**Section 110.30 Personal Property in State Mental Health Facilities**

a) Individuals may possess a reasonable amount of personal property for personal use under the following conditions:

1) Possession and use of certain classes of property may be restricted by the facility director when necessary to protect the recipient or others from harm, provided that notice of such restriction shall be given to all recipients upon admission so long as the restriction does not otherwise conflict with the rights provided in this Section.

2) Upon arrival at the facility, the individual's belongings will be inventoried and checked against the contraband and restricted items list. Items that are contraband/restricted will not be given to the individual. Staff shall notify the individual of the contraband and restricted items and ask whether the items should remain in personal storage or whether the item should be sent to a family member or friend. Staff shall post a list of contraband and restricted items in a common area of the unit.

3) Property must be approved by the individual's treatment team prior to use. Any personal property that the treatment team determines, in the exercise of its professional judgment, may pose harm to the individual or to others shall be restricted. Property shall not be restricted on political, philosophical or religious grounds. Property intended as a medically reasonable accommodation of a known disability shall not be restricted except when determined by a physician and the treatment team, in exercise of the their professional judgment, that the accommodation may pose harm to the individual or others. A restriction of rights shall be issued in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201] within 48 hours. When the restriction of rights is issued, the treatment team member shall inform the individual of his/her ability to request a review under subsection (a)(5). The individual will have the option of placing the personal property in storage or returning it to its place of origin.

A) Personal property approved by staff for usage by an individual may not be shared with any other individual unless the second individual is approved for such usage in accordance with this Section. Violation of this subsection (a)(3)(A) may result in a restriction of rights, including loss of use of the shared property, as determined by the treatment team exercising its professional judgment.

B) Individuals may request prior approval, in accordance with subsection (a)(3), from designated staff for any property they intend to have sent to the facility or intend to receive during visits with the family or friends, but are not required to seek prior approval. Property that has not been submitted for prior approval must nonetheless be approved, in accordance with subsection (a)(3) and comply with all other Sections of this Part before an individual may have access to it.

C) Once approved by the treatment team, personal property must be inspected by designated facility staff prior to entering the treatment unit. Items approved for possession by an individual may be indelibly marked or identified as belonging to that individual prior to entering the treatment unit.

D) Media and media storage devices, including but not limited to print media, tapes, DVDs, CDs, video games and digital music players (MP3 players, Ipods, etc.) and related items, shall be considered personal property and are subject to this Section, except as noted in subsection (c).

E) Computers, peripherals and related items are covered by 59 Ill. Adm. Code 109.

4) Property maintained in each individual's room must fit within available storage space. In addition to the storage available in each individual's room, each individual will be permitted a designated amount of storage for personal property and for clothing. The facility may set limits on off-unit storage in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-104]. Additional space may be made available for storage of medically approved reasonable accommodations of a known disability.

5) If an individual does not agree with the decision of the treatment team concerning the restriction of an item, the individual may request a review of that decision by a clinician who is not part of the treatment team. Decisions concerning contraband or items on the restricted list in subsection (a)(1) are not subject to review.

A) All such requests shall be forwarded to the facility director, or designee, who shall assign a clinician, who is not part of the treatment team that made the decision, to review the decision of the treatment team.

B) The individual who requested the review shall have the opportunity to speak with the clinician performing the review before a recommendation is issued. The assigned clinician shall schedule to speak with the individual requesting the review within 10 days after being assigned. If the individual does not wish to speak, that position shall be noted in the recommendation.

C) Within two weeks after being assigned the request to review, the clinician shall issue a recommendation, with a copy going to the individual who requested the review and another going to the treatment team. The treatment team shall evaluate the recommendation of the clinician and review its decision.

b) Use and Possession of Individual Money in State Operated Facilities

1) If an individual chooses to keep personal funds for use, those funds shall be kept in accordance with Section 110.20. If an individual's personal funds are deposited in a facility-created trust fund account, Quarterly Reports of Individual Trust Fund transactions that are issued will be forwarded directly to the individual when issued. Treatment team members may review Trust Fund transactions only upon good cause and the approval of the facility director.

2) An individual may use his or her personal funds as he or she chooses, provided the use of any property purchased complies with subsection (a).

