

- If you are there involuntarily, a **Commitment Hearing** must be held within 5 days (for 14+ year olds) or within 7 days of your legal guardian's request for you to leave (for people under 14 years old). The court will decide if you will be discharged or make an order based on clear and convincing evidence to involuntarily continue your stay. You will be assigned a lawyer to represent you (speak for you to the judge, ask questions of witnesses, and present evidence for you).
- Voluntary commitment means that a person has agreed to stay the facility at the treatment program for up to 60 days. If you are 14 years or older, you can request a voluntary admission.
- You can request to know your status (voluntary or involuntary) at any time.
- If you are voluntary, you can request to be released (discharged to leave) at any time.

What is a treatment guardian?

A judge may decide that you are unable to make decisions about treatment, like taking medication or getting therapy. The court may appoint a Treatment Guardian who is given the responsibility to make these decisions for you. They must consult with you regarding opinions and decisions about any proposed treatment. They cannot be appointed for more than one year. You may appeal your treatment guardian by filing a petition with the court within 3 calendar days of receiving notice of the treatment guardian's decision.

What should I do if my rights are denied?

Contact: Disability Rights New Mexico



(505) 256-3100
1-800-432-4682



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www.drnm.org



The Rights of Minors
in
Out-of-Home
Treatment Programs

What is an out-of-home Treatment or

Habilitation program?

It's a program that provides 24-hour residential care and supervision to young people (under 18 years old) with the purpose of providing mental health treatment or habilitation. Examples include: psychiatric hospitals, residential treatment facilities, treatment foster care, group homes, and non-medical and community-based residential treatment centers.

What are my rights?

- To know your rights.
- Access to Disability Rights New Mexico and an attorney of your choice if not entitled to one assigned by court.
- See visitors of your choice on a daily basis except when your doctor or CYFD says someone may not see you for treatment reasons.
- Meet in private at any reasonable time with your attorney, guardian ad litem, faith leader, CYFD representative, DRNM worker, physician, or psychologist.
- Clean and comfortable bed and secure storage for personal items.
- Reasonable privacy in sleeping and personal hygiene practices.
- Daily physical and outdoor exercise including access to recreational areas and equipment.
- Reasonable private access to phone calls.
- Send and receive uncensored mail and have access to postage stamps, paper, and pens.
- Freedom to participate in religious worship and/or freedom from pressure to do so or to accept religious beliefs.
- Appetizing, well-balanced, and varied diet.

Can any of these rights be taken away?

- Prompt and adequate medical attention.
- Freedom from unnecessary or excessive medication.
- Clean, safe, comfortable physical and psychological environment
- Being involved in the development of a treatment plan that meets your needs.
- A free public education within 10 days of admission, including special education services.

Do my rights change when I turn 14?

Yes, some of your rights do change when you turn 14 years old. At 14, you can refuse treatment that your parent or guardian previously authorized. But you must understand all information given to you about the proposed treatment. Your consent must be voluntary and not obtained through threats. You can the right to withdraw your consent at any time. At 14 you also now have the right to access your medical records and make copies. You may add info to your records to clarify or correct anything you think is wrong. Your request to read your records may be denied because your

provider believes that reading them would be harmful to you. If you are denied access to your medical records, you can ask the court for an order allowing you to read them.

What can the facility staff do in an

“emergency” situation?

- If the staff believes that your behaviors are causing an imminent threat to yourself or others, or that there isn't another way to handle problematic behavior, they may

place you in a **physical restraint** or

seclusion to a space by yourself. This is only when other measures have been tried without success. Only specially-trained staff may use restraints or put you in seclusion. You must be taken out of seclusion when the problem has been resolved or your behavior is no longer dangerous. It should not be used as punishment, but for safety.

- You may be given **emergency medication**

to keep you safe if other measures have been tried and are unsuccessful. The doctor must sign off on this order and it must be documented in your medical record.

- Anytime you are given emergency medication, or are restrained or secluded, your care team must meet afterwards to find other ways to help and keep you safe.

What is the difference between Voluntary

and involuntary admission to a program?

- Involuntary means that a person has been brought to the facility during an emergency and is unwilling or unable to agree to admission.