



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - NORTHWEST REGION

REPORT 12-080-9004
KREIDER SERVICES/RAINBOW RIDGE

Case Summary: the HRA did not find violations of a resident's self expression rights. Findings are recorded below and a facility response was not required.

INTRODUCTION

The Human Rights Authority opened an investigation after receiving complaints of possible rights violations in the services provided to a recipient at Rainbow Ridge, a Kreider Services Community Integrated Living Arrangement (CILA) in Galena. It was alleged that the adult recipient's right to his sexual expression has been prohibited.

Substantiated findings would violate person-centered protections under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and the CILA Rules (59 Ill. Admin. Code 115).

Kreider is one of the largest developmental disability service providers in northwest Illinois. It's group homes, about 27 from Galena to Rochelle, and day training projects are ever expanding throughout the region, thanks to a highly trained management staff. The homes often include medically fragile residents where nurses work in them full time, and one home is specifically designed to service individuals who are both deaf and blind.

COMPLAINT SUMMARY

The allegation states that the young man who has a traumatic brain injury wants to continue dating a female housemate and have sexual relations with her. According to the couple, they both feel the same. His guardian consents to the relationship but has been told they cannot have sex since the two live together and the program does not allow it. She also alleges he has not been properly counseled on the subject.

FINDINGS

Representatives who work with the recipient described his difficult situation to us. He is a thirty-something year old man who sustained a brain injury after being hit by a drunk driver at nineteen. He has an IQ of about 65 and uses a wheelchair full time. Even with the chair, he insists he is capable of completing intercourse and uses masturbation as an alternative. The facility provides him with adult materials as he needs. He also remembers relationships with girlfriends before the accident. At present he wants instant gratification and tends to be aggressive: inappropriately touching or grabbing women, which gets him in trouble and causes the staff to monitor him closely. The Office of the Inspector General has been called in several times, usually by the program staff, as personal violations have occurred in the day training site as well as other locations; there have been substantiations, and Kreider has implemented various training and monitoring options in response, the documentation to which they shared with us.

The representatives were baffled by the allegations specifically. They told us there is no policy that prohibits sexuality at Kreider, in fact, safe, consensual sexuality is promoted. The man's guardian was not told his relations with his girlfriend were stopped because they lived in the same home; it was because the woman's mother opposed it and she put her foot down. Several staff members have exhausted their efforts trying alternatives and options for the resident to meet other women. Some encounters have occurred, but the resident rejected them. According to the representatives, they have worked endlessly here: they have taken him to a professional counselor who evaluated the resident and who concluded the resident was intelligent enough to understand sexuality and all its implications and needed no counseling on the subject, they have taken him on group outings where dating was the group's intention for the evening, but nothing came out of it, they have taken him to functions within the program's environment as well as within the community for opportunities to meet women without luck, and they have consulted with the Department of Human Services without much help in return. Most seminars on the subject like, "The Birds and the Bees" teach people the basics of sexuality but there seems to be nothing formal about compulsiveness and how to cope with situations like this resident's; D.D. programs seem to be left on their own to figure it all out. And, this leaves more aggravation for not only the staff, but the resident.

We reviewed the resident's services plan from 2011. It states that he likes his home and work at the day training center but would like to have his own apartment some day. Barriers are primarily safety in the community: crossing roads without looking, using brakes properly, his speech which is difficult to understand, his physical limitations and of course his impulse to touch women inappropriately. All of which is addressed in his plan or behavior plan. His behavior plan addresses his inappropriate social boundaries, which occur when he is interested in a particular female or in a crowded, unsupervised setting where he can be an opportunist. He is to have an assigned seat at the workshop where he can be observed at all times. At home, staff will perform fifteen-minute checks during waking hours and keep him in line of sight while in the community. He will receive ongoing counseling with the Executive Director at the workshop to help reduce the behavior, and, continue classes to review topics such as how to identify a girlfriend, consensual sexual relationships, and acceptable public affection.

The resident's inappropriate social boundaries could cause him problems in the community. One challenge is controlling impulses to touch females, so he needs constant

supervision to protect him from legal consequences and to protect unsuspecting females in the community. The behavior plan is approved by the guardian and the program's Human Rights Committee.

His 2012 behavior plan notes much of the same since his targeted behaviors had not changed within the year. However, directives on addressing and responding to his behaviors are spelled out in much more detail and seem easier for staff whether in the home or workshop to follow.

According to Kreider's Sexuality policy, it is the program's philosophy that human development includes the desire for personal satisfaction and happiness along with the need for fulfilling relationships with others. The agency recognizes their responsibility to provide education and training in the expression of sexual needs to ensure health of the individual and his/her partner, to protect the personal rights of all parties, and enable them to have appropriate and successful interpersonal relationships.

All individuals are assessed to determine current understanding, experiences and awareness of sexuality. Based on that, individuals will be provided specific training and support; either in a group setting or on an individual basis. *When considering support of sexual interaction between two clients, it must first be established that the desire is mutual and the individuals involved have made an informed choice. Under conditions where two clients have expressed a desire to share intimacy and the client has been appointed a legal guardian, that guardian must give written consent for sexual activity between the two individuals.* (Emphasis added.)

The policy goes on to give directives for ensuring privacy and dealing with unwanted advances and unusual incidents.

CONCLUSION

No recipient of services shall be deprived of any rights, benefits or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of the receipt of such services. (405 ILCS 5/2-100).

A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan. The plan shall be formulated and periodically reviewed with the participation of the recipient to the extent feasible and the recipient's guardian.... (405 ILCS 5/2-102).

Under the CILA Rules, services are to be oriented to the individual and designed to meet his needs. Recipients are recognized as people with basic human needs, aspirations, desires and feeling; only secondarily are they people with disabilities. (59 Ill. Admin. Code 115.200).

In this case there may have been some miscommunication on how the facility kept the resident's guardian informed and updated after she was told he could not date his girlfriend at his home. So in her view, nothing was being done to help him. But on the contrary, Kreider had been working endlessly to help the resident find some relief for his impulses and desires. They tried to help him meet new women for dating prospects but he kept rejecting them. They tried to set him up with counseling but were told he didn't need it. They explored seminars specific to his unique situation and found nothing and went to state professionals who provided nothing. We find no indication of his rights being violated, in fact, we believe his rights are being protected if the program continues their efforts to help him find what he wants. This complaint is not substantiated.

SUGGESTIONS

Since service plans are to reflect a resident's and his guardian's input (MHDD Code, CILA Rules), document in this resident's service plan that he wants to date, the staff will help him pursue this desire and that his guardian approves of dating relationships. You might even consider mentioning she also approves of consensual sexual relations if the dating gets to that. Human Rights Committee will discuss periodically and approve as well along with training on safety, supports, etc. per policy.

We applaud Kreider's efforts in helping this man cope with and express his sexuality rights. We hope the program continues to help him find the right companion and hope at the same time they realize he controls the situation by the impulses he presents and by rejecting or accepting someone who comes along.

Be sure that everything being done to help this resident, group outings, meetings with women, etc., is documented and shared with his guardian.