

Division of Developmental Disabilities



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

STATEMENT OF RIGHTS

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A person with developmental disabilities in this state is guaranteed all the rights, benefits, and privileges in the constitution and laws of the United States and the State of Arizona.

Any person with a developmental disability or the parent or guardian of a person with a developmental disability who believes that his rights have been violated, has a right to petition the superior court for redress unless other remedies exist under federal or state laws. Those persons applying for eligibility or who are eligible for services through the Division of Developmental Disabilities have a right to file a grievance with the Division.

In addition to the rights above, every person with developmental disabilities has the following rights:

- ❖ The right to protection from exploitation and abuse on the basis of a developmental disability.
- ❖ The right, as a school-age person, to receive publicly-supported educational services in accordance with the specific education laws of the state.
- ❖ The right to equal employment opportunities. A person cannot be denied equal employment opportunity because of a developmental disability except under both of the following circumstances:
 1. The denial is based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise.
 2. The person's developmental disability significantly impairs the person's ability to meet the qualifications for the position in question.
- ❖ The right to fair compensation for labor.
- ❖ The right to purchase, rent or lease real property which cannot be denied solely on the basis of a developmental disability.
- ❖ The right to presumption of legal competency in guardianship proceedings.

A person who is eligible for services through the Division has the following additional rights:

- ❖ The right to receive a placement evaluation prior to receiving services to determine both the need for and appropriateness of services.
- ❖ The right to receive a written individual program plan.
- ❖ The right to have an individual program plan developed by appropriate Division personnel with the participation of the person with developmental disabilities and that person's parent or guardian, if any.
- ❖ The right to periodic review of the individual program plan to measure progress, to modify objectives and programs, if necessary, and to provide guidance and remediation techniques.
- ❖ The right to participate in the initial placement evaluation and periodic evaluations and to be informed in writing of progress at reasonable intervals.
- ❖ The right, whenever possible, to be given the opportunity to decide among several appropriate alternative services available.
- ❖ The right to withdraw from developmental disability programs and services unless assigned to the Division by the court.
- ❖ The right to be free from mistreatment, neglect and abuse by service providers.
- ❖ The right to be free from unnecessary and excessive medication.
 1. Medication shall not be used as punishment, for the convenience of the staff, as a substitute for an individual program plan, or in quantities that interfere with the person's individual program plan.
 2. Prescription-only medication shall be authorized only by the prescription of a physician and the administration of such medication shall be directed by a physician.

- ❖ The right, on admission for developmental disability services, to receive written notice, if possible, and oral notice in their primary language of these rights, including the right to administrative review.
 1. If written or oral language is not the primary mode of communication, notice shall be given to that person in the primary mode of communication, if possible.
 2. If a person is manifestly unable to comprehend these rights, notice to the parent or guardian of a minor or to the guardian of an adult shall be sufficient.
- ❖ The right of a child with developmental disabilities to appropriate services that are consistent with his or her written individual program plan. These services are subject to available appropriations if they are not mandated by federal law.

The parent or guardian of a person who is eligible for services through the Division has the following rights:

- ❖ The right to participate in the development of the individual program plan.
- ❖ The right to participate in the initial placement evaluation and periodic evaluations and to be informed in writing of the person's progress at reasonable intervals.
- ❖ The right, whenever possible, to decide among several appropriate alternative services available to the person with developmental disabilities.
- ❖ The right to withdraw the person with developmental disabilities from programs and services unless the person was assigned to the Division by the court.
- ❖ The right, on admission for developmental disability services, to receive written notice, if possible, and oral notice in their primary language of these rights, including the right to administrative review. If written or oral language is not the primary mode of communication, notice shall be given in the primary mode of communication, if possible.

A child who receives residential services from the Division or who lives in a Child Developmental Foster Home has the following additional rights:

- ❖ The right to live in the least restrictive alternative, as determined after an initial placement evaluation has been conducted for that person.
- ❖ The right to a safe, humane and clean physical environment.
- ❖ The right to be free from personal and financial exploitation.
- ❖ The right to own and have appropriate access to personal property.
- ❖ The right to associate with persons of the child's own choosing as appropriate to the age and developmental level of the child.
- ❖ The right to participate in social, religious, educational, cultural, and community activities.
- ❖ The right to access to personal spending money and to be taught to manage his or her spending money.
- ❖ The right to the least amount of physical assistance necessary to accomplish a task.
- ❖ The right to privacy including during treatment and care of personal needs and with regard to written correspondence, telephone communications, and visitations.
- ❖ The right to have care for personal needs provided, except in cases of emergency, by a caregiver of the gender appropriate to the age of the child or as specified in the individual program plan.
- ❖ The right to be treated with dignity and respect.
- ❖ The right to be provided choices and to express preferences which will be respected and accepted whenever appropriate and possible.

This listing of rights is not exclusive or intended to limit in any way rights which are guaranteed to persons with a developmental disability under state and federal laws.

ADDITIONAL INFORMATION

A grievance may be filed with the Division of Developmental Disabilities pursuant to R6-6-1801 et seq. by:

Mail:

DES / DDD
Compliance and Review
PO Box 6123, Site Code 791A
Phoenix, AZ 85005

Phone: (602) 542-6859 or FAX (602) 542-6870

Further questions should be directed to your support coordinator

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact the Division of Developmental Disabilities ADA Coordinator at 602-542-0419; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request. • Español al reverso.