

# Client Rights Office

Department of Health Services  
Division of Mental Health & Substance Abuse Services

<http://dhs.wisconsin.gov/clientrights/index.htm>

*Community Programs Training 2012*

## HOUSE RULES or EXPECTATIONS in RESIDENTIAL SETTINGS CLIENT RIGHTS IMPLICATIONS

The right to a “humane psychological and physical environment” impacts on day-to-day living conditions, opportunities, and expectations for clients and providers. DHS 94.24(3)(a) to (i) guarantee clients’ access to various types of possessions and social, recreational, and leisure time activities, unless there are documented security or safety reasons to deny such access. Sometimes, however, house rules are in place that make clients’ exercising of these basic Constitutional and civil rights contingent upon behavior or compliance with expectations that do not at all relate to safety or security reasons.

When reviewing a facility’s house rules, the following analysis may be helpful:

- 1) **Which rules relate to basic health and safety needs** of clients or providers, and are **imperative** for the **safe management** of a facility or home? These rules must be **justifiable** on a **safety** or **security** basis.
- 2) **Which rules relate to group living expectations** that are necessary to promote a **reasonable degree of peace** and harmony between the clients? An individual’s rights must be **balanced** against the rights of peers. This justifies rules relating to use of common space and time and place limits on noise or use of possessions that may be disruptive to others. In this context it is important to review whether rules as written are the **least restrictive means** of accomplishing the objective.
- 3) **Which rules make access to basic rights** (e.g., community access, leisure or recreational opportunities) **contingent upon client’s compliance**? If the objectives or expectations do not relate to safety or security, these rules are likely to violate a client’s right to be free from arbitrary decisions. In general, it is **not justifiable** to use house rules to hold individuals to a higher standard than the law establishes, or to force compliance with expectations as a pre-condition for exercising of their rights. In some cases, with proper documentation in an ISP / behavioral treatment plan, an **individualized** behavioral approach with certain contingencies may be justified for a client. Such a plan must be consented to by the client and/or guardian. Additionally, clients’ individualized treatment goals and objectives should take priority over more general house rules that could be counter-therapeutic, as applied to the client.