

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT ON DISABILITY SERVICES**



<b>POLICY</b>	
Department on Disability Services	Subject: <b>Healthy Relationships and Sexuality Policy</b>
Responsible Program or Office: Developmental Disabilities Administration	Policy Number: 2015-DDA-POL02
Date of Approval by the Director: January 8, 2015	Number of Pages: 3
Effective Date: January 9, 2015	Expiration Date, if any: N/A
Supersedes Policy Dated: N/A	
Cross References, Related Policies and Procedures, and Related Documents: Human Rights Advisory Committee Policy, Restricted Controls Policy, Incident Management and Enforcement Policy. Updated to comply with People First Language policy	

All underlined words/definitions can be found in the Definitions Appendix.

**1. PURPOSE**

The purpose of this policy is to establish the standards and guidelines by which the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), will advise providers, individuals and DDA employees on how to support people to have healthy relationships and, if they choose, safely engage in sexual activities.

**2. APPLICABILITY**

This policy applies to all DDA employees, subcontractors, providers/vendors, consultants, volunteers, and governmental agencies that provide services and supports on behalf of persons with disabilities receiving services as part of the DDA Service Delivery System funded by DDA or the Department of Health Care Finance (DHCF).

**3. AUTHORITY**

The authority for this policy is established in the Department on Disability Services (DDS) as set forth in D.C. Law 16-264, the "Department on Disability Services Establishment Act of 2006," effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*); and D.C. Law 2-137, the "Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978," effective March 3, 1979 (D.C. Official Code § 7-1301.01 *et seq.*).

#### **4. POLICY**

It is the policy of DDS to ensure all persons receiving services from the DDA service system have access to and receive quality supports, services, and health care. People receiving supports and services from DDA have a fundamental right to privacy, which includes having healthy relationships and engaging in safe sexual activities. DDA providers and employees are responsible for providing information and education to people who choose to exercise their rights, unless abuse or neglect is suspected.

#### **5. RESPONSIBILITY**

The responsibility for this policy is vested in the Director, Department on Disability Services. Implementation for this policy is the responsibility of the Deputy Director, Developmental Disabilities Administration.

#### **6. STANDARDS**

The following are the standards by which DDS will evaluate compliance with this policy:

- A. DDA, providers or employees of providers shall not limit the right of any person supported to engage in a personal relationship, including sexual activity, unless abuse or neglect is suspected.
- B. Persons, medical substitute decision-makers or guardians have the power to consent to medical examination and medical or other professional care, treatment, or advice for the people they serve. (§21-2047). Pursuant to these duties, a person, medical substitute decision maker or guardian may request information regarding that person's healthy relationships, including sexual education training for that person, advice on safe sex, and access to birth control.
- C. In accordance with DDA policy, instances of abuse or neglect are considered Serious Reportable Incidents (SRI's) and must be reported to DDA's Incident Management Enforcement Unit (IMEU) immediately and no later than 24 hours.
- D. For persons who are certified incapable of making life decisions, their appointed guardians do not have the power to make decisions regarding marriage, divorce, abortion, and sterilization unless the guardian has been specifically granted the power to do so. District law does not expressly grant or deny guardians the authority to restrict a person's sexuality; thus, advocates and providers must be active in ensuring that guardians and substitute decision-makers do not needlessly restrict personal rights to make sexual decisions.

- E. Any proposed restrictions to a person's right to have visitors or make choices, including the choice to have sexual relations, must be submitted for review by the provider's Human Rights Committee and then may be reviewed by DDS's Human Rights Advisory Committee (HRAC) to determine whether the restriction is "in the interest of effective treatment," for the "reasonable efficiency of the facility," and is "sufficiently flexible." All individual restrictions that do not meet these criteria must be removed immediately.

*Laura L. Nuss*

Laura L. Nuss, Director

*1/08/2015*

Approval Date

