

Disability Matters – Advocacy Matters

Tuesday, April 24, 2018

Alternatives to Guardianship

Thank you, Joyce.

Last week, the United States Senate Special Committee on Aging held a hearing to explore the exploitation of older Americans by Guardians and others they trust. The Chair of the Committee is Senator Susan Collins from Maine. The Ranking Member is Senator Bob Casey from Pennsylvania.

A guardian is a person appointed by the court to make certain decisions on behalf of a person who has been determined by the court to be incapacitated. A guardian can have decision making power over personal decisions such as where to live, and also financial decisions. As Senator Casey said in his opening remarks, "...guardianship doesn't only impact older Americans. It can affect adults of all ages, including people with disabilities."

Fully protecting the rights and freedoms of persons with intellectual and developmental disabilities in our country is a top issue for congress and for organizations like Disability Rights Pennsylvania.

Even though societal attitudes have substantially evolved over the last 40 years, thanks to the efforts of people with intellectual and developmental disabilities, families, advocates, and concerned professionals, guardianships still exist today. An estimated 1.5 million Americans are subject to guardianship. And the system to obtain a guardian doesn't always protect the person with a disability.

Our job is to make sure that individuals with disabilities and family members understand there are alternatives to guardianship. That many people need only support with decision-making versus a guardianship or conservatorship.

There are also a variety of other less restrictive or substitute decision making supports that families and individuals can use that are not as restrictive as guardianship.

These types of substitute decision making supports include mental health advance directives, financial power of attorney, education decision making under the IDEA, health care power of attorney, a representative payee for social security, and more.

The freedom to make decisions is fundamental to personal autonomy and self-determination. People can be supported in important decision making without the appointment of a guardian.

Advocacy matters, and it matters when the U.S. Senate Select Committee on Aging focuses on the abuse of guardians.