

## The Right Door for Hope, Recovery, and Wellness

Chapter Title Recipient Rights	Chapter # RR		Subject # 123.1
Subject Title <b>Residential Services: Personal Property</b>	Adopted 9/26/96	Last Revised 1/4/17	Reviewed 9/20/05; 12/17/07; 3/14/08; 3/29/10; 1/4/17

### PROCEDURE

#### Application

This procedure shall apply to all residential services operated by or under contract with The Right Door for Hope, Recovery, and Wellness. This procedure shall serve as a guide to assure compliance with Board policy regarding Recipient Rights.

- 1.0 Agency employees and/or contractors and their employees, upon the consumer's admission to a residential services program, shall verbally explain and provide a written copy to the consumer (legal representative when applicable) the following information:
  - 1.1 The program's general limitations regarding a consumer's personal property, which shall include a verbal notice that individual limitations may be imposed under certain circumstances.
  - 1.2 The individual in charge of the plan of service may limit property in order to prevent the consumer from physically harming himself, herself or others, theft, loss or destruction of the property, unless a waiver is signed by the consumer.
  - 1.3 That the consumer, his or her belongings, or room (in a residential program) may be searched when there is probable cause to believe excluded items or contraband is present.
  - 1.4 That individual limitations regarding personal property may be appealed either verbally or in writing to the Recipient Rights Office.
  - 1.5 Consumers are not prevented from obtaining, reading/viewing/listening, and/or receiving materials at their own expense for the reasons of, or similar to, censorship; unless limited by house rules or Individual Plan of Service.
  - 1.6 Determine a consumer's interest in, and provide for, a daily newspaper.

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- 2.0 Agency employees and/or contractors and their employees, upon the consumer's admission to a residential services program, shall:
  - 2.1 Inventory all property in the possession of the consumer.
  - 2.2 Provide a copy of the inventory on the Personal Property Inventory Form to the consumer (or legal representative when applicable) and individual designated by the consumer.
  - 2.3 Maintain the original inventory in the record of the consumer.
- 3.0 Agency employees and/or contractors and their employees shall:
  - 3.1 Maintain a waiver statement in the consumer's file in the event an item of value is not placed in safekeeping but left in the consumer's possession.
  - 3.2 Document in a consumer's record, on the Personal Property Inventory Form, instances of destroyed, worn-out, or lost personal property.
  - 3.3 Document any changes in the Personal Property Inventory of a consumer within twenty-four (24) hours of the change.
  - 3.4 Submit to the consumer (legal representative when applicable) a copy of the Personal Property Inventory Form on a quarterly basis from the time of admission.
  - 3.5 Maintain the Personal Property Inventory Form(s) in the record of the consumer.
  - 3.6 Allow the consumer to inspect the personal property at reasonable times.

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- 4.0 Agency employees and/or contractors and their employees, upon the consumer's discharge from the residential services program, shall:
- 4.1 Return all personal property belonging to the consumer.
  - 4.2 Submit a final copy of the Personal Property Inventory Form to the consumer (legal representative when applicable).
  - 4.3 Maintain the final Personal Property Inventory Form in the record of the consumer.
- 5.0 Limitations applicable to all consumers in the program shall be posted on bulletin boards and written in the house rules.
- 6.0 Individual limitations must be approved by the agency's Behavior Management Committee when the limitations imposed are restrictive, aversive, or intrusive.
- 7.0 Material not prohibited by law may be read or viewed by a minor unless there is an objection by the minor's parent or guardian who has legal custody of the minor.
- 8.0 When personal property, access to entertainment materials, information or news is individually limited it shall be documented in the consumer's Individual Plan of Service and included in the record of the consumer. The documentation shall include:
- 8.1 Justification for the limitation.
  - 8.2 Termination of the limitation.
  - 8.3 Review date of the limitation.
  - 8.4 When and by whom the limitation was explained to the consumer and, when applicable, to the legal representative.

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- 9.0 Limitations imposed by legal representatives (e.g., parent/guardian) shall be honored. In the event staff deem materials not to be harmful, they shall advocate on behalf of the consumer for legal representation to reconsider the decision.
- 10.0 Limitations shall be removed when the circumstances which justified its adoption cease to exist.
- 11.0 An employee who is aware, or has probable cause to believe, that a consumer is in possession of excluded items shall, if feasible, confront the person regarding the suspicion. If the employee is not satisfied with the consumer's response, the employee shall consult with his or her supervisor regarding further action. No search shall be undertaken unless authorized by the supervisor or senior staff on site. Police assistance shall be obtained as deemed appropriate by staff or supervisors.
- 12.0 Persons presenting themselves for services shall be informed of this procedure and shall be subject to search (of personal property and "pat search" of person). Prospective consumers who refuse to be searched or who refuse to relinquish excluded items known to be in their possession may be refused services after careful consideration of their mental status. Staff may consult with The Right Door for Hope, Recovery, and Wellness Crisis Line (emergency services) regarding evaluation of appropriateness for hospitalization or other services. Staff may also consider contacting law enforcement agencies should the situation warrant.
- 13.0 If a consumer is in possession of excluded items or if staff have probable cause to believe a consumer is in possession, staff shall, upon approval of his or her supervisor or senior on-site staff, conduct a search of the consumer ("pat search" of person) and of his or her personal property. If conditions are such that additional action to preserve the consumer's safety or the safety of others is necessary, a search of the entire facility shall be conducted. "Probable cause" shall include:

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- 13.1 Past behavior of a consumer with additional physical or objective information to suggest possession of the excluded items.
- 13.2 An eyewitness to a consumer's possession of excluded property.
- 13.3 A consumer's "motive and opportunity" to gain possession of excluded property.
- 14.0 Search and seizure shall only occur under the following conditions:
  - 14.1 Searches of a consumer shall only occur in the presence of a witness and shall be performed only by a person of the same sex.
  - 14.2 Searches of a consumer's room or possessions shall occur in the presence of at least one other witness. The consumer must be present unless she/he declines.
  - 14.3 The circumstances surrounding the search, including the reason for initiating the search, names of persons who are witness to the search, and the results of the search, including a description of property seized shall be entered into the consumer's record.
- 15.0 The Specialized Residential Provider shall be informed of any illegal or excluded items found in the possession of a consumer and shall be responsible to assure such items are disposed of according to applicable legal requirements.
- 16.0 Consumers (legal representative if appropriate) who believe their rights have been violated through implementation of this procedure may file a complaint with the Recipient Rights Office.

**References**

Michigan Mental Health Code, Section 330.1728  
 Department of Health and Human Services Administrative Rule 330.7227

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Robert S. Lathers, Chief Executive Officer	Date		