SEXUAL POLICIES FOR THE MENTALLY RETARDED

Judy E. Hall, Ph.D
Horace W. Sawyer, Ed.D

ABSTRACT: The Regional Evaluation and Adjustment Program (REAP) has provided facilities for the mentally retarded in the Southeastern states with workshops to meet an expressed need for the development of sexual behavior guidelines. These sexual policies were developed and are to be implemented by the institutional staffs who educate and train the retarded. The workshop format, designed to sensitize staff personnel to basic rights and responsibilities of the mentally retarded, is described. Assessment of the workshop and some resulting sexual policies are summarized.

The mentally retarded citizens of the United States have formed a "discrete and insular minority" whose constitutionally-guaranteed rights have in the past been freely interfered with both publicly and privately. One area frequently violated has been that of the sexual expression and relationships of these mentally retarded individuals. Recently the necessity of judiciously guarding the rights of the mentally retarded has become increasingly publicized, a trend which hopefully will mitigate the effect of the accreted injustices of the past. Burt\(^1\) has pointed out persuasively that, because the mentally retarded as a group are so readily victimized, the state laws that single out and unfairly intervene in the lives of this group must be revised, for special restrictions in sexual or family life violate certain rights guaranteed by the United States Constitution. Rights which are particularly in need of special protection are in the area of sexual

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Dr. Judy E. Hall is a staff psychologist with the Center for Developmental and Learning Disorders at the University of Alabama in Birmingham Medical Center, and an Associate Professor within the Department of Psychiatry, Birmingham, Ala., 35294. Dr. Horace W. Sawyer is an Associate Professor at Southern Illinois University, Ill. Reprint queries should be directed to Dr. Hall at above address. The writing of this paper was supported in part by project 910, U.S. Maternal and Child Health, H.S.M.S.A., Department of Health, Education and Welfare as awarded to the Center for Developmental and Learning Disorders.

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and familial freedom and include the right “to marry, establish a home, and bring up children, the right to privacy surrounding the marriage relationship, and the right to satisfy one’s intellectual and emotional needs in the privacy of one’s own home.”

Under the jurisdiction of the state laws, and also neglected, there remains the day-to-day personal environment in which the retarded individual lives. It is in this setting that there appears another avenue by which the sexual freedom of retarded individuals can be jealously guarded. Institutional facilities and community programs need to develop guidelines which establish sexual policies for their mentally retarded clients which foster rather than hamper individual development. The establishment of such policies should preclude the unnecessary and unfair intervention of staff or helping personnel in the sexual or familial lives of their retarded clients; such policies need to be explicitly stated and carefully adhered to by those charged with the care and training of retarded clients. That is, institutions and programs which train and educate the retarded population should be just as instrumental as the laws in providing protection from any unnecessary or unfair interference.

Sexual Guidelines

Recently the necessity for and existence of sexual policies in residential facilities was surveyed by Mulhern.2 Although a majority of those responding (70%) acknowledges that the best procedure for dealing with sexual behavior would be a clearly-delineated set of guidelines, covering as many aspects of sexual behavior as can be expected to occur, only a few (23%) indicated that their institution actually had such policies. Mulhern suggested that the absence of such policies was probably due to an inability to implement guidelines or to resistance from the community and/or the institutional staff.

Independent of this survey but at the same time, the Regional Evaluation and Adjustment Program (REAP), based at the University of Tennessee, received many requests from the eight states of the Southeast for assistance in developing sexual policies. Since REAP is funded by HEW in Region IV to provide on-site, in-service training to residential and community programs serving primarily the mentally retarded population, the staff of REAP began exploring the feasibility of providing training in this content area. A needs assessment from the professional program staff in the various states indicated the following major areas of concern: