

HOUSE No. 5732

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 9, 1972.

The committee on Social Welfare, to whom was referred the petition (accompanied by bill, House, No. 4404) of Alexander Lolas for legislation to define the rights of mentally retarded persons, report recommending that the accompanying bill (House, No. 5732) ought to pass.

For the committee,

ALEXANDER LOLAS

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

**AN ACT DECLARING THE RIGHTS OF THE DEVELOPMENTALLY
DISABLED.**

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows,*

1 Chapter 123 of the General Laws is hereby amended by
2 inserting after section 23 the following section:

3 *Section 23A.* The following general and special rights shall
4 pertain to all developmentally disabled persons in the care of the
5 Department of Mental Health.

6 (a) The developmentally disabled person has the same basic
7 rights as other citizens of the same age.

8 (b) The developmentally disabled person has a right to proper
9 medical care and physical reformation and to such education,
10 training, habilitation and guidance as will enable him to develop
11 his ability and potential to the fullest possible extent, no matter
12 how severe his degree of disability.

13 (c) The developmentally disabled person has a right to
14 economic security and to a decent standard of living. He has a
15 right to productive work or to other meaningful occupation.

16 (d) The developmentally disabled person has a right to live
17 with his own family or foster parents, to participate in all aspects
18 of community life, and to be provided with appropriate leisure
19 time activities. If care in an institution becomes necessary, it
20 should be in surroundings and under circumstances as close to
21 normal living as possible.

22 (e) The developmentally disabled person has a right to a
23 qualified guardian when this is required to protect his personal
24 well being. No person rendering direct services to the develop-
25 mentally disabled should also serve as his guardian.

26 (f) The developmentally disabled person has a right to
27 protection from exploitation, abuse and degrading treatment. If
28 accused, he has a right to a fair trial with full recognition being
29 given to his degree of responsibility.

30 (g) Some developmentally disabled persons may be unable,
31 due to the severity of their handicap, to exercise for themselves
32 all of their rights in a meaningful way. For others, modification
33 of some or all of these rights is appropriate. The department shall
34 establish a mechanism by which such modifications shall be
35 determined. The department shall develop regulations as are
36 necessary for the operation of this subsection.

