**Section 299.330 Rights**

a) No resident shall be presumed incompetent, nor shall such person be held legally disabled, except as determined by a court. This determination shall be separate from a judicial proceeding held to determine whether a person is subject to commitment as a sexually violent person.

b) Residents shall be provided reasonable opportunities to pursue their religious beliefs and practices, subject to the Program's legitimate concerns regarding security, safety, rehabilitation, facility order, space and resources. A resident who is an adherent or a member of any well-recognized religious denomination, the principles and tenets of which teach reliance upon services by spiritual means through prayer alone for healing by a duly accredited practitioner thereof, shall have the right to choose those services. As appropriate, the parent or guardian of a resident who is a minor, or a guardian of a resident who is not a minor, shall have the right to choose services by spiritual means through prayer for the resident.

c) A resident may volunteer to perform tasks that benefit the resident community as a whole, if the professional responsible for overseeing the implementation of the ITP for the resident determines that the task would be consistent with the ITP. A resident who volunteers to perform a communal task may be compensated through the provision of reward points redeemable at the facility. A resident may be required to perform tasks of a personal housekeeping nature without compensation.

d) Residents may only acquire personal property in accordance with this Part. The Program Director at the facility where the resident is assigned may post these rules or explanations of these rules in a conspicuous location within the facility. Every resident who resides in a secure residential facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space for that property, except for those limitations provided in Department rules and explained in the Resident Handbook, or as posted by the Program Director.

1) Possession and use of certain classes of property may be restricted by the Program Director when necessary to assure the safety and security of the facility.

2) The professional responsible for overseeing the implementation of a resident's ITP may, with the approval of the Program Director, restrict the right to property when necessary to assure implementation of the ITP, protect the resident or others from harm, or as part of the Resident Behavior Management System.

3) When a resident is discharged from the facility, all of his/her lawful personal property that is in the custody of the facility shall be returned.

4) A resident may use his/her funds as he/she chooses, unless he/she is a minor or prohibited from doing so under a court guardianship order. A resident may deposit, with the Department, or cause to be deposited in his/her name, money. When a resident is discharged from the Department, all of his/her unspent money, including interest on trust fund monies (if any), shall be returned subject to a set-off for any outstanding restitution or repayment as may have been ordered by the Program Director or Behavior Committee.

e) A resident shall be permitted reasonable communication with persons of choice by mail, telephone and visitation. Communications may be reasonably restricted, censored, screened or monitored to protect the resident or others from harm, harassment or intimidation or to ensure implementation of the resident's ITP. The Program Director shall set the times and places for the use of telephones and visits. Communications with attorneys shall not be monitored.

f) Upon admission, or as soon thereafter as the condition of the resident permits, every resident or the parent or guardian of a resident, as appropriate, shall be informed orally and in writing of the rights guaranteed by this Part that are relevant to the nature of the ITP. Every facility shall also post, in the Resident Handbook or conspicuously in common areas, a summary of the rights that are relevant to the services delivered by that facility.

g) The Program Director of each secure residential facility shall adopt in writing policies and procedures deemed necessary for the safe and secure operation of the facility. The policies and procedures may amplify or expand, but shall not restrict or limit, the rights of residents as set forth in this Section.

h) An adult resident, or the resident's guardian, may refuse generally accepted treatment services. Housing assignments, the Resident Behavior Management System and Assignment of Living Status may not be refused.

(Source: Amended at 44 Ill. Reg. 8246, effective April 28, 2020)