

- 12. You have a right to access to personal funds and valuables.**
- 13. You have a right to have your records kept confidential.**
 - a. People from outside the program or facility, including your family and friends, must have your written consent before they can see your records.
- 14. You have the right to see your own records.**
 - a. This right may be limited if the facility administrator has decided that seeing certain material would be harmful to you or to someone else.
 - You can appeal this decision by asking for the opinion of another mental health professional.
 - b. This right may also be limited if someone else has given information about you and asked that it remain confidential.
 - c. You keep the right to have your records kept confidential after you are discharged.
 - d. You also keep the right to access your records after you are discharged.
 - e. You can challenge your records if you think something was mistakenly reported and can write your own version of the facts for your record.
- 15. You have a right, if you are a resident or in-patient of a treatment facility, to communicate and associate with others according to the guidelines of the facility.**

- a. This means you must be able to use the phones, write and receive letters and talk privately with visitors.
- b. This right may be limited if it is decided that you should not see a particular visitor. This limitation must be in writing and be a part of your treatment plan.
- c. Your rights may also be limited to prevent you from harming, threatening or harassing someone, from breaking the law, or from disrupting the facility.

16. You have a right to be informed of your rights.

- a. The facility must inform you of your rights as soon as you are admitted to the program or facility.
- b. If, because of your mental condition, you cannot understand your rights when you are admitted, the facility must inform you of these rights within two (2) weeks after you are admitted.

17. You have a right to assert your grievances.

- a. The program or facility must provide you with an opportunity to have your complaints heard in a fair, timely and unbiased manner.
- b. The facility must inform you of any action it takes as a result of your grievance.

18. You have a right to have access to rights protection services.

- a. You must be allowed to contact a rights protection service within the program or facility, or an outside service such as Protection & Advocacy.

b. You may also contact an attorney to act as your advocate.

19. You have a right to freely exercise your rights without fear of reprisal.

a. You cannot be denied services or have services stopped, or be treated in a way which is not part of your treatment plan because you have exercised your rights.

20. You have a right to be referred to other mental health services when you are discharged.

21. You have a right to be admitted to another program or facility even though you have exercised your rights.

a. You cannot be denied services at a new facility or program because you exercised your rights somewhere else.

This booklet does not state or explain all of your rights in detail.

**If you have questions about your rights
which are not described in this booklet
please call HDRC at 949-2922.**

YOUR RIGHTS AT A COMMITMENT HEARING

- 1. If you have been placed in the facility by a court because you were arrested and charged with a crime and you want to know about your rights to be released, you should call either the Public Defender at 586-2200 or the Hawaii Disability Rights Center at 949-2922.**

- 2. Unless you have been placed in a facility by a court, you cannot be involuntarily committed to a psychiatric hospital for more than 48 hours, unless requirements set by Hawaii law are met. You must meet all of the following criteria:**
 - a. A court must determine that you are mentally ill or suffering from substance abuse and
 - b. You must be considered to be a danger to yourself or others; or be gravely ill; or be obviously ill and
 - c. You must be in need of care and treatment, which is not available in a less restrictive place.

- 3. You may be involuntarily admitted for up to 48 hours without a court order if:**
 - a. A mental health worker believes you are obviously ill; or
 - b. A policeman believes you are threatening or attempting suicide; or
 - c. A judge, without holding a hearing, issues an order at the request of a doctor, lawyer, member of the clergy, or certain other professionals, or
 - d. A doctor finds that you meet the criteria a, b, and c of #2 above.

- 4. If a commitment hearing is scheduled you have certain rights which are protected by law in the State of Hawaii:**
 - a. A public defender will be appointed for you if you cannot hire an attorney.
 - b. The attorney will investigate and prepare your case, present your arguments and cross-examine other witnesses.
- 5. You have the right to be present at all hearings.**
 - a. A guardian ad litem or temporary guardian must be appointed to represent you if you are not able to attend the hearing, or if you are not able to understand the proceedings.
- 6. You have the right to get an independent medical evaluation.**
- 7. You have the right, if you are committed, to not be held for more than 90 days without another order of the court.**
 - a. The hospital must ask for a commitment hearing for a second 90-day commitment and then has the right to ask for a 180-day commitment if all of the requirements listed under #2 of this section are still met and are likely to continue for more than 90 days.

TO FILE A COMPLAINT

Most hospitals and treatment facilities have a grievance procedure, which needs to be followed when you want to file a complaint. If you do not know the procedure, the staff with whom you have direct contact should be able to assist you. You can also file complaints with the Department of Health, Health Care Assurance office or the Chief of the Adult Mental Health Division.

**For additional information or help
please call the**

HAWAII DISABILITY RIGHTS CENTER

OAHU

(808) 949-2922 (V/TDD)

Neighbor Islands

1-800-882-1057 (V/TDD)

e-mail: pahi@pixi.com

website: www.pixi.com/~pahi