell Your Story

A Disability Rights Ohio Publication

Hi there! Hey, you! Yeah, YOU! We all wanted to say hi! Welcome! We all live here in different child residential treatment facilities licensed by the Ohio Department of Mental Health & Addiction Services. We wanted to tell you our story, so that you can be heroes like us!



We all have different things that make us strong.



That's right, and friends like all of you have helped me understand how strong I am!



For sure! One thing that makes me different is that I play the cello.

I love to eat and am learning to cook. Spaghetti!

I like to draw.

Reading books is my favorite thing.

I'm real good at playing ball!

Knowing our rights makes us strong and prepared for the future. But what is a right?

That is a great question. Rights are how we should and shouldn't be treated – all of us, no matter how different we are. We all have the same rights. Every person has rights. And you have rights because you live in a residential facility like this one. You have different rights protected by the law in different places.



What does that mean?



*You matter, and people have to treat you like it. You should be treated like you matter in the place where you are living. Rights are supposed to keep your heart, your body, and your brain safe. Sometimes even heroes can't do that alone. Sometimes you need help. You might need to tell someone else that you are not being treated like you have rights. Having rights means you can **advocate**, that's when you speak up for yourself or ask for help when you're not getting something you need.*



Understanding your rights is what helps keep you safe. Today we're going to make sure that you and all the other kids out there understand your rights so that you know how to get help and advocate to make sure your needs are heard.

There are lots of kids who don't know how having rights can help keep them safe.



And so you can get back to doing all the things that make you different and strong! All the things that make YOU a hero!



To start, you have to know your rights. The first right to know is:

Right: You have the right to have your rights explained to you in a way you can understand when you arrive at a facility, unless there is an emergency.



This right is talking about you, right now, reading this book! You have to understand your rights to use them. That means people, like us, have to explain them to you. Which leads us to . . .

Right: You can ask for a copy of all your rights and how to tell someone in charge about a complaint. A complaint is your statement that a situation is unacceptable to you.

You can ask for a copy of this book so you have all your rights with you all the time.

Right: You can speak up and ask for any of the rights in this book without being punished, but you can't do something that would hurt you or someone else.

What does it mean to speak up for my rights? How do I do that?

*One way you speak up for your rights is to take action and ask for help when you need it. It's called being an **advocate** when you speak up for yourself and get help protecting your rights.*

Sounds like being a hero!

Right: You might get the feeling that someone is treating you unfairly, maybe they're hurting you with their words or with their body, and you feel scared. You can stand up for your rights by telling someone in charge about what's happening. The official term is "filing a grievance." All you have to remember to do is find your Client Rights Officer and write, draw, or use words to tell them what's going on.





Right: You matter, and you have the right to be treated like you matter. You have the right to be treated like what you think matters just because you're you. Because you're human.

Right: You have the right to live in a place that limits your choices as little as possible. Your life will get bigger, not smaller, if you are in a place that gives you what you need and helps you be more YOU!



Different people need and like different things!





Right: You have the right to live and get support in a clean, safe, and comfortable, welcoming environment that doesn't change too much and encourages you to grow!

Right: You have the right to be kept safe from physical, sexual, and emotional abuse or from being hurt because of someone else's actions.

Nobody can hurt your body, your heart, or your head. Nobody can make you do something that feels bad to you. You could always tell your Client Rights Officer and Disability Rights Ohio or children's services if something like that is going on. You've got to use your rights like special powers!



Right: You don't have to take too much medication. You also have the right to refuse medication unless, without it, you or people around you might not be safe.



You have the right
to feel like **you**.



Right: You don't have to worry about being held down or separated from everyone else unless that is the only thing that will stop you from hurting yourself or other people.


Right: You should always be told if you're going to be observed during treatment sessions (this is when people providing you services watch you through a one-way mirror, on video, tape recordings, photos, or other technology). You can say, "No, I don't want to be observed." This is different from the video monitoring some buildings have in hallways and common rooms for safety.



Right: You have the right to have information about you, your health, your treatment, and your communication with doctors and facility staff, including therapists and social workers, kept private. Communication includes writing, speaking, drawing, and any other way you express your wants and needs.

One way rights protect us is by keeping information about us FOR us. It's not for anybody else to know unless they need to know it to help us.





Right: You have the right to see your record with information about you and your life unless there is a reason that reading it could be a problem for you. If you can't read your record right now, there has to be a written reason why you can't see it and how you will be able to see it in the future.



I don't feel as lonely knowing that I'm in a treatment facility with other kids like me. We all need a place to be safe.

Right: You have the right to know why you are living in a residential facility and why you are getting treatment.

Right: Nobody can discriminate, or treat you unfairly or differently, because of how you look, the color of your skin, the way your body looks, what you call yourself, where you are from, what language you speak, your age, how you worship, who you are attracted to, your ability level or disability, if you have HIV, or for any reason against the laws in Ohio and the United States of America.

Don't treat me differently because I'm getting mental health treatment.

What makes us different makes us strong! You can't discriminate against me because I'm Chinese!

No discriminating just because I'm Muslim!

You can't treat me unfairly because I'm a little kid!

Or 'cause I'm gay.

Or 'cause I think about things in a different way.

You can't treat me differently because I use a wheelchair!

We like different things, and we're here for different reasons. Our rights are what makes our stories the same.






Right: You can be any religion you want or none at all.




Right: You have the right to get a written list of how much it costs for you to live in a residential facility, if it costs anything, and if that cost changes. This information would probably go to your guardian.



Right: You can live at a treatment facility even if you've lived there before, unless there's a good reason why you can't live there. That reason can be written down and explained so you understand.



These rights sound confusing! They are talking about why you might have to leave a treatment facility. If that happens, someone has to tell you why.



Right: You can keep living in your treatment facility unless the facility can't give you what you need, you or others are not safe in the facility, or your monthly bill has not been paid for more than 30 days.



Right: No one is allowed to lock you out of the building.

Right: You have the right to start or stop treatment. If you have a guardian who makes decisions about your health, you have the right to have the guardian make decisions about treatment and services for you, too.



Right: You can talk to a doctor or other healthcare provider who doesn't work at the treatment facility, and you can talk to a lawyer. Your guardian may have to pay for a meeting.



Right: You have the right to communicate in person, in writing, and be visited without staff present at reasonable times by your lawyer, your doctor, your psychologist or other health care providers, unless a court has said no.

You have the right to be visited at any time by the staff at your mental health board, a provider, and Disability Rights Ohio, as long as the law says it's OK.



If you communicate by mail, letters may be opened and looked at by facility staff in front of you. They are not allowed to read it, they are only looking for things that are against the facility rules. You should get the letter back immediately.

Right: You can always meet with staff from the Ohio Department of Mental Health & Addiction Services in private.





Rights

Rights

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Right: You have all of your rights all of the time. Rights can't be taken away from you because you live in a residential treatment facility.

Right: With the permission of your guardian, you can have stuff that is yours, as long as it doesn't get in the way of your health, safety, and growth.



Right: Depending on what activities are scheduled for the day, you have the right to use the common areas of the facility.





Right: You should be able to be involved in different kinds of activities and events.

Right: You can visit or communicate with family or guardians, visitors, guests, and friends outside the facility where you live as long as your guardian gives permission. You can also send letters to them and receive letters from them, but it usually has to follow the facility's rules and the instructions of your guardian.



Right: No one who works at the child residential facility where you live can be your guardian, custodian, or representative unless they were before you lived in the facility.



*WE DID IT! We learned all of our rights!
You can ask to see a copy of this book in
case you need help remembering all of
them.*

*Yep, and each right gives us more special powers to help keep us
safe, make sure we live in clean and supportive child residential
facilities, and the power to ask for help when we need it. The
power to advocate!*

*Don't forget –
understanding our
rights can help us
stand up for ourselves
and make sure we are
treated like human
beings who matter.*

*Can we get back
to celebrating
our special
powers now?
Ice cream for
everyone!*

HOW TO ADVOCATE

An advocate is someone who can speak up to make sure that their rights are understood and protected, their needs and wants are heard, and complaints are sent to the people and agencies that make the decisions. This section of the book will tell you how to be a good advocate.



