

**SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**

CLINICAL POLICY

**NUMBER: RR013**

**NAME: PERSONAL PROPERTY AND FUNDS**

INITIAL APPROVAL DATE:	09/23/1995	BY: Sanilac CMH Board
STAKEHOLDER REVIEW:	02/21/2023	BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:	01/04/2012	BY: Recipient Rights Officer
(LAST) REVIEW DATE:	03/16/2023	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

**I. PURPOSE**

To establish standards regarding personal property and funds for individuals receiving services of mental health services which promotes the rights and desires of the individuals and provides the least restrictions possible.

**II. APPLICATION**

Populations: **ALL**  
Programs: Direct: **ALL**  
Contracted: **ALL**

**III. POLICY**

Individuals receiving services are assured the right to receive, possess and use all personal property and funds including clothing. Personal property shall be inventoried, and a receipt is to be given to the resident. Personal property shall be available for inspection by the individual. The individual's funds received, held or expended by staff or contractors shall be fully accounted for and documented.

**IV. DEFINITIONS**

**V. STANDARDS**

**Personal Property:**

A. Each contract residential setting or program site shall provide a reasonable amount of storage space to each resident for his/her clothing and other personal property. Each contract residential setting shall inventory and account for an individual receiving services' personal property with a receipt to be given to the individual, when the individual enters the residential setting, and annually thereafter. Each contract residential or program setting shall permit individuals receiving services to inspect their personal property at reasonable times. Personal property shall be accounted for and maintained and shall accompany the individual upon discharge.

- B. A program or contract residential setting may exclude certain kinds of personal property per program or residential policies or rules. These exclusions must be in writing and posted in each setting. The program or residential setting may limit property in order to prevent theft, loss or destruction of property unless a waiver is signed by the individual receiving services or their guardian.
  - 1. Excluded property may include, but is not limited to, the following:
    - a. Weapons: Firearms, knives and sharp objects, explosives and other potentially dangerous articles.
    - b. Monetary Items: Expensive jewelry, stocks, bonds, etc.
    - c. Contraband: Drugs, whether prescribed or not.
    - d. Alcoholic beverages.
- C. If staff has knowledge of or suspects that a individual receiving services possesses an excludable item, the following procedure is to be followed:
  - 1. A request that the individual receiving services place the excludable items in the care of staff in the presence of a witness. A receipt will be given to the individual receiving services for all items taken into possession by the program or residential facility.
  - 2. Inform the individual receiving services of options regarding participation in programming and notify their Supervisor and/or police when appropriate.
  - 3. Staff is allowed to conduct a search when there is a reasonable suspicion that the individual receiving services has brought weapons or contraband items into the residential setting or program. At least two staff persons, in the presence of the individual receiving services, will conduct the search. Approval by the program or residential setting supervisor must be obtained prior to the search. The reasons for the search, the people conducting the search and the results of the search shall be clearly documented in the clinical record, together with a list of any property seized in the search.
- D. An individual receiving services' Person Centered Plan may limit their personal property and/or access to it for the following reasons:
  - 1. Limitation must be essential in order to:
    - a. Prevent theft, loss or destruction of the property unless the individual receiving services or their guardian signs a waiver.
    - b. Prevent the individual receiving services from physically harming himself/herself or others.
  - 2. Any limitation, justification and the timeframe it shall be in effect shall be noted in the treatment plan of the individual receiving services.
  - 3. Any limitation adopted shall be removed when the circumstances that justified its adoption cease to exist.

**Recipient Funds:**

- A. Each program or contract residential setting shall account for individual receiving services' personal funds on an ongoing basis using one of the following forms:

1. Sanilac County Community Mental Health "Consumer Funds Part I" and "Consumer Funds Part II" form if the setting is a program or non-licensed residential setting; or
  2. AFC "Resident Funds Part I" and "Resident Funds Part II" forms, if the setting is a licensed home.
- B. All funds received and expended on behalf of a individual receiving services shall be accounted for by way of receipts. This should include copies of pay stubs and checks or receipts for cash received on behalf of the individual receiving services. Expenditures should be accompanied by a receipt for the amount spent on behalf of the individual receiving services.

Copies of the Consumer Funds Part II or Resident Funds Part II shall be forwarded to the individual receiving services or their designated representative as they are completed or at least quarterly and when the individual receiving services is discharged from the home or the program.

**This process shall be monitored by the Recipient Rights Officer during the process of the annual site inspection and will be subsequently noted on the Annual Site Assessment Report.**

- C. An individual receiving services shall have easy access to the money in his/her personal spending account and have the option to spend or otherwise use the money as he/she chooses.
- D. Individual receiving services shall have the opportunity to appeal denials or limitations of their right to access funds or the timeframes placed upon a limitation. Appeals may be made directly to the primary case holder for resolution and may be referred to the Program Director or Executive Director if agreement cannot be reached at a lower level. An individual receiving services may also appeal via a Individual receiving services Rights complaint at any time during this appeal process.

**Death or Unauthorized Leave of an Individual Receiving Services:**

- A. Upon the death of an individual receiving services, all of the following provisions shall be complied with:
1. Every effort shall be made by the contract residential setting or program to divest itself of an individual receiving services' personal effects and monies. Distribution shall be made to the individual receiving services' legally designated guardian or payee, the spouse, child, or parent (in that order) if that individual furnishes identification and an affidavit of such relationship and that an estate of the individual receiving services is not pending.
  2. In the event that personal effects and monies cannot be divested as noted in #1 above, the contract residential setting or program shall send a list of personal effects or monies being held to the nearest relative by registered mail and to Probate Court.

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3. If there are questions as to rival claims to personal effects or monies, property may be held by the contract residential setting or program site until the claims are determined in a Probate Court.
  4. If the nearest relative cannot be contacted, the contract residential setting or program shall send, by registered mail, to the personal representative appointed by the Court, or the person or entity who paid the funeral expenses, a list of the articles being held.
  5. If there are no claims to personal effects or monies of a resident who has died, property or monies shall be considered to be unclaimed.
- B. If an individual receiving services is on unauthorized leave or the individual's whereabouts are unknown, and if the individual's property and money is not claimed by the individual receiving services or the individual's relatives, heirs or personal or legal representative, the residential provider shall retain custody of the property and monies and shall handle them in the same manner as other unclaimed property.
  - C. If personal effects or monies of an individual receiving services becomes unclaimed and have been held for two years, the property or money shall be disposed of pursuant to applicable Michigan law.
  - D. A contract residential provider may establish and implement procedures, which further particularize and comply with the minimum standards established by this guideline.

**VI. ATTACHMENTS**

**VII. REFERENCES**

Michigan Mental Health Code 330.1728, 330.1730, 330.1732  
Department of Community Health Administrative Rule 330.7009 (7)