



THE COMMONWEALTH OF MASSACHUSETTS  
MENTAL HEALTH LEGAL ADVISORS COMMITTEE



community resources  
FOR PEOPLE WITH AUTISM



Massachusetts  
Office on Disability



Dear Legislator,

We, the undersigned organizations, affirm our support for language incorporated into the FY2007 Massachusetts Senate Budget that would ensure the humane treatment of people with disabilities (Amendment 765 HOME AND COMMUNITY BASED SERVICES). **WE ASK FOR YOUR SUPPORT OF THIS LANGUAGE IN THE FINAL CONFERENCE REPORT.**

While the Massachusetts Constitution promises equality, irrespective of ability or disability, there are no statutes that prohibit procedures which involve the purposeful infliction of pain on people with disabilities with the intention of changing behavior. There are no statutes protecting them from physical contact or punishments, or protecting them from the denial of adequate sleep, food, shelter, bedding, or bathroom facilities.

These extreme, punishing physical interventions are illegal when inflicted upon non-disabled people but, when used on people with disabilities, are considered treatment or “aversive therapy”. These procedures have never been shown to be effective methods of permanently altering behavior, including that which may be self-abusive. Their only use is as a suppression of the symptoms, not the root cause, of undesired behaviors. They must be used continuously over the lifetime of the individual, and increased in intensity to achieve any success. Even then, the success is short-lived, leading to an escalation of their application. Other, non-invasive methods, which pose no risk to an individual’s wellbeing, have been developed. Such methods have been demonstrated to be effective, not only during the period in which they are applied, but after the intervention is withdrawn.

The Senate’s budget language will prohibit the most extreme forms of punishing physical procedures including:

- Any technique that is designed to cause physical pain—including but not limited to, hitting, pinching, and electric shock.
- Physical contact or punishment which is otherwise prohibited by law or would be prohibited if used on a non-disabled person.
- Any program which denies adequate sleep, food, shelter, bedding or bathroom facilities.

American Civil Liberties Union of Mass.

Center for Public Representation

Federation for Children with Special Needs

Doug Flutie Jr. Foundation

Coalition for the Legal Rights of People With Disabilities

Mass. Developmental Disabilities Council

Autism National Committee

Central Mass. Families Organizing for Change

Autism Alliance of MetroWest

Disability Policy Consortium

Disability Law Center

Community Resources For People with Autism

Mass. Families Organizing for Change

Mass. Office on Disability

The Arc of Massachusetts

TASH New England

TASH

Mass. Advocates Standing Strong

Advocates for Autism of Massachusetts

Mass. Mental Health Legal Advisors Committee

For more information, contact any of the organizations listed above, or:  
Polyxane S. Cobb, CLRD, 617-492-4630, polyxane@comcast.net  
John Thomas, The Arc of Massachusetts, 781-891-6270 x104, thomas@arcmass.org