For immediate release: April 23, 2022

For information contact;

Misty Dion, (570) 367-6269

**Pennsylvanians Outraged at Abusive Guardianships that Strip Rights of Disabled, Elderly**

Seven organizations file legal brief in response

On April 18, Pennsylvania disability advocates and Independent Living Centers filed an Amicus Brief with the Pennsylvania Supreme Court in support of federal laws guaranteeing the right to personal liberty and the right to live in the least restrictive setting, as affirmed by the Supreme Court of the United States. The brief further objects to the gross over use of guardianship regarding disabled and older individuals, and the failure of the state and courts to consider widely available alternatives to guardianship.

The brief is being filed in regard to “In re: David Italiano, an Alleged Incapacitated Person,” by seven local and statewide disability rights organizations, the majority of which are mandated by federal law to assist people to move from institutional kinds of settings to live in their own homes in the community with any needed supports. Amicus briefs are filed by people or other entities that are not a party to a legal case, but who have an interest in the case, and advocate for a certain outcome.

Mr. