Social Opportunities for People With Intellectual Disabilities: Issues Related to Consent and Intimacy

North Community Network of Specialized Care
Presented By: Don Salmon, M.A., C. Psychological Associate
Angie Nethercott, M.A.

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What We Will Cover Today

- Societal Views
- Relationship Development
- Relationship Stages
- Relationship Skills
- Consent Issues
- Levels of Consent
- Measures of Consent
- Policy Development

Societal Views

✔ At Best – Passive / Benign / Reluctant Acceptance

✗ At Worst – Discourage / Obstacles
  ✗ Messages that intimacy is not OK
  ✗ Negative aspects of intimate relationships
  ✗ Fairy Tales

MYTHS OF RELATIONSHIP DEVELOPMENT

➔ "ROMANTIC" RELATIONSHIPS ARE ONLY FOR "CERTAIN" PEOPLE.
RELATIONSHIP DEVELOPMENT

• Why ARE social relationships important?
  – Social interactions #1 factor in predicting success
  – Failure / lack of social interactions ≈
    • ↑ Risk of:
      – Poor self-esteem
      – Depression
      – Anxiety
      – Aggression
      – Suicide

Factors Affecting Relationship Development

• Environmental – opportunities, free vs structured / supervised time, “climate”, job requirements,
  – Situational conditions –
    • Foster or inhibit developing relationships
• Existing Social Network – increase or decrease motivation to start a new relationship

Factors Affecting Relationship Development

• Family history
  – Cultural & Religious values and practices
• Personal Characteristics – loneliness, shyness, age, previous relationships, attitude
• Comfort, desire to interact
  • Number of relationships
  • Shared interests
  • Shared feelings and support
• Similarity
  – Friends tend to more similar than non-friends

STAGES OF RELATIONSHIP DEVELOPMENT

- Acquaintance
- Casual
- Close Friend
- Dating Friend
- Committed Relationship
Stages of Relationship Development
Stage 1 – Acquaintance

Proximity  Familiarity  Similarity  Sharing

RELATIONSHIP SIGNPOSTS
STAGE 1 - Acquaintance

- Quality of Relationship:
  - No clear impression of enduring relationship
- Type of Interaction:
  - Specific, time limited encounters
  - Self-focus – little/no concern for other person
- Communication:
  - Limited exchange of information –
  - Usually specific to situation
  - No personal information – demographic only
- Physical Aspects:
  - Public displays of attention only – wave, hand shake, head nod, smile

Stages of Relationship Development
Stage 2 (Casual) to Stage 3 (Close) Friends

Friendship:
- Develops over an extended period of time; and
- Interactions in which each person is affected in some degree by the other person:
  - Communication
  - Sharing
  - Respect
  - Trust
  - Commitment

Stages of Relationship Development
“Friendship” - Communication & Sharing

Activities  Hobbies  Sports
Time & Memories  Thoughts & Feelings  Plans & Dreams

Physical Attractiveness Preference
MYTHS OF RELATIONSHIPS

GOOD RELATIONSHIPS – ARE DEPENDENT ON ARTICULATING FEELINGS.

RELATIONSHIP SIGNPOSTS
STAGE 2 – Casual Friend

- Quality of Relationship:
  - Friendships can be “compartmentalized” or diffuse
  - “bowling buddies, work friends”
- Type of Interaction:
  - Revolve around leisure activities (eating, drinking, talking, non-task oriented)
  - Primarily meeting own needs but weighing advantages vs disadvantages
- Communication:
  - Limited awareness of other’s needs
  - Specific information relative to situation
  - Limited personal information – gender differences
- Physical Aspects:
  - Public displays of physical contact – high five, slap on back
  - Acceptable private – grieving, loss, support
  - “Friend with Benefits” – no long term commitment

RELATIONSHIP SIGNPOSTS
STAGE 3 – Close Friend

- Quality of Relationship
  - Increased sense of “mutual obligation” between partners – “friends help each other”
- Type of Interactions:
  - If the situation permits – close friends will interact more frequently than casual friends
  - Develop slowly through a passage of time
- Communication:
  - Increased personal knowledge of the friend
  - From narrow and specific to broad and highly personal - interests, likes, dislikes, values
- Physical Aspects:
  - Contact brief – personal preferences, situational and culturally determined
Stages of Relationship Development
Stage 4 – “Dating”

⇒ MYTH: CLOSENESS – ONLY OCCURS WITHIN LONG-TERM RELATIONSHIPS.

