

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES



Effective Date: March 01, 2011	Number of Attachments: 0
Responsible Office: DDS Deputy Director, Developmental Disabilities Administration	
Supersedes Policy: N/A	
Title/Subject: Healthy Relationships and Sexuality Policy	
Cross-References: Human Rights Advisory Committee Policy, Restricted Controls Policy, Incident Management and Enforcement 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 individuals 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 individuals 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 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 "Mentally Retarded Citizens 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 individuals receiving services from the DDA service system have access to and receive quality supports, services, and health care. Individuals 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 individuals 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 individual supported to engage in a personal relationship, including sexual activity, unless abuse or neglect is suspected.
- B. Individuals, 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 individuals they serve. (§21-2047). Pursuant to these duties, an individual, medical substitute decision maker or guardian may request information regarding that individual's healthy relationships, including sexual education training for that individual, 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 individuals 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 an individual's sexuality; thus, advocates and providers must be active in ensuring that guardians and substitute decision-makers do not needlessly restrict individual rights to make sexual decisions.
- E. Any proposed restrictions to an individual'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, Director

3/01/11

Approval Date