

Bureau of Behavioral Support
NM DEPARTMENT OF HEALTH – DEVELOPMENTAL DISABILITIES SUPPORTS DIVISION

Internet Access Considerations

Background:

Access to the internet is a foundational aspect of modern life in that it provides conduits for education, social connection, entertainment, and information. These benefits, however, come with some levels of risk related to the potential for exploitation, exposure to troubling or potentially illicit imagery, and misinterpretation of communications. Since the onset of Covid-related restrictions on community events, people receiving disability waiver supports have experienced greater access to internet-capable devices. While the vast majority of this access has been beneficial and without concern, there may be individual-specific situations wherein limitations on access or enhanced support are clinically indicated secondary to documented events involving risk to self or others.

Purpose of this Document:

The following document is intended to provide general ideas for consideration when navigating potential restrictions or increased supports related to internet access and usage on individual bases. It is loosely organized from least-restrictive to most-restrictive practices. Situations where Human Rights Committee review is clearly required are marked as such. Certain of the practices outlined below may be used in combination with others (e.g., limitation on physical access coupled with use only while a support person is present).

Please note: These ideas are approached from a behavioral support perspective. There may be individual-specific situations involving physical limitations or other conditions that are not addressed. Likewise, the number of different devices, apps, and websites is too numerous to address all possible areas of concern.

A fading plan is required as part of introducing restrictive practices. Fading should be based on demonstration of skill development and/or self-management not on absence of behavior. Please refer to the BBS information sheet on *Fading Considerations* for more detail on how to approach reduction of supervision or supports.

The Preliminary Risk Screening and Consultation service should be engaged when there is a sexual risk aspect.

General Education About Online Safety

Basic education about online safety should likely be provided to all individuals. This may include but is not limited to topics such as privacy, not sharing personal or financial information, the presence of illegal or disturbing imagery on the internet, and the risk of being exploited or misled.

Efforts at education and confirmation of understanding should be documented and ongoing. It may help to identify a 'point-person' on the team to be the go-to for any questions a person has about things they have encountered on the internet or social media.

No Restrictions or Specific Supports

In a positive behavior support paradigm, it is essential to begin from a perspective of 'assuming competence'. The presence of intellectual and/or cognitive differences should never 'automatically' result in presumptions about rights or risk. All restrictions or increase in supports intensity must be based upon confirmed events or other data.

Limitations on Physical Access to Device(s) (HRC Required)

If a device is owned by an adult, limiting physical access to the device may be considered a potential violation of human rights regardless of guardianship status.

In some cases, unrestricted duration of access may interfere with a person's engagement in community or social activities, activities of daily living, or sleep cycle. If these types of concerns have been established to be a pattern with connected, objective data, the team may consider enacting reasonable duration or time-of-day limits on the person's physical access to the device(s) (e.g., 2 consecutive hours with a limit of 6 hours total per day; no access between 12:00am and 8:00am). Said limits should be enacted in a least-restrictive fashion with as much input from the person receiving supports as possible.

Co-Review of Browser History or Communications

In some circumstances it may be helpful to sit with a person and have them share their browser history, chats, and/or picture collection. This is likely best engaged by identifying one person on the team to have this as a responsibility. It may be done on a scheduled or random basis depending on circumstances.

Such conversations should be engaged in a calm, non-judgmental manner with a focus on asking questions rather than making statements.

Independent Review of Browser History or Communications (HRC Required)

In some cases, a team may choose to engage in review of the search history, picture library, social media account, or internet cache of a device without the presence or real-time input from the individual who accesses the device. All reviews should be documented.

Limitations on Social-Media or Dating Sites (HRC Required)

Social media apps such as Facebook, Instagram, Snapchat, TikTok, and others can provide access to social connections that would otherwise be unavailable. Current research literature has suggested that people with ID may benefit significantly from the participation in these media (e.g., increased social connectedness, social skill building, development of independence). Any or all of these apps may also involve risk of exploitation, engagement with underage persons or concerning images thereof, as well as other risks.

The presence of ID and the inherent risk of concerning interaction or exposure should not, in and of themselves, provide clinical justification for restriction. Instead, there must be documented and objective data that suggests presence of a reason for concern.

As outlined in other areas of this document, restriction or enhanced support related to these media may be engaged in a graduated fashion that may allow for education and demonstration of skills or self-management prior to suggestion for more restrictive measures.

Limitations on Adult Content (HRC Required)

In some cases, a person may have a demonstrated pattern of concern related to viewing adult content on the internet. This may include, but is not limited to, violent imagery or sexual imagery. The viewing of said material is not a concern on its own. These are generally legal activities for adults regardless of one's personal perspective on what is or is not appropriate. If, however, exposure to said images is documented to be correlated with an increase sexual preoccupation, boundary violations, aggressive actions, or other equally concerning events, then limitations on these contents may be indicated.

Limitations in this domain may first be trialed by verbal expectations coupled with co-review or independent review of browser history as described above. Should data suggest that these less restrictive supports are ineffective, then a metered progression (e.g., use of monitoring software; use only with staff presence; use only with direct supervision) to more restrictive supports may be considered.

There are several options for apps that aim to prevent access to content labeled as 'adult'. While somewhat effective, none of these apps should be considered 100% effective as content developers consistently find ways to work around the app programming or algorithms.

Installation of Monitoring Software (HRC Required)

There are several options for apps that monitor, summarize, and provide reports on internet-based activities on specific devices. No app should be considered 100% effective, and none can be a replacement for conversation, education, and relationship.

If this were proposed and approved, there should be a set schedule for review of monitoring reports along with a specific team member assigned to be responsible for review.

Use Only With Support Person Presence or Direct Supervision (HRC Required)

In some circumstances, access to the internet and related apps or media may be reasonable as long as a support person is present in the area and doing brief visual checks of the screen or, more restrictively, providing continuous visual monitoring of the screen.

Use Only for Prescribed or Scheduled Activities (HRC Required)

Telehealth visits, certain educational opportunities, and certain entertainment or social opportunities may only be available via internet access. Any plan that includes such an abrupt restriction should be communicated to BBS.

Zero Access to Internet-Capable Devices (HRC Required)

As with the above, this would be an exceedingly rare situation possibly related to a court-order or other equally serious event or series of events involving discrete risk of harm to self or others. Any plan that includes such absolute restriction should be communicated to BBS.