

Senate Joint Resolution expressing the general and special rights of mentally retarded persons.

WHEREAS, The universal declaration of human rights, adopted by the United Nations, proclaims that all of the human family, without distinction of any kind, have equal and inalienable rights of human dignity and freedom; and

WHEREAS, The declaration of the rights of the child, adopted by the United Nations, proclaims the rights of the physically, mentally or socially handicapped child to special treatment, education and care required by his particular condition; now, therefore, be it

*Resolved by the General Assembly of Maryland, That the general and special rights of the mentally retarded are expressed as follows:*  
**SHOULD INCLUDE THE FOLLOWING:**

ARTICLE I. The mentally retarded person has the same basic rights as other citizens of the same state and same age.

ARTICLE II. The mentally retarded person has a right to proper medical care and physical restoration and to such education, training, habilitation and guidance as will enable him to develop his ability and potential to the fullest possible extent, no matter how severe his degree of disability. No mentally handicapped person should be deprived of such services by reason of costs involved.

ARTICLE III. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to productive work or to other meaningful occupation.

ARTICLE IV. The mentally retarded person has a right to live with his own family or with foster parents; to participate in all aspects of community life, and to be provided with appropriate leisure time activities. If care in an institution becomes necessary it should be in surroundings and under circumstances as close to normal living as possible.

ARTICLE V. The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interest.

ARTICLE VI. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If accused, he has a right to a fair trial with full recognition being given to his degree of responsibility.

ARTICLE VII. Some mentally retarded persons may be unable, due to the severity of their handicap, to exercise for themselves all of their rights in a meaningful way. For others, modification of some or all of these rights is appropriate. The procedure used for modification or denial of rights must contain proper legal safeguards against every form of abuse, must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic reviews and to the right of appeal to higher authorities.

Approved May 17, 1971.