



## Back To Basics

### "DDDS Rights Complaint Policy"

#### Helping Protect the Rights of Special People

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#### INSTRUCTIONS FOR COMPLETING RIGHTS COM- PLAINT FORM

1. Complete Sections A and C. (The identity of persons filing Rights Complaints shall be considered confidential.)
2. Mail to:  
  
**Christine M. Long, Rights Complaint Designee / Office of the Director Training and Professional Development  
Stockley Center  
6351 Patriot Way  
Georgetown, DE 19947**
3. You have the right to seek legal counsel at any point in the complaint process; you may request the Division's assistance in seeking legal counsel on the client's behalf.
4. You will receive a response to your complaint within 60 working days of receipt of your complaint by the Division office.
5. If you are not satisfied with the resolution of this complaint, you may file an appeal of the decision with the Division Director at the same address in #2.

#### DDDS Rights Complaint Policy Synopsis

The DDDS Rights Complaint Policy (Policy) was initially developed in February of 1986 and last revised in March 2005, to establish a procedure for processing and resolving complaints involving those we care for and support. The Policy provides for the orderly and timely investigation of complaints involving the treatment of Division of Developmental Disabilities Services (DDDS or Division) individuals by any concerned party and applies to all DDDS Staff and contractors. Once a rights complaint is filed the Division must investigate and supply a written response to the complainant within 60 days.

The people who are served by DDDS staff and contractors have their rights and responsibilities broken down into three broad categories: 1) Services and Support; 2) Privacy; and 3) Choice. These rights are based on the philosophy that people with developmental disabilities are entitled to the same basic rights as other citizens of the State of Delaware. There is a list of rights provided in the Policy Exhibits following the Policy, but the list is

not intended to be all inclusive as



the rights of all citizens are difficult to quantify.

The Policy establishes a process for the reporting of rights complaints to the Rights Complaint Designee (Designee), and distinguishes between rights violations, which should be reported, and day-to-day concerns that do not rise to the level of rights complaints. Moreover, in order to promote disclosure of rights violations, the identity of the person filing the complaint remains confidential throughout the investigative and resolution process. However, the Policy stresses that the filing of a rights complaint does not relieve the complainant from their responsibility to report abuse, neglect, mistreatment and/or misappropriation of funds according to all applicable state and federal abuse and neglect laws, regulations and policies.

The Designee manages the rights complaint process and ensures the completion of the investigation and resolution of the complaint in a timely manner. Following the filing of a complaint the Designee, appointed by the Division Director, sends the complaint to the Executive Director of the Stockley Center, Director of Community Services or the Director of Special Populations, which ever is appropriate, for investigation and response within 30 working days.

Following receipt of the complaint the rights complaint is assigned to the appropriate supervisor. The supervisor informs the appropriate social worker/case manager of the complaint, conducts the investigation, prepares a written response, makes an outcome determination as to the complaint and includes suggestions for corrective/preventative measures if the complaint is substantiated. The response is then returned to the proper Director for review, concurrence, and to forward to the Designee.

Upon receiving the completed investigation the Designee reviews the response with the Division Director, who makes the final deci-

sion as to the disposition of the complaint and notifies the Director of the investigation's outcome in order for the initiation of any corrective/preventative measures. The Division Director may also initiate additional investigations as is deemed necessary. The Designee then provides a copy of the complaint and response to the complainant, the assigned social worker/case manager, and the Human Rights Committee Chairperson for the Committee's review and comment.

After receiving the review of the response from the Human Rights Committee the Designee evaluates any additional information provided by the Committee with the Division Director, who informs the appropriate Director of any further corrective action and/or comments.

Once an investigation is completed the Designee maintains the records of the complaint, response and Human Rights Committee review. In addition, the Designee evaluates complaint investigations for trends, and reports any such trends to the Risk Management Committee.

Following the completion of the investigation the individual's social worker/case manager is responsible for notifying the family/guardian of the substantiated rights complaint and resolution, unless the individual is a non-adjudicated adult and expressly communicates that he/she want such information to remain confidential.

**Individual Rights Review**  
**Statement of Rights and Responsibilities**

The Division of Developmental Disabilities Services holds the philosophy that people with developmental disabilities are entitled to the same basic rights as other citizens of the State of Delaware. These rights (and responsibilities) include (but are not limited to):

**Rights and Responsibilities Regarding Services and Supports**

**Includes the Right to:**

- Receive considerate, respectful, and appropriate care, treatment, services and supports, regardless of race, creed, nationality, sexual orientation or level of disability
- Be informed of medical condition, developmental and behavioral status and risks of treatment and services provided
- Be free from unnecessary drugs or physical restraint and research that might cause psychological or physical harm.
- Be free from physical, verbal, sexual, psychological/emotional abuse and exploitation
- Voice grievances, file a complaint and recommend changes concerning the care, treatment, services and supports you receive

**Includes the Responsibility to:**

- Participate in the planning of your services and supports
- Ask questions about condition, status and the risks of treatment
- Report problems or concerns to someone on the team or family or advocate so that they can be addressed

**Rights and Responsibilities Regarding Privacy**

**Includes the Right to:**

- Have time, space and opportunity for privacy.
- Meet privately with people of their choice.
- Privacy during treatment and care of personal needs.
- Review personal information that is kept by person/agency providing service(s).
- Determine who can review personal information.

**Includes the Responsibility to:**

- Exercise right to privacy in a way that does not interfere with the rights of others
- Communicate need for privacy to the members of the support team
- Provide enough information so the support team can obtain appropriate services

**Rights and Responsibilities Regarding Choice**

**Includes the Right to:**

- Give and/or withhold consent for treatment.
- The least restrictive and most appropriate living situation.
- Speak openly and freely.
- Have and use personal property and possessions and to have them safeguarded.
- Participate in the life of the community, including belonging to clubs, organizations, and attending functions or events of your choice.
- Participate in the political process.
- Make decisions that directly affects life, including managing your finances.
- Plan for the future.
- Religious expression.
- Have a personal advocate.
- Equal educational and work opportunities.

**Includes the Responsibility to:**

- Be informed about the consequences of the decisions that are made
- Make choices that are not harmful to self or to other people
- Communicate choices to support team
- Manage yourself in a manner that is acceptable when you are participating in activities in your community
- Involve yourself in relationships of your choice in a way that does not harm yourself or other people