A) A facility may monitor the outgoing purchases an individual makes only if that individual is subject to a do not call/no contact list, an order of protection, or a relevant restriction of rights issued pursuant to the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201].

B) An individual's access to his or her personal funds shall only be restricted if his or her treatment team makes a professional clinical judgment that unrestricted access creates a harm to the individual or others. If access is restricted, a restriction of rights notice shall be completed in accordance with the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-201].

C) An individual shall be required to fill out a withdrawal form before gaining use of his or her personal funds held within the trust fund. The facility staff may, and should if requested, advise the individual if property the individual intends to purchase is not likely to be approved for use in accordance with subsection (a)(3), but prior approval shall not be required before an individual may obtain use of his or her personal funds.

D) If an individual withdraws all, or substantially all, of the money in the trust fund at one time, the treatment staff shall be immediately notified. The facility director may establish a minimal amount that may be withdrawn at one time that will not require notice to the treatment staff notwithstanding the notification requirement.

3) Individuals may use funds at facility vending machines and/or commissaries where available. Facilities may offer a debit card or other system for such purposes.

c) Media Usage

1) For the purpose of this Section, "media" means print media (e.g., newspapers, magazines, books, etc.), audio media (e.g., records, cassette tapes, compact discs, etc.), visual media (e.g., video tapes, video games and associated paraphernalia, DVDs, blank media (blank tape cassettes, blank video tapes, blank compact disks, etc.), and media storage devices (e.g., MP3 players, Ipods, etc.), digital audio files (e.g., MP3 files, iTunes, etc.), and related items. Media is a type of property and subject to the provisions of this Section.

2) DVD/CD/Video Game Usage

A) Individual Use: Personal property approved by staff for usage by an individual may not be shared with any other individual unless the second individual is approved for such usage in accordance with subsection (a)(3).

B) Group Use: Facility staff may allow DVD/CD usage for group display/usage. In such cases, the unit director shall exercise his or her professional clinical judgment to determine appropriate DVD/CD usage, taking into account the risk of harm to all possible users.

C) DVDs or video tapes shall not be categorically restricted on the basis of their Motion Picture Association Rating. Individuals shall be able to possess DVDs with PG-13 and R-ratings without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).

D) CDs with a "Parental Advisory" warning label on them shall not be categorically restricted. Individuals shall be able to possess CDs without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).

E) Video games shall not be categorically restricted on the basis of their Entertainment Software Ratings Board (ESRB) rating. Individuals shall be able to possess video games without restriction unless an individualized professional clinical judgment is made in accordance with subsection (a)(3).

3) Facility staff may only inspect the contents of an individual's media pursuant to subsection (a)(3).

A) CDs/DVDs can be restricted under subsection (a)(1) only if there is a facility wide determination that CDs/DVDs are dangerous objects, irrespective of their content.

B) The facility director may not impose an across the board restriction on the possession and use of media based on its content unless that content violates the law.

d) Contraband

Notwithstanding any other Section of this Part, any property that is determined to be contraband shall not be allowed in any State operated facility.

1) Contraband includes: Alcoholic beverages, any drug not dispensed by the facility, firearms, explosives, and weapons.

2) Contraband items shall be confiscated by staff of the security department and turned over to the proper authorities or destroyed.

3) "Burned" CDs/DVDs and second-hand CDs/DVDs shall not be listed as contraband or restricted items, except as provided under subsection (a)(3) or (c)(3)(A). Individuals shall be allowed to possess such items in accordance with subsection (a)(3).

4) Sexually explicit material shall not be listed as a contraband item. An individual's access to such materials may be restricted in accordance with subsection (a)(3). Public display or sharing of sexually explicit materials may result in the confiscation and restriction of those items as provided in subsection (a)(3).

e) Restrictions on an individual's right to possess personal property shall not be imposed as punishment, in response to an individual declining to take medication, or in response to a failure to undergo other treatment recommended by an individual's treatment team. However, if an individual's clinical situation changes, the individual's treatment team may reconsider the possession of property in accordance with this Section.

f) This Section applies to all adult individuals admitted to a Department mental health facility.

g) The facility director shall conduct training on this Section at least once a year and a written record of such training will be made.

(Source: Added at 31 Ill. Reg. 412, effective December 27, 2006)