



Testimony of Disability Rights Pennsylvania

Pennsylvania Senate Judiciary and Aging and Youth Committees Hearing on Guardianship Law and Elder Abuse in Pennsylvania

Provided by:

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Good Morning Chairwoman Baker, Chairman Santasiero, Chairwoman Ward and Chairwoman Collett and members of the Senate Judiciary and Aging and Youth Committees.

My name is Jennifer Garman. I am the Director of Government Affairs at Disability Rights Pennsylvania. Disability Rights Pennsylvania is the federally mandated protection and advocacy agency designated by the Commonwealth of Pennsylvania. We provide legal and advocacy services to people with disabilities in Pennsylvania. On behalf of Disability Rights Pennsylvania and the individuals that we serve, I would like to thank you for soliciting our views on guardianship in the Commonwealth.

Over the past forty years, the United States has moved away from institutionalization and segregation of people with disabilities. Today, people with disabilities are integrated in and participate in their communities. Full integration of the disability community requires the ability to make their own decisions about their lives.

However, for far too many adults with disabilities do not retain this authority due to misconceptions and concerns about their ability to manage financial resources or meet their own health and safety needs. According to a 2019 report from the National Council on Disability, 58% of people with intellectual and developmental disabilities between ages 18 and 22 are under guardianship. Parents of young adults with disabilities are often misinformed by schools, health care providers, or disability service providers that guardianship is necessary when their child turns 18. Once a guardianship has been awarded, they remain under it for decades.

Pennsylvania law recognizes that people may need help in decision making and can use these tools to avoid guardianship. These tools allow people to continue to make their own choices about where to live, how and who to spend their time with and what supports they may need. These alternatives to guardianship render guardianship unnecessary in most cases.

Senate Bill 506 contains several important reforms that are long overdue. Together the changes will also ensure that guardianship is imposed only when it is necessary, and no other alternatives will work. The changes are consistent with the recommendations of the Supreme Court of Pennsylvania's Elder Law Task Force, issued in November 2014, and represent the most important improvements needed in the guardianship statute.

Our testimony includes a letter from the advocacy community supporting these reforms, and a report about a guardianship project that Disability Rights Pennsylvania was awarded to represent people with disabilities facing guardianship. We hope that you find it informative as it demonstrates the importance of representation in guardianship proceedings. This project was made possible by the PA IOLTA Board and the support of Judge Murphy in Montgomery County Court of Common Pleas.

We strongly support Senate Bill 506 and look forward to working with you all to ensure its passage.

About Disability Rights Pennsylvania

Disability Rights Pennsylvania has been the federally mandated protection and advocacy system in our state for over 45 years. Our mission is to protect and advocate for the rights of persons with disabilities so they may live the lives they choose, free from abuse, neglect, discrimination, and segregation. Our vision is a Commonwealth where people of all abilities are equal and free.