


CHAPTER: 1	SECTION: 18	SUBJECT: <b>RECIPIENT RIGHTS</b>
TITLE: <b>PERSONAL PROPERTY &amp; FUNDS</b>		
DATE OF ORIGIN: <b>12/31/1986</b>	REVIEWED DATE: <b>09/09/99, 03/14/02, 09/25/02, 06/20/05, 06/05/08, 09/26/11, 09/20/12, 09/23/13, 06/23/14, 06/15/15, 06/27/16, 07/24/17, 09/24/18, 09/23/19, 06/22/20, 07/26/21, 07/25/22, 07/24/23</b>	
LAST REVISED/EFFECTIVE DATE: <b>06/22/2020</b>		
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

**I. PURPOSE:**

To define procedures to assure consumer’s right to receive, possess, and use personal property and funds.

**II. APPLICATION:**

All Community Mental Health of Ottawa County (CMHOC) staff, volunteers, and contract agency staff as specified by contract.

**III. DEFINITIONS:**

**Limitation:** A time limited restriction placed on a consumer.

**Personal Property:** Any possessions belonging to a consumer.

**Resident Funds:** The consumer's money, legal tender, note, draft, certificate of deposit, stock, bond, check, debit card, or credit card.

**IV. POLICY:**

It is the policy of CMHOC to assure the consumer's right to receive, possess, and use all personal property unless limited pursuant to regulations in the Mental Health Code. Any limitations shall be removed when the circumstances justifying its adoption cease to exist.

**V. PROCEDURE:**

**A. Property**

1. A consumer may receive, possess, use, and dispose of his/her personal property, including clothing.
2. Certain properties may be excluded including weapons (i.e., firearms), sharp objects (i.e., knives), explosives, illegal drugs, and alcohol.
3. All exclusions are officially adopted, in writing, and posted in each program; if applicable. If a consumer is admitted to a residential program, items of personal property which are not subject to an exclusion or limitation shall be permitted to remain with the consumer.
4. All such property will be inventoried during admission for possible contraband items.

5. A consumer's person, belongings, or living area shall not be searched, unless there is reason to believe there is a hidden illegal item or other item excluded by policy or house rules. If an illegal item, an item excluded by policy or house rules is suspected, the program staff may conduct a search in the presence of the consumer and a witness. Justification for any search shall be documented in the case record and on an Incident Report, stating the following:
  - a. the reason for the search,
  - b. the names of the individuals performing and witnessing the search,
  - c. and the outcome of the search, including a description of the property seized.
6. Limitations on the right to receive, possess, and use personal property which are imposed by the person in charge of a consumer's plan of service shall be preceded by documentation in the progress notes of the circumstances which indicate that a limitation is the minimal essential step to achieve protection of physical well-being or property. The Interdisciplinary team shall discuss the consumer's progress or lack of progress and determine if the limitation still needs to be imposed, unless a waiver is signed by the consumer.
7. An official receipt shall be issued for limited items which are not excluded but which are essential to the consumer's welfare while in the program, and an individual designated by the consumer for any property taken into possession by the program. Each residential program shall establish procedures for the disposition of excluded property in the possession of the consumer at the time of admittance.
8. A reasonable amount of storage area will be provided for personal property and clothing. All personal property may be inspected at reasonable times by the consumer.
9. A consumer's right to possess personal property may be limited, only if the limitation is essential:
  - a. in order to prevent theft, loss, or destruction of the property, unless a waiver is signed by the consumer.
  - b. in order to prevent the consumer from physically harming himself/herself or others.
10. Personal belongings of consumers shall not be used as community property; exceptions require written informed consent and shall be documented in the case record.
11. Any personal property taken into possession by the residence/facility must be given to the consumer at the time the consumer leaves/is discharged from the residence/facility.

**B. Consumer Funds**

1. A consumer shall retain possession of his/her own funds. This includes notes, drafts, deposit receipts, stocks, bonds, checks, credit cards, debit cards, as well as cash.

2. A consumer with an empowered guardian shall retain possession of his/her money or assets unless other direction is given by a parent or empowered guardian. Allowances provided by a parent, or a guardian shall be spent at the discretion of the consumer.
3. A consumer shall be provided a locked storage space for money and other valuables kept in the home.
4. A consumer may be counseled/educated in budgeting his/her money. However, a consumer may not be prevented from spending his/her money as he/she chooses.
5. A consumer shall not be denied access to the spending of his/her money.

**C. Assistance with Consumer Funds**

CMHOC prefers that consumers hold and be responsible for their own funds and related items. In all cases as needed, counseling/education should occur to assist consumers who need it to learn how to handle their financial items and documents independently of CMHOC intervention.

If a consumer is unable to handle/manage his/her own funds, then a payee will be obtained through the Social Security Administration. CMHOC staff and contractual staff will not assist or manage a consumer's funds. It is the responsibility of the Social Security Administration to appoint a qualified individual as the consumer's payee.

**D. Consumer's Appeal Process:**

1. A consumer may appeal any limitation imposed on their property or funds and/or its expiration date and shall be so informed by the Case Manager/Supports Coordinator at the time of the limitation.
2. Within 5 days of the request for an appeal, the Team Supervisor shall review the imposed limitation to determine whether it is justified.
3. If the consumer still does not agree with the supervisor's decision, the consumer will be informed that he/she can file a complaint with the Office of Recipient Rights if he/she feels their right to personal property or funds has been violated.

**VI. ATTACHMENT:**

None Applicable

**VII. REFERENCE:**

Michigan Mental Health Code/Administrative Rules  
MDHHS-ORR Attachment B