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Guardianship Recommended More Frequently Than Alternatives

New study shows concerning results; school and adult service personnel recommend full guardianship more frequently than less-restrictive options

WASHINGTON, DC - Today, TASH releases a [new study](#) that shows concerning results about guardianship. Results show full guardianship as the most common recommendation made to parents of children with disabilities and alternatives, such as supported decision-making, as the least common recommendation made.

A guardianship (or 'conservatorship') is a legal process by which a court appoints an individual or organization to make decisions on behalf of an individual with disabilities. Guardianship results in the loss of a person's right to make decisions affecting their lives, which in turn can negatively impact their quality of life.

"Guardianship is, at its core, incompatible with the principles of autonomy, independence, and community integration so central to the Americans with Disabilities Act (ADA) and the Individuals with Disabilities in Education Act (IDEA) and the direction the disability rights community has been working toward for decades," said Barb Trader, Executive Director at TASH.

Answers to the parent survey show a consistent pattern of the most restrictive form of guardianship being discussed the most frequently. For example, school personnel recommended full guardianship 84% of the time compared to 16% recommending supported decision-making. Similarly, adult service personnel recommend full guardianship 79% of the time compared to 22% recommending supported decision-making. Few people providing this advice have the legal background or even a slight understanding of the far-reaching consequences of imposing guardianship on an individual.

Future research and policy must strive to find ways to promote supported decision-making instead of guardianship and to provide accommodations and support to people with disabilities, so that they may maintain both their individual rights and the opportunity to live a self-determined life. In order to recognize and respect the right of

people with disabilities to be self-determined in their own lives, guardianship must become a last resort. Both law and policy already encourage self-determination and community integration.

The parent survey was conducted in partnership with ACLU, Quality Trust for Individuals with Disabilities, and The Arc Michigan. The article can be found in TASH's member-journal, *Research and Practice for Persons with Severe Disabilities*, Volume 40 Issue 1. The article will be made available to the public until July 10, 2015. Thereafter, it will be available to only TASH members with professional, associate, student, and organizational memberships. To learn about TASH membership, visit www.tash.org/join.

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A 501(c)(3) non-profit organization, TASH is an international grassroots leader in advancing inclusive communities through research, education and advocacy. Founded in 1975, we are a volunteer-driven organization that advocates for human rights and inclusion for people with the most significant disabilities and support needs – those most vulnerable to segregation, abuse, neglect and institutionalization. The inclusive practices we validate through research have been shown to improve outcomes for all people. More information about TASH can be found at www.tash.org.