RELATIONSHIP SIGNPOSTS
STAGE 4 – Dating Friend

• Quality of Relationship:
  – “Similarity breeds Liking”
  – Still Self-Centered but consideration of mutual benefit
  – First-Then compromises
• Type of Interactions:
  – Increased desire for shared activities and interests
  – Shift from public to private locations
  – Culturally and socially influenced
• Communication:
  – Exchange information about each other
  – Increasing levels of self-disclosure
• Physical Aspects:
  – Give and receive attention, affection, gifts
  – Increased frequency, duration, intensity of contact
  – Mainly appropriate public displays – some spontaneous
  – Mutually agreed private / intimate contact

Stages of Relationship Development
Stage 5 – Committed Relationship

⇒ MYTH: EVERYONE WANTS AN INTIMATE RELATIONSHIP AS THE PRIMARY COMPONENT OF HIS OR HER LIFE.

RELATIONSHIP SIGNPOSTS
STAGE 5 – Committed Relationship

• Quality of Relationship:
  – Increased concern for other’s well-being – Is John sick today?
  – Increased interest in being with other person, more playful, happy in presence of other
• Type of Interactions:
  – Increased empathy, understanding of other person
  – Reciprocal “give & take” between partners
  – Compromise / Negotiate
• Communication:
  – Increased communication about experiences
  – Increasing levels of sharing of beliefs, values, goals
• Physical Aspects:
  – Appropriate public display – social, personal & situational determined
  – Mutually acceptable intimate interactions
  – Touch to intercourse
**Relationship Skills Inventory**

**SKILLS / SOCIAL OPPORTUNITY**

<table>
<thead>
<tr>
<th>Social Opportunity:</th>
<th>As currently performed by a Peer</th>
<th>As currently performed by the person you are assessing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Choice Making</td>
<td></td>
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<tr>
<td>Initiate</td>
<td></td>
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<tr>
<td>Provide Information</td>
<td></td>
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<tr>
<td>Awareness of Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Regulate Behaviour</td>
<td></td>
<td></td>
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<tr>
<td>Follow Social Rules</td>
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<tr>
<td>Provide Positive Feedback</td>
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<tr>
<td>Request/Accept Assistance</td>
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<tr>
<td>Provide Negative Feedback</td>
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<td></td>
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<tr>
<td>Cope with Negative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Terminate</td>
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</tr>
</tbody>
</table>

**AWARENESS OF OTHERS**

- **Acquaintance**
  - Will smile spontaneously at another person
  - Will smile in response to another person’s smile
  - Will wave hello or goodbye to familiar people
  - Will look at the face of the other person when speaking
  - Listens at least momentarily to a person speaking to them
  - Responds appropriately when introduced to strangers

- **Friendship**
  - Can discriminate familiar people from acquaintances and strangers
  - Will initiate appropriately asking someone else their name
  - Will initiate appropriately asking someone else their name
  - Can initiate appropriately asking someone else their name
  - Can permit a conversation to continue without interrupting

**INITIATE & MAINTAIN INTERACTION**

- **Acquaintance**
  - Listens at least momentarily to a person speaking to them

- **Friendship**
  - Listens attentively to an other person
  - Will initiate appropriately asking someone else their name
  - Will initiate appropriately asking someone else their name
  - Can permit a conversation to continue without interrupting
  - Reciprocates social questions
### INITIATE & MAINTAIN INTERACTION

**Dating To Committed Relationships**

<table>
<thead>
<tr>
<th>Skill</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can respond to hints, nonverbal or indirect cues in a conversation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Responds appropriately to the gestures of another person</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Initiates a conversation, can differentiate when to ask a question, or respond with information</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Initiates a conversation about a particular item or event</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Initiates new questions</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Initiates small talk when meeting acquaintances</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Can initiate a conversation about a shared event, interest</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Can relate past experiences accurately</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Can relate experiences in narrative detail</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Dating To Committed Relationships**

