**Section 385.1400 Facility Admission**

a) Before a person is admitted to a facility, or at the expiration of the period of a previous contract, a written contract shall be executed between a licensee and client or client's representative.

b) An adult person shall be presumed to have the capacity to contract for admission to a residential facility for persons with HIV disease unless adjudicated a "disabled person" within the meaning of Section 11a-2 of the Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 110½, par. 1-2 et seq.) [755 ILCS 5], or unless a petition for such an adjudication is pending in a circuit court of Illinois.

c) If there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract and a physician determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person," but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by this Section; provided that a petition for guardianship or for modification of guardianship is filed within 15 days after the person's admission to a facility, and provided further that such a contract is executed within ten days after the disposition of the petition.

d) Facilities shall ensure that all forms, agreements, and signage which carry information significant to the clients shall be available, and worded so as not to be confusing to the reader.