

Supreme Court To Weigh How Intellectual Disability Is Defined

by Michelle Diamant | October 9, 2025

Disability advocates are speaking out as the U.S. Supreme Court prepares to take on a case that hinges on whether a diagnosis of intellectual disability should be based on more than an IQ score.

The high court is expected to hear a case known as Hamm v. Smith during its current term, which kicked off this month.

The case centers on whether Joseph Clifton Smith, who was convicted of capital murder, has intellectual disability. Smith has taken five IQ tests, with scores ranging from 72 to 78. The state of Alabama contends that Smith should be eligible for execution since his IQ scores are consistently over 70, but attorneys for Smith argue that given how low his scores are, the court should consider additional evidence.

In 2002, the Supreme Court established in Atkins v. Virginia that executing people with intellectual disabilities is cruel and unusual punishment and violates the Eighth Amendment. Subsequent cases have validated that decision and reinforced that clinical standards should be used to determine who falls into this category rather than relying on an IQ score alone.

Now advocates are warning that the standard is in question and that a Supreme Court decision could potentially lead to implications beyond death penalty cases.

“Alabama is asking the court to erase that precedent and focus exclusively on IQ scores in evaluating whether a person has an intellectual disability,” said Shira Wakschlag, senior executive officer of legal advocacy and general counsel for The Arc of the United States. “The

state's request would upend decades of precedent, ignore science and put people with intellectual disability at risk of unlawful execution.”

The Arc along with the American Association on Intellectual and Developmental Disabilities, the Bazelon Center for Mental Health Law and the National Disability Rights Network filed an amicus brief in the case urging the court to rely on an established clinical framework in determining intellectual disability. This approach evaluates whether a person has significant limitations in intellectual functioning and adaptive functioning that arose before adulthood.

“This framework is the product of hundreds of thousands of hours of scientific research, review, clinical observation, and practical experience,” the brief states. “Courts and other decision-makers have long relied on this diagnostic framework as the established method for obtaining an accurate diagnosis in order to address a number of different clinical and legal issues.”

Margaret A. Nygren, executive director and CEO of the American Association on Intellectual and Developmental Disabilities, said the current case is specifically focused on how states should consider IQ scores when there is a claim that an individual should be barred from execution due to intellectual disability, an issue affecting very few people. But, she noted that a new Supreme Court ruling could create a precedent that is cited in future legal proceedings on other matters.

“The law would prefer a one-size fits all answer to the question of what to do when there are several IQ scores, or any scores with ranges that fall just above and below the diagnostic threshold,” Nygren said. “Sometimes the correct answer really is, ‘it depends.’”

Jennifer Mathis, deputy director of the Bazelon Center for Mental Health Law, said that the true impact of the case could depend on how a decision is written.

“As the Supreme Court has recognized, how intellectual disability is defined has implications far beyond the use of the death penalty,” Mathis said. “Whether a person is considered to have an intellectual disability matters in many other contexts, including for educational services as well as health and social services like home and community-based services. The lives of people with disabilities are at stake in this case, and we hope the court gets it right.”

In addition to the disability advocacy groups, the American Psychological Association and the American Psychiatric Association filed a brief in support of Smith, while 19 states are supporting Alabama's position.

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