**Section 125.20 Recipient rights**

a) The rights of recipients of mental health and developmental disabilities services in the public as well as the private sector are set forth in Sections 2-100 through 2-111 of the Code [405 ILCS 5/2-100 through 2-111].

b) The observation and protection of recipient rights, as specified in the statute, are applicable to all sections of this Part.

c) As a general rule, individuals lose none of their rights, benefits, or privileges because they receive mental health or developmental disabilities services. For example, a recipient does not lose the right to vote, attend religious services or any other rights guaranteed by federal and State constitutions and laws.

d) A summary of rights to which the recipients of services are entitled include the following:

1) Adequate and humane care and services in the least restrictive environment and an individualized services plan.

2) To communicate with other people in private, without obstruction or censorship by the staff at the facility. This right includes mail, telephone calls, and visits. There are limits upon this right, e.g., communication by these means may be reasonably restricted by the facility director, but only to protect the recipient or others from harm, harassment or intimidation. All letters addressed by a recipient to the Governor, members of the General Assembly, Attorney General, judges, state's attorneys, officers of the Department, or licensed attorneys at law must be forwarded at once to the persons to whom they are addressed without examination by the facility authorities. Letters in reply from the officials and attorneys mentioned above must be delivered to the recipient without examination by the facility authorities.

3) To receive, possess, and use personal property unless it is determined that certain items are harmful to the recipient or others. On discharge all lawful property must be returned to the recipient.

4) To use money as a recipient chooses, unless the recipient is under 18 or under a court imposed restriction, including the appointment of a guardian.

5) To deposit money in a bank or place it for safekeeping with the facility. If the facility deposits a recipient's funds, any interest earned will be the recipient's. Neither the facility nor any of its employees may act as payee to receive any payment or assistance directed to a recipient, including Social Security and pension, annuity, or trust fund payments without informed consent of the recipient/guardian.

6) To be paid for work a recipient was asked to perform which benefits the facility; the recipient may be required to do personal housekeeping chores without being paid.

7) To refuse services, including medication. If refused, the recipient will not be given such services except when necessary to prevent serious harm to self or others.

8) To have restraints used only to protect the recipient from physically harming self or others, or as a part of a medical/surgical procedure.

9) Seclusion used only to prevent the recipient from physically harming self or others.

10) A recipient will not receive electro-convulsive therapy (electroshock) without informed consent as provided for in Section 2-110 of the Code [405 ILCS 5/2-110].

11) Any unusual, hazardous, or experimental services require the recipient's written and informed consent.

12) Except in emergencies, medical or dental services will not be provided without informed consent of the recipient/guardian.

13) If recipient rights are restricted, the facility must notify the following (using form MHDD-4, "Notice Regarding Rights of Recipient"):

A) Recipient and the person of the recipient's choice;

B) Parent or guardian, if the recipient is under age 18;

C) Court-appointed guardian for adult recipient;

D) The Guardianship and Advocacy Commission, if so designated (see Section 2-201 of the Code [405 ILCS 5/2-201]).