1. Remember, You Are The Expert On You

You know more about yourself than anyone else and are the best person to tell others about you.



2. Figure Out What You Want or Need

It is important for you to know what it is you want or need and ask for it.

3. Use Your Rights

The rights in this book are written for you to use. Find the rights that best match what you want to advocate for because they are there to protect and help you.



4. File A Grievance

If you feel like your rights are not being protected, you have the right to file a grievance. A grievance is another word for a complaint. You can file a grievance when you believe you are not getting the rights in this book. It could be that you are not getting the same rights as other kids at the child residential facility or someone is not treating you in a way that makes you feel safe and protected.

To file a grievance, write on a piece of paper what right or rights in this book are not being protected. Next, write down why you feel like the right or rights are not being protected. You can also meet with facility staff and ask them to write out your grievance, and they can sign their own name with a note saying this is what you told them. You can sign it, too, if you want. Or you can ask for an accommodation that works best for you.

When your grievance is finished, give it to the Client Rights Officer at the child residential facility. You can ask them to send it directly or just send a copy to your local mental health board, the Ohio Department of Mental Health & Addiction Services, Disability Rights Ohio, and even the United States Department of Health and Human Services (the office is in Chicago). You may file a grievance with any of these people or none – it is your choice.



5. Ask For An Accommodation

You have the right to communicate in a way that you can understand. If you communicate in a way other than by writing (like talking, drawing, or using sign language), you can still file a grievance using the way you communicate by asking for an accommodation. An accommodation means that the child residential treatment facility must change how they do something to make sure it works for you. To ask for an accommodation, tell the child residential treatment facility that you need an accommodation to file a grievance. If you want to ask for an accommodation and need help, you can call Disability Rights Ohio or the Ohio Department of Mental Health & Addiction Services.



6. You Can Appeal

The child residential treatment facility has to tell you what they decide about your grievance. You have the right to have the child residential treatment facility's answer shared with you in a way that you can understand. You need to tell the child residential facility what way you want them to share their decision (writing, talking, using sign language, or another way). You also have the right to ask the facility to give you a written copy of their decision.

If you do not agree with the answer from the child residential facility, you can appeal their decision. An appeal is like a second try. Your appeal would be sent to the child residential treatment facility, the Ohio Department of Mental Health & Addiction Services, or both. You decide.

The Ohio Department of Mental Health & Addiction Services will read your grievance and look at the right(s) you wrote down and the decision the child residential facility made. Sometimes the Ohio Department of Mental Health & Addiction Services will ask for more information. Then the Ohio Department of Mental Health & Addiction Services will make their own decision. Sometimes their decision will be different from the child residential treatment facility's decision and sometimes it will be the same. After you appeal and get an answer from the Ohio Department of Mental Health & Addiction Services, you can still call Disability Rights Ohio for help.



7. Ask For Help

No one knows how to do everything. If you are unsure of how to do something, you should ask someone for help. It is important that you are able to advocate for yourself, but sometimes it is hard to remember everything. Luckily, there are many people who want to help you, but you have to ask. If you do not feel comfortable asking for help at the child residential treatment facility, you have the right to call Disability Rights Ohio or the Ohio Department of Mental Health & Addiction Services to get help.



8. Teach Others

Now that you know how to advocate for yourself, you may want to help other kids who also want to advocate for themselves and may not know how to do it. You can tell them about this book and how important their rights are in a child residential facility. You can also teach others how to be an advocate, not just by your words, but also by your actions. If you see someone being treated unfairly or whose rights are not being protected, you can tell the child residential treatment facility, Disability Rights Ohio, or the Ohio Department of Mental Health & Addiction Services.



9. Do Not Give Up

You will advocate for yourself in different ways for the rest of your life. It is important for your voice to be heard and for you to stand up for yourself. Sometimes when you advocate, the answer you get will be the answer you want. Sometimes when you advocate, the answer you get will not be the answer you want. Even if you do not get the answer you want, or if things do not change, do not give up. It does not mean that you were wrong or you didn't advocate in the right way. You took the time to make sure you stood up for yourself. You are an ADVOCATE!



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