



# Disability Law Center's Self-Advocacy Materials

Updated January 2025

## Rights in Facilities

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

617-723-8455  
800-872-9992  
[mail@dlc-ma.org](mailto:mail@dlc-ma.org)

### Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit our website:

<https://dlc-ma.org>



## The Six Fundamental Rights of People in Psychiatric Units and Hospitals

### You Will Learn About:

- The right to make and receive telephone calls
- The right to send and receive mail
- The right to send and receive visitors
- The right to a humane environment
- The right to access legal representation
- The right to reasonable access to the outdoors

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

## What does Six Fundamental Rights mean?

In Massachusetts, the law gives people in psychiatric hospitals certain rights. Massachusetts General Laws Chapter 123, Section 23, provides what is known as the “Six Fundamental Rights.” If you or someone you know is a patient in a psychiatric hospital or unit, this guidance can help you understand these Six Fundamental Rights.

The hospital must post a notice of these rights in places where they are easy to find and review. The hospital must also make the notice available upon request and provide translated versions for people who require an accessible format or who cannot read or understand English.

## Do I have a right to use the telephone when I am in the hospital?

In general, yes. If you use the phone to do something illegal or criminal, then the hospital director can stop you from using the phone or can decide to have staff supervise your phone calls. If you spend too much time on the phone, the staff can ask you to finish your phone calls because you are not letting others use the phone. If your telephone use is very likely to hurt you or others, the hospital can also decide to limit your telephone use for as short of a period of time as possible. Your right to the telephone can only be stopped for enough time to make sure you and others will be safe.

## Do I have a right to send and receive letters?

Yes. If you are present, staff at the hospital can open and check your mail to make sure there's nothing bad inside, but they cannot read your letters.

## Do I have a right to get visitors?

Yes. There may be visiting hours but the hospital can let you have a visitor at a different time if necessary (For example: if your family wants to visit and has to travel far). The hospital can stop you from having a visit or visitor as a way to protect you or others, but they cannot stop all your visits or visitors for a longer time than is necessary to prevent anyone from getting hurt. If the hospital wants to stop a visitor from seeing you, they have to try other options first, including a supervised visit.

## How safe and private is it supposed to be in the hospital?

You have a right to what is called a ‘humane’ environment. This means that you should have privacy and you should feel safe when you are resting, sleeping, dressing, taking a shower or using the bathroom, reading and writing. It doesn't mean total privacy in all of these activities, but enough to feel safe. The hospital rooms do not have to be all singles. If you are put in a room with roommates, that is allowed.

## Can I talk to my lawyer, pastor, therapist, or doctor?

Yes. Your lawyer, pastor, therapist, and doctor can always visit you or call you. You do not have to see them if you do not want to, but if you do, the hospital cannot stop you from seeing them or talking with them on the phone.

You have a right to call lawyers and advocates like the Disability Law Center and Mental Health Legal Advisors Committee, and the Committee for Public Counsel Services to ask legal questions and seek free legal services. Staff must help you find out the phone numbers for these agencies.

You have the right to invite your lawyer or legal advocate to your treatment team meetings.

## Can I go outside?

Yes, if it is safe for you to do so. The hospital must do its best to let patients get fresh air. If the weather is bad, they can cancel fresh air breaks until it is safe. If you are not doing well and it is not safe to let you go outside, they can keep you indoors until it is safe for you to go outside. Your doctor inside the hospital can decide this. If the hospital does not have a safe way of providing fresh air to patients, they should do everything they can to at least come up with a plan to let some patients get fresh air. The hospitals can decide that some patients need to go outside with staff and some patients can go outside by themselves.