

My Rights to Relationships



1. Do people with intellectual and developmental disabilities (ID/DD) have the right to have friends and communicate with them in person, on the phone, by email and text, and all the other ways people communicate?

Yes. We all have the right to choose our friends and choose when and how we communicate with them. This is called the constitutional right to freedom of association.



2. What if I live in a group home or a sponsored residential home? Can I still spend time with my friends and communicate with them when I want?

Yes. All programs licensed by the Department of Behavioral Health and Developmental Services (DBHDS) must follow Human Rights Regulations. These regulations say anyone living in a group home has the right to communicate privately with any person by mail and telephone and have visitors.



3. Can my group home ever keep me from seeing or communicating with my friends?

Yes, but only in limited situations. A group home may limit or restrict visits and communication if a licensed professional (such as a doctor or a therapist) says that contact with a certain person causes real harm to you, or that contact with a certain person negatively affects your treatment, or that the visitor may be harming you or giving you things that may harm you.



4. Can I have a romantic partner like a boyfriend or girlfriend if I live in a group home or a sponsored residential home?

Yes. Having an intimate relationship is protected under the constitutional right to freedom of association. These relationships may only be limited or restricted for the reasons listed above.



5. Can people with ID/DD have sex?

Yes. People with ID/DD are sexual beings just as all humans have this need and desire. Sometimes this part of a person's life may cause others to feel uncomfortable, especially family members, residential staff, and guardians. They may question or even deny that a person with ID/DD has these feelings.

6. **Are there limitations on when I can have sex? Where I can have sex? With whom I can have sex?**



Yes. Sex is a private activity between two people who can both choose whether or not to participate. This ability to make a choice is called capacity. Both partners must understand that they have the right to say yes or no and they have the right to change their minds at any time. They must also understand that sex can cause diseases and pregnancy. If they both understand all of these things, and if both partners consent to having sex, they have capacity to have sex. It is important to do so in a private area away from other people and where other people may see you. There are laws that say we cannot have sex in public or open places.

7. **What if I live in a group home or a sponsored residential home... Can I still have sex? Can the group home restrict my sexual activity?**



Yes to both. The Human Rights Regulations say that you have the right to enjoy all the freedoms of everyday life, including the freedom of association as explained in Question 1. However, providers may restrict any activity for the reasons described in Question 3. Residential providers must also consider if your sexual activity causes harm to others living with you. This is another reason why it is important to have sex in a private place.

8. **I have a guardian. Can I have friends and communicate with them when I want?**



Yes. Guardians cannot keep you from talking to or visiting with someone you have a relationship with unless the guardian fears you will be harmed in some way. Guardians must encourage you to participate in decisions about your life and always consider your expressed desires and personal values when making decisions.

9. **Can I have sex if I have a guardian?**



Yes. Sometimes, guardians, family members, and group home staff think that just because a person has a guardian, they do not have the capacity to consent to sex as explained in Question 6. A person with a guardian may still have the capacity needed to consent to sex... a basic understanding of the act and its possible consequences. Both partners must have capacity and neither partner should take advantage of the other's inability to understand what is happening.

10. **What can I do if my guardian or my residential provider keeps me from seeing or talking to my friends or tells me I cannot have sex with my romantic partner (boyfriend or girlfriend)?**



All providers licensed by DBHDS must have a Human Rights Advocate available for people receiving services from them. This Advocate may help you figure out how to advocate for your rights and may help you file a complaint. You can also contact the disAbility Law Center of Virginia for information about your rights and advice on how to stand up for yourself.