

Protecting Rights: Due Process and Rights Restrictions

Training for Direct Support
Professionals (DSPs)

Objectives

- Understand what Due Process means for individuals receiving support
- Learn how to support individual rights without unnecessary limitations
- Recognize when a rights restriction may be needed and what steps must be taken
- Promote ethical, person-centered practices

What Is Due Process?

- A legal and ethical requirement to protect an individual's rights
- Ensures decisions are fair, transparent, and involve the person
- Applies to any restriction or change that impacts a person's autonomy

DSP Role in Due Process

- Support choice and independence
- Recognize rights and avoid unnecessary restrictions
- Report concerns about possible rights limitations
- Participate in team discussions about support plans and rights

Examples of Individual Rights

- Freedom of movement
- Privacy and personal space
- Access to personal belongings
- Right to relationships and communication
- Right to make informed choices

What Is a Rights Restriction?

- Any support or rule that limits a person's rights
- Examples: locking cabinets, restricting phone use, limiting visits
- Must always be justified, documented, and reviewed regularly

When Restrictions May Be Needed

- To protect health and safety
- When part of a Behavior Support Plan (BSP)
- Only when less restrictive options have been tried and failed

Due Process Procedures

- 1. Identify the potential need for restriction
- 2. Notify the individual and their team
- 3. Conduct a functional assessment if behavioral
- 4. Develop a plan with informed consent
- 5. Submit to Human Rights Committee (HRC) for review
- 6. Implement with regular monitoring and review

Supporting Rights Every Day

- Ask before assisting or intervening
- Provide choices in meals, clothing, activities, etc.
- Encourage risk-taking and learning through experience
- Use the least restrictive means necessary

What to Do if You Suspect a Rights Violation

- Document what you observe
- Report to your supervisor or QIDP
- Advocate for the person's voice to be heard
- Ensure follow-up and accountability

Key Takeaways

- People have rights, regardless of disability or support level
- Your actions as a DSP can either protect or restrict those rights
- Due Process ensures fairness and accountability
- Always lead with dignity, respect, and choice

Thank You!

- Your role is essential in upholding rights and empowering lives.