

Statement by the Autistic Self Advocacy Network, American Association of People with Disabilities, Arc of Michigan, National Council on Independent Living, Not Dead Yet, and TASH on the Sentencing of Kelli Stapleton

The Autistic Self Advocacy Network (ASAN), the nation's leading advocacy organization run by and for autistic individuals, and the undersigned organizations dedicated to promoting the rights of individuals with disabilities, submit this statement in support of the prosecution's sentencing recommendations. We urge the court to reject the defendant's invitation to impose a lenient sentence on the basis of Issy Stapleton's disability.

Violence against children and adults with disabilities is all too common. In 2012, child services agencies in 41 states substantiated over 67,000 cases of abuse or neglect – including abuse that led to death – of children with disabilities.¹ Of those reported cases, over 50,000 – or seventy-five percent – had an intellectual disability, behavioral problem, and/or emotional disturbance. These numbers may be artificially low; when surveyed, over 33% of people who reported abuse of a person with disability reported that there was no investigation.²

ASAN keeps a running list of people with disabilities killed by their caregivers and holds yearly vigils to commemorate their lives. In the past 12 months alone, we have added an additional 30 homicides to our list. These homicides only include those of which we became aware through news coverage, and do not include attempted homicide or other severe, life-threatening violence such as what Issy Stapleton suffered.

Although many families lack adequate services to help support their children with disabilities, absence of services is neither a cause nor an excuse for violence. Thousands of families every year struggle to support children with disabilities. Yet the vast majority of these families would never consider harming their own children.

Indeed, many of the prominently reported cases of violence against children with disabilities – including this one – were by individuals who had access to a rich array of services. Issy Stapleton had just returned from an intensive 6-month residential placement less than 72 hours before Kelli Stapleton poisoned her with carbon monoxide gas.

Nevertheless, media sources and defense attorneys have continued to portray acts of violence against people with disabilities as the natural result of the “burden” of living with a person with a disability. Rather than rallying with sympathy and support for the child victim of attempted filicide, media coverage has consistently attempted to excuse and justify her murderer and paint the person who tried to kill her—her own mother—as the “real” victim.

¹ U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, & Children's Bureau, *Child maltreatment 2012* at 41 (2013), available at <http://www.acf.hhs.gov/sites/default/files/cb/cm2012.pdf#page=56>. Michigan was not one of the states that provided data.

² Nora Balderian, Thomas Coleman, & Jim Stream, Spectrum Institute, *Abuse of People with Disabilities: Victims and Their Families Speak Out* at 8 (2013), available at <http://www.disabilityandabuse.org/survey/survey-report.pdf>.

This narrative is not only untrue, but also can promote future violence against people with disabilities. Evidence presented at the sentencing hearing has shown that the defendant's crime was not a temporary lapse in judgment but rather the culmination of years of resentment toward her child. Over the course of years, she repeatedly made public and private statements demeaning and vilifying her child on the basis of her disability, including statements that autistic children should be killed. These statements should be recognized as an attempt to exonerate herself and blame her child for the pattern of mistreatment that culminated in the abuse for which she has now pled guilty.

It is essential that the court avoid reinforcing this harmful narrative by treating the defendant's poisoning of her daughter as somehow more understandable or less worthy of punishment than similar conduct toward any other child. We do not excuse the intentional poisoning of nondisabled children as the result of the stress of parenting; disabled children deserve this same basic social protection. When someone abuses a child with a disability, the crime is not that she had the audacity to be disabled—it is that she was abused by the people she trusted and relied on most.

Above all, the court should consider Issy's own well-being. Issy has already had to cope with betrayal and abuse by her own parent. She should not have to endure the additional burden of being told that this abuse was caused by the fact that she was difficult and burdensome, and that it is somehow reasonable and understandable for people – even the people she has the most reason to trust – to commit atrocious abuse against her. As we have seen through the experiences of our constituents, autistic people with limited expressive language abilities often have the ability to understand what other say about them, even if they are presumed not to. Every child should feel that they deserve to grow up free from violence and abuse. Without such reassurance, children who have already suffered abuse are at especially high risk of re-victimization.

As a final matter, we note that the defendant has continued to seek public platforms – including an interview with “Doctor Phil” McGraw and a possible book deal – from which to promote the self-justifying that violence against children with disabilities is a natural consequence of the stress of raising them. This behavior not only indicates a lack of remorse, but also an attempt to capitalize on the publicity associated with her crime. It is crucial that the defendant not be allowed to profit financially from her abuse of Issy, including through a book deal or payments for public appearances. We ask that the Court award Issy treble restitution, to be placed in a special needs trust, for the physical and psychological injuries—including brain damage—she has suffered. Mich. Comp. Laws § 780.766(5)(g). This will ensure that – at the very least – any proceeds from defendant's public appearances can be diverted toward ensuring that Issy has adequate access to medical treatment, rehabilitation services, and a high standard of living for the remainder of her life. Mich. Comp. Laws § 780.768.

Respectfully submitted this 6th day of
October, 2014:

A handwritten signature in black ink, appearing to read 'Samantha Crane', written in a cursive style.

Samantha Crane, Director of Public Policy
Autistic Self Advocacy Network

Co-Signatories:

American Association of People with
Disabilities
Arc of Michigan
National Council on Independent Living
Not Dead Yet
TASH