

# RIGHTS OF MINORS: INPATIENT TREATMENT

This publication is a resource for patients and families with no involvement in the child welfare, youth justice, emergency detention, or involuntary commitment systems. If you or your family are interested in inpatient or residential treatment while involved with those systems, please see section “F. Other systems resources” for help with collaborative planning and seamless care.

## A. How you can be admitted

1. **If you are less than 14 years of age:** A parent or your guardian must agree, in writing, to you being here.
2. **If you are 14 years old or older:** You and your parent or guardian must agree to you being here. The treatment director can also file a petition (see Petition process section below).
3. **Regardless of age:** You can be assessed for substance use concerns, receive counseling, and receive inpatient withdrawal management services for up to 72 hours (three days). Your parent or guardian will be notified of these services as soon as practicable.

**What happens if you are 14 years old or older and you disagree with being admitted?** Your parent/guardian can consent to admission, and the treatment director can file a petition for a court to review your admission.

**What happens if you parent/guardian disagrees with your admission or cannot be found?** You, or someone on your behalf, can file a petition for the court to review your admission.

## B. Petition process

**Within three days of admission, the treatment director needs to file a petition in the county where the facility is located.** You, the minor patient, should receive a copy of the petition. If your parent/guardian is not involved in the petition process, a notice of hearing needs to be served to the parent/guardian’s last known address.

The petition needs to include information about you and the parent/guardian, as well as:

1. A copy of the application for admission.
2. The facts substantiating the treatment director’s belief in your need for inpatient/residential mental health or substance use treatment.
3. The appropriateness of the inpatient/residential treatment.
4. The basis of the treatment director’s opinion that inpatient/residential care is the least restrictive treatment.
5. Information of your refusal to be admitted if you are 14 years of age or older.

**Within five days after filing the petition, the court will weigh the information and determine whether to admit you based on the evidence in the petition if it demonstrates all criteria have been met. If criteria have not been met, the court may:**

1. Dismiss the petition and release you.
2. Schedule a hearing.
3. Order additional information, including an independent evaluation.
4. Assign attorneys to represent you and your best interests (called a guardian ad litem).
5. Refer the petition for consideration as involuntary commitment or other protective placement.

In some cases, the court must order an independent evaluation and hold a hearing. The court must assign an attorney to represent your wishes. A guardian ad litem may also be assigned to represent your best interests.

## C. Rights, rules, and responsibilities

You will be told the unit rules. You will also be told about your responsibilities.

### I. Treatment rights

- a. Prior to admission, or as soon as possible thereafter, you and your parent/guardian must be advised both orally and in writing about the petition process and rights outlined in section B.
- b. Prior to or at admission, you and your parent/guardian must be advised both orally and in writing of your right to request to be released from care and the possible outcomes of your request, as described in section D.
- c. You must be provided prompt and adequate treatment, rehabilitation, and educational services appropriate for your condition.
- d. If you are 14 years old or older, you can refuse treatment unless a court orders it.
- e. You must be informed of your treatment and care, including alternatives and possible side effects of medications.
- f. You have a right to and are encouraged to participate in the planning of your treatment and care.
- g. Your relatives must be informed of any costs of your care and treatment that they may have to pay.

### II. Personal rights

- a. You must be treated with dignity and respect, free of any verbal or physical abuse.
- b. Your surroundings must be kept safe and clean.
- c. Fair and reasonable decisions must be made about your treatment and care.
- d. You should be on the least secure unit necessary. You may not be transferred to a more secure unit without a good treatment or safety reason.
- e. You may not be restrained or placed in a locked room (seclusion) unless it is an emergency.
- f. You may decide if you want to participate in religious services.
- g. You cannot be made to work except for personal housekeeping chores. If you agree to do other work, you must be paid.
- h. You cannot be treated differently because of your race, national origin, sex, religion, disability, or sexual orientation.

### III. Communication and privacy rights

Staff may limit or deny some of your rights for treatment or safety reasons (see rights with \* after them). Your wishes and the wishes of your parents or guardian will be considered. If any of your rights are limited or denied, you may ask to talk with staff to explain. If you disagree with the explanation, you may file a complaint.

- a. You may use the telephone daily.\*
- b. You may see or refuse to see visitors daily.\*

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- c. You must have privacy when you are in the bathroom.\*
- d. You may wear your own clothing.\*
- e. You may keep and use your own belongings.\*
- f. You may send and receive unopened mail. Staff may check your mail for items that are not allowed on the unit in your presence.
- g. You may call or write to public officials or your lawyer or advocate.
- h. You cannot be filmed or taped unless you agree to it. (There are some security exceptions.)
- i. You may use your own money as you choose, within some limits.

#### IV. Record access and privacy

- a. Staff must keep your treatment information private (confidential).
- b. If you want to see your records, ask a staff member.
  - 1. If you are less than 14 years of age: When you see your records, a parent, guardian, lawyer, or staff member must be with you.
  - 2. If you are 14 years old or older: You can see your records on your own.
- c. Your parent or guardian can see your treatment records, unless your parent/guardian has been denied periods of physical placement with you.
  - 1. If you are 14 years old or older: You can file a written statement requesting that you parent/guardian not be allowed to see your treatment records while you are receiving treatment.
- d. You may always see your records on physical health or medications.
- e. While you are admitted, staff may limit how much you or your parents or guardian may see of your other records. They must give you reasons for any limits.

#### V. Other legal rights

- a. You may file complaints. See the other handout you were given (Client Rights and the Grievance Procedure for Inpatient and Residential Services, P-20195A) for the process and rules.
- b. You may go to court about your rights.
- c. Except as noted in this handout, you have the same rights as an adult patient.

#### D. How you can be released from facility care for mental health and developmental disability treatment

1. **If you are less than 14 years of age:** Your parent or guardian may ask, in writing, for your release. You must be released within 48 business hours of your parent/guardian's request, unless a petition has been filed for emergency detention, emergency commitment, involuntary commitment, or protective placement.
2. **If you are 14 years of age or older:** You may ask, in writing, to be released. In most cases, your parent or guardian must also agree and request your release. The treatment director must immediately notify your parent/guardian if their request is also needed.
  - a. If your parent/guardian's request for release is needed and received, you must be released within 48 business hours of your parent/guardian's request, unless a petition has been filed for emergency detention, emergency commitment, involuntary commitment, or protective placement.
  - b. If your parent/guardian's request for release is needed and denied, and the treatment director agrees in writing that facility care is necessary and the least restrictive setting for your treatment, you will not be released.
3. **If you are about to become 14 years old:** If staff feel that you need more treatment, they must ask you and your parent or guardian to agree, in writing, for you to stay here. If you refuse, then your parent/guardian can agree to your continued stay, and the treatment director must file a petition for the court to review if your continued admission is appropriate. If neither of these happens by your 14th birthday, the facility must discharge you unless a petition is filed for emergency detention, emergency commitment, involuntary commitment, or protective placement by the end of the next business day after your 14th birthday.
4. **If you request to be released and are denied:** You may request, in writing, that the court review your continued stay here. If staff observe your unwillingness to stay here, the treatment director must submit a request to the court to review your continued stay here.

#### E. Patient rights help

**If you want to know more about your rights or feel your rights have been violated, you may do any of the following:**

1. Contact the patient rights staff if you have any questions. Their contact information should be provided to you by the facility.
2. File a complaint. Patient rights staff will look into your complaints. They will keep your complaints private (confidential); however, they may need to ask staff about the situation.
3. Call Disability Rights Wisconsin (DRW). DRW is an organization of advocates and lawyers who can help you with patient rights issues. The DRW telephone number is 608-267-0214 or 800-928-8778.
4. Go to court, either by yourself or with a lawyer.

**If you need help with discharge requests or other legal issues, contact your lawyer.** If you do not have a lawyer, ask a staff member how to get in touch with DRW (phone number 608-267-0214 or 800-928-8778). DRW can also help explain your rights to a court review and possible discharge from an inpatient facility. You can ask staff if any other assistance is available to you.

#### F. Other systems resources

**Resources for minors involved with child protective services, youth justice, emergency detention, or involuntary commitment:** Contact your child welfare professional, guardian ad litem, or attorney.

**Your client rights specialist is:**