

February 9, 1973

SUBJECT: Rights to Residents to Outside Written and Telephone Communications

TO: James H. McClelland, M.D. - Superintendent - Polk State School and Hospital

FROM: *Norman J. Taylor*
Norman J. Taylor - Deputy Secretary - Western Region

It has been brought to my attention that you have a policy and practice which (1) prohibits residents of Polk State School and Hospital from making or receiving outside telephone calls, and (2) incoming and outgoing mail is opened and censored. These actions are explicitly prohibited by Section 423, subsections (1) and (5) of the MH/MR Act of 1966. In addition, it is the Regional policy to permit, and when appropriate, encourage residents to establish meaningful outside contacts. While the Regional Office is aware that some discretion must at times be applied, such discretion should deal with inappropriate use of the telephone rather than excluding the use for everyone.

The Bill of Rights for the mentally retarded, currently being prepared by the Allegheny Chapter, PARC, under the section "Personal Rights" states:

"Residents shall have the right to receive letters which will be read uncensored to him if he is unable to read. The resident shall have the right to direct communication, by phone and in uncensored written correspondence, with his parents or guardian in accordance with limitations set by them and agreed to by management."

The Regional Office supports this statement of Rights and expects the acceptance in our institutions.

It is the Regional Office position that the following procedure be implemented:

1. Parents or guardians be informed that money is not to be mailed directly to a resident unless the resident has demonstrated his ability to handle money. Money should be mailed to the business office where it is credited to the resident and a receipt returned to the parent and resident.
2. Mail should be opened in front of the resident and read uncensored to him if he is unable to read.
3. Outgoing mail will not be read and/or censored by any staff member, including the Superintendent.

4. Residents are to be allowed use of a public pay telephone booth to make private uncensored telephone calls to family or guardians and to other appropriate individuals in the residents life.
5. Parents, guardians or staff from outside agencies working with the resident be allowed to make incoming calls to the resident at pre-arranged times. Staff will accompany the resident to the telephone booth when required by the resident's physical and/or mental condition.

You are requested to develop a policy and implement the practice which embodies the procedure listed in one through five above. A copy of your policy is to be sent to the Regional Office for approval. Following approval, your policy is to be posted in conspicuous places and parents and residents informed.

RLM:fz

cc: Mr. Charles A. Peters - Executive Director ✓
Allegheny County Chapter/PARC

Mr. Norman J. Taylor
Mrs. Helen Clements