<table>
<thead>
<tr>
<th>Skill</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will initiate a conversation on particular topics of interest to others</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Will effectively use gestures &amp; nonverbal cues along with conversation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Participates in conversation without monopolizing it</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Will end a conversation appropriately</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Is able to respond appropriately to a change in the conversation</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Is able to appropriately join an ongoing conversation between two or more people</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

### SHARE INFORMATION

**Acquaintance**

<table>
<thead>
<tr>
<th>Skill</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can state own name if asked</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Responds appropriately when introduced to strangers</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Friendship**

<table>
<thead>
<tr>
<th>Skill</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can relate recent experiences in simple terms</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Can reciprocate basic information (name, age, address)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Refrains from frequently repeating the same question</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Dating To Committed Relationships**

<table>
<thead>
<tr>
<th>Skill</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can relay accurate information about themselves</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Is able to appropriately ask a question to gain information</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Can reciprocate more advanced information (favourite activity, food, etc.)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Will ask a question following a reciprocation statement</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Does not talk about personal or family issues in public</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Does not ask questions of a personal nature to acquaintances</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
### Relationship Skills Inventory

**SOCIAL SELF-REGULATION**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will not intrude into the personal space of others</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Will not touch others without permission</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Able to self-regulate behaviour in familiar situations and routines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friendship</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Able to self-regulate behaviour across similar situations</td>
<td></td>
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<tr>
<td>Can recognize and label emotions in others</td>
<td></td>
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</tr>
<tr>
<td>Can appropriately express a range of emotions</td>
<td></td>
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</tbody>
</table>

**Dating To Committed Relationships**

<table>
<thead>
<tr>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Able to adapt behaviour to variety of situations, responding to clear social rules</td>
<td></td>
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<tr>
<td>Requests the privacy of others</td>
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<tr>
<td>Can control their hurt or angry feelings in public</td>
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<tr>
<td>Can respond with empathy to the feelings or behaviours of others</td>
<td></td>
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<tr>
<td>Able to adapt behaviour in response to subtle social or situational cues</td>
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</tbody>
</table>

### Relationship Skills Inventory

**DECISION MAKING**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>0</th>
<th>1</th>
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<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Makes daily choices (food, clothing, activities)</td>
<td></td>
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<tr>
<td>Able to express YES / NO for preferred vs non-preferred</td>
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<td></td>
</tr>
<tr>
<td>Friendship</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Able to express choice among different preferred activities or items</td>
<td></td>
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</tr>
<tr>
<td>Able to express preferences across people</td>
<td></td>
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<tr>
<td>Able to understand and follow a delayed choice – First-Then</td>
<td></td>
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<tr>
<td>Able to delay gratification</td>
<td></td>
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<tr>
<td>Dating To Committed Relationships</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Can verbally express reasonable demands / requests</td>
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<tr>
<td>Able to participate in a shared decision with one other person</td>
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<tr>
<td>Can appropriately express a range of emotions</td>
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</tbody>
</table>

### Relationship Skills Inventory

**PROVIDE AND ACCEPT POSITIVE & NEGATIVE**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will smile spontaneously at another person</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Will smile in response to another person’s smile</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friendship</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Will react appropriately to positive statements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dating To Committed Relationships</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Responds appropriately to a refusal</td>
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<tr>
<td>Appropriately responds to and reciprocates compliments</td>
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<td></td>
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<tr>
<td>Does not make negative or embarrassing comments about someone else in public</td>
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</tbody>
</table>
Social Skills Inventory

**Problem Solving and Conflict Resolution**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>OK</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is able to offer assistance to another person</td>
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<tr>
<td>Is able to request assistance from another person</td>
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</tr>
<tr>
<td><strong>Friendship</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Will apologize for hurting others feelings</td>
<td></td>
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</tr>
<tr>
<td>Will apologize for unintentional slights</td>
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<tr>
<td>Able to leave open an interaction that is causing conflict</td>
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</tbody>
</table>

