



Mental Health Project

Purpose. The purpose of the Mental Health Project of Spectrum Institute is to promote improved access to a full range of mental health therapies for adults with intellectual and developmental disabilities.

Focus. The project focuses on the role of guardians, conservators, and others who have assumed primary caregiving responsibilities for this special needs population. These individuals are mental health therapy fiduciaries.

Mission. The mission of the project is to educate these fiduciaries about their duty to take the necessary steps to implement the right of adults with intellectual and developmental disabilities to have

prompt access to the necessary and appropriate mental health therapies they need. The mission includes the education of self advocates and family advocates on the right to mental health therapy and how to ensure that court-appointed agents and those who have assumed caregiving responsibilities fulfill their fiduciary duties.

Methods. The project accomplishes its mission through research, education, and advocacy. In addition to working with mental health fiduciaries, it also reaches out to primary care physicians who are often the gatekeepers to mental health services, and to psychologists, psychiatrists, social workers, and other licensed mental health professionals.



Legal Principles



The constitution protects the right of adults to make their own medical decisions. (*Cruzon v. Missouri* (1990) 497 U.S. 261, 262; *Thor v. Superior Court* (1993) 5 Cal.4th 725, 731)

People with developmental disabilities have the right to full participation in society and to equal access to health care services. (ADA Section 12101; Wash. Rev. Codes Section 71A-10.030)

When courts give the power to make health care decisions to guardians or conservators, these fiduciaries should be proactive. They have a legal [duty](#) to become aware of the need for, and to arrange for, appropriate mental health treatment for adults under their care. ([Daily Journal Commentary](#))

There are a wide range of mental health therapy options available for people with intellectual and developmental disabilities, including therapies to treat trauma, depression, anxiety, and PTSD. (“Intellectual and Developmental Disabilities: A Bibliography on Trauma and Therapy” [[Part One](#): Books] [[Part Two](#): Articles and Other Resources])

Individuals with intellectual and developmental disabilities have a right to prompt medical care. (Cal. Welf. & Instit. Code Section 4502(b)(4)). Therapy is essential for those who have experienced [abuse](#).

Additional qualified professionals are needed to

provide therapy for individuals with intellectual and developmental disabilities. Those already working in this field should improve their skills with in-service training. Trauma-informed therapy should be included in all training programs.

Care providers who deprive necessary health care services to dependent adults in their custody or care commit dependent adult abuse. (Wash. Rev. Codes Section 74.34.020(16)) Medical care includes mental health therapy. Deliberate indifference to medical and mental health needs is unconstitutional. (*Doty v. County of Larsen* (9th Cir. 1994) 37 F.3d 540, 546)

People without disabilities have access to a full range of mental health therapies. It is disability discrimination for guardians, conservators, or other care providers to deprive individuals with disabilities access to a full range of mental health therapy options. (*Federal Law*: Americans with Disabilities Act; *State Law*: Cal. Gov. Code Section 11135; Wash. Rev. Codes Section 49.60.030)

Tina Baldwin, Project Director
christina.baldwin@spectruminstitute.org

Thomas F. Coleman, Legal Director
tomcoleman@spectruminstitute.org