

Position Statement on the Rights of Individuals with Developmental Disabilities

In accordance with the federal 'Developmental Disabilities Assistance and Bill of Rights Act of 2000', the New Jersey Developmental Disabilities Council lists and endorses the following findings respecting the rights of individuals with developmental disabilities:

Disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.

Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional, residential, and other community programs, including educational programs in which individuals with developmental disabilities participate, that provide treatment, services, and habilitation that are appropriate to the needs of such individuals. These programs must meet minimum standards relating to the following:

Provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

Provision to such individuals of appropriate and sufficient medical and dental services;

Prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

Prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals;

Provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

All programs for individuals with developmental disabilities should meet standards that are designed to assure the most favorable possible outcome for those served and in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs.

Other residential programs for individuals with developmental disabilities will assure that care is appropriate to the needs of the individuals being served by such programs. The individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities. The facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights and in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

The rights of individuals with developmental disabilities described herein shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

The goals of the Nation should properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to:

- Make informed choices and decisions about their lives;
- Live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;
- Pursue meaningful and productive lives;
- Contribute to their families, communities, and States, and the Nation;
- Have interdependent friendships and relationships with other persons;
- Live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and
- Achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual.

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