**Dating to Committed Relationships**

| Can explain or express a complex idea | | | | | |
| Can express reasonable expectations / demands on the friendship of others | | | | | |
| Can respond appropriately to the statements of others concerning their wishes or needs | | | | | |

**Physical Contact & Intimacy**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>OK</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shows appropriate affection to familiar people</td>
<td></td>
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</tr>
<tr>
<td>Will not intrude into the personal space of others</td>
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<td></td>
</tr>
<tr>
<td>Does not inappropriately touch or hug others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Friendship</strong></td>
<td></td>
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</tr>
<tr>
<td>Does not ask questions of a sexual nature to acquaintances or friends</td>
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<tr>
<td>Will stop an action when told “no”</td>
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<tr>
<td><strong>Dating to Committed Relationships</strong></td>
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<tr>
<td>Understands &amp; demonstrates private vs public touch, body parts</td>
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</tbody>
</table>

**Intimacy & Consent**

<table>
<thead>
<tr>
<th>Acquaintance</th>
<th>OK</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the person regularly make daily choices of preferred and nonpreferred options?</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>In the person voluntarily consenting to this level of relationship?</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Ability to understand the limits of information shared with others specific to the situation or specific type of relationship</td>
<td></td>
<td></td>
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<td>Demonstrated knowledge and understanding of personal distance and boundaries</td>
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<td><strong>Friendship</strong></td>
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<td>Is the person’s consent for this ongoing friendship voluntary?</td>
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<td>Is the person able to refuse or accept directions offered by others?</td>
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<tr>
<td>Is there appropriate sharing of information for level of relationship and situation?</td>
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<td>Appropriate physical contact for level of relationship and situation?</td>
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**Dating to Committed Relationships**

| Does the person have the ability to make a specific decision at a particular time? | | | | | |
| Does the person understand what is being proposed for the increased level of physical intimacy | | | | | |
| Ability to appreciate foreseeable outcomes for increased levels of physical intimacy | | | | | |
| Understanding that degree of physical intimacy should correspond with the level of relationship intimacy | | | | | |
### Resources

- Living with ASD. Autism Ontario. 2006
- Personal relationships and social networks: Facilitating the participation of individuals with disabilities into community life

### PART TWO – CONSENT – Angie Nethercott

#### Consent

- Permission for something to happen or agreement to do something.
  (Oxford Dictionary)

#### Informed Consent

- Permission granted in full knowledge of the possible consequences.
  
  - E.g.: Patient consents to a particular type of treatment provided by a doctor with knowledge of the possible risks or benefits.
Informed Sexual Consent

- The ability of the person to understand the information or knowledge necessary to make a voluntary decision that is free from coercion.

  (YAI National Institute for People with Disabilities, 1995)

Informed Sexual Consent

- Requirements
  - Both parties have equal levels of information regarding sexual activity being proposed
  - Understanding extends both to the act and the long and short term consequences of the behaviour
  - Participants must be at similar developmental levels
  - Must have equality of power
    - Equal level of understanding
    - Equal ability to refuse/participate/end the sexual activity without repercussions

  (Waxman, 2004)

Informed Sexual Consent

1. Have basic sexual knowledge, such as the differences between male and female anatomy and function, and knowledge of the nature of sexual activity.
2. Understand the possible consequences, including risks, of the sexual activity to themselves and their partners.
3. Have the ability to understand appropriate and inappropriate locations and times for sexual activity.
4. Possess the ability to express a personal choice and to resist coercion.
5. Possess the ability to recognize distress or refusal in a partner and stop the activity.

  (Vancouver Coastal Health Authority, 2009)

Consent – Legal Perspective

- Age of Consent
  - 16 years old in Canada with the following exceptions:
    - Unmarried persons under the age of 18 can not consent to anal sex.
    - Someone under the age of 18 can not consent to have sex with a person in a position of authority such as a teacher, health care provider, coach, lawyer or family member.
Consent – Legal Perspective

• Age of Consent (Cont’d)
  - Exceptions:
    - 12 and 13 year-olds can consent to having sex with other youth not more than 2 years older than themselves
    - 14 and 15 year olds can consent to having sex with partners not more than 5 years older than themselves

Levels of Consent

• Different levels of consent based on the nature of the relationship and the level of intimacy

• Different abilities to consent to intimate behaviours, i.e. an individual may have enough knowledge to consent to kissing their partner, but may not have enough knowledge to consent to sexual intercourse

Consent Continuum

Levels of Consent

• Acquaintance - a person whose name you know, but do not know well, e.g. neighbour, dentist, banker

• Level of Consent Required – specific to the relationship, e.g., provide consent to the dentist for treatment; consent to the neighbour putting up a fence; consent to your banker to access your financial information
Levels of Consent

• Friend – a person you have known for a long time who you trust, can talk to about personal information, spend free time with and who is not paid to spend time with you.

• Level of Consent Required – consent to the sharing of personal information, some physical touch, e.g., hug on special occasion or after long absence.

Levels of Consent

• Dating – tentative/transitory relationship that may lead to a committed, long-term relationship.

• Level of Consent Required – consent to greater levels of intimacy, e.g., hand holding, hugging, kissing, petting.

Levels of Consent

• Committed Relationship – long term; engage in intimate behaviour with; have strong feelings for, and have shared goals.

• Level of Consent Required – consent to the highest levels of intimate behaviour, e.g. sexual intercourse

YAI Policy for Determining Sexual Consent

• Sexuality is an integral part of a person’s personality

• Sexual interaction should only occur if both people are consenting

• Because people with DD can vary widely in their ability levels, YAI developed an inclusionary standard for the evaluation of sexual consent

• Sexual Consent Policy ensures a person’s rights as well as providing for their safety and well being
YAI Policy for Determining Sexual Consent

- Sexuality Rights and Advocacy Committee
  - Assist in reviewing the YAI Verbal Consent Tool
  - Review and authorize the Tool for Assessing Informed Sexual Consent Through an Evaluation of Responsible Sexual Behaviour

Consent

- Assess through:
  1. The YAI Verbal Informed Consent Tool – person is able to verbally discuss and explain their understanding of informed sexual consent.

(YAI National Institute for People with Disabilities)

Consent

2. The YAI Tool for Assessing Informed Sexual Consent Through an Evaluation of Responsible Sexual Behaviour – unable to verbally demonstrate informed sexual consent, but able to demonstrate through engaging in responsible sexual activity with others – evaluated and monitored by trained staff

YAI Verbal Consent Tool

- Used with adults (over 17) who are capable of or can be educated to give informed consent
- 2 evaluators, one who has an M.A. degree and experience with the tool – the other should be familiar with the person being evaluated
- Prior to testing: review person’s history including sexual experiences, as well as medical, developmental and psychiatric conditions that may impact on the person’s ability to comprehend information and make decisions
YAI Verbal Consent Tool

- **Indice #1**: Person has an awareness of the nature of the sexual act under consideration and of having a choice to engage in or abstain from the type of sexual contact under consideration.

1. What is sex?
2. If you wanted to have sex with someone, what would you do? If the person said no, what would you do? If someone wants to have sex with you and you don’t, what would you do?

YAI Verbal Consent Tool

- **Indice #2**: The person has an understanding of how to prevent an unwanted pregnancy and diseases which are sexually transmitted.

1. When a man and a woman want to have sex, but not make a baby, what could they do?
2. Do you know of any diseases you can get from having sex with another person?
3. What can you do to prevent getting a sexually transmitted disease?

YAI Verbal Consent Tool

- **Indice #3**: The person has an understanding of the need for restriction of sexual behaviour as to time, place or behaviour.

1. You are in a room watching television with another person who starts to play with his/her private parts. Do you think it’s okay? Why or why not?
2. You are at work. Someone you like and who you only see there comes up to you and asks you to have sex in the bathroom. What would you do? Why?

YAI Verbal Consent Tool

- **Indice #4**: The person has an understanding that certain sexual activities are against the law and could result in or have dire consequences.

1. Some sexual behaviour is against the law and a person can get arrested. Do you know of any sexual behaviour that can get you arrested?
2. You don’t want to have sex, but your partner says you must and forces you to. What would you do? Is that against the law?
YAI Verbal Consent Tool

• Indice #5: The person’s understanding of being at risk in a potentially harmful/exploitive sexual situation and being capable of making a reasonable plan for removing him/herself from the situation.

1. Jo and Andi are dating. Andi asks Jo for money. Jo is short on money and doesn’t want to loan Andi the money. Andi gives a really good reason for needing it and Jo agrees to lend him the money. What do you think of that? A few days later, Andi asks Jo for more money. Jo refuses because he hasn’t paid back the money he borrowed previously. Andi says that unless Jo gives him the money, they can’t be friends, date or have sex anymore. What should Jo do? Have you ever been in a situation like that? What would you do?

Assessing Informed Sexual Consent Through an Evaluation of Responsible Sexual Behaviour

• Used when the person can not consent verbally
• Used as a guide in observation and evaluation
• Requires special skills and experience on the part of the evaluator and a more rigorous procedure for review
• Further evaluation required when the person is in a new situation or with a new person

Assessing Informed Sexual Consent Through an Evaluation of Responsible Sexual Behaviour

• Completed by two trained staff from the treatment team who have a comfortable relationship with the person and knowledge of their history and present behaviour
• Based on direct observation and discussions with involved parties
• Reviewed by Sexual Rights and Advocacy Committee

Assessing Informed Sexual Consent Through an Evaluation of Responsible Sexual Behaviour

• If a person is not presently able or willing to demonstrate responsible sexual behaviour in a given situation, a plan must immediately be developed using any combination of education, behavioural techniques and training to enable him/her to exercise responsible sexual behaviour
### Criteria for Responsible Sexual Consent in a Given Situation

1. **Voluntariness** – Are each of the parties able to make a voluntary decision free from coercion? Can the person demonstrate by his/her behaviour, the ability to discriminate with whom s/he wants, or doesn’t want to have sexual relations?

2. **Harm** – Are both people reasonably protected from either being physically injured or harmed by the presenting actions or circumstances? Weigh potential harm from being very possible to very remote. Consider the harm of separating willing partners.

3. **Exploitation** – Are any of the parties in a situation in which others are using them in a way that they could not be consenting. Usually involves someone of a much higher level of functioning. Anyone in a position of power (i.e. staff) should be considered exploitative. It is the right of someone with ID to choose someone of normal intelligence, but the situation should be examined.

4. **Abuse** – Is this a situation where the person is exhibiting a distraught reaction based on what is occurring in the context of sexual activity? This could entail psychological or physical abuse.
Criteria for Responsible Sexual Consent in a Given Situation

5. Can the person either leave the situation or stop a specific sexual behaviour if so desired? The person must be able to say no when they desire either verbally or through body language, such as gently pushing the other person away, indicating they want him/her to get out, stop the behaviour or leave. Can the person demonstrate by his/her behaviour the ability to communicate and physically remove him/herself from a sexual situation that is not desired at that time?

6. Time & Place – Is the person able to either choose the appropriate time and place, or be prompted to go to the appropriate place at the appropriate time?

Policy

• Every agency supporting individuals with Intellectual Disabilities must have a set of policies and procedures related to sexuality
• Include: appropriate expressions of sexuality, responses to inappropriate expressions, abuse prevention, and reporting abuse

Policy

• Vita Community Living Services: Sexuality Policy, Anti-Abuse and Anti-Harassment Policy
Additional Services

- Make referral to Clinical Specialist for specialized assessments such as the Socio-Sexual Knowledge and Attitudes Assessment Tool, the YAI Consent Tools, etc.

Resources

- Vita Community Living Services
  Toronto, Ontario
  416-749-6234

- YAI National Institute for People with Disabilities
  New York, New York
  http://www.yai.org/

- YAI Relationships Series
  https://secure2.convio.net/yai/site/Ecommerce/1348921649?FOLDER=1206&store_id=1781

Resources

- Supporting Sexual Health and Intimacy in Care Facilities: Guidelines for Supporting Adults Living in Long Term Care Facilities and Group Homes in British Columbia, Canada.
  Vancouver Coastal Health Authority, July 15, 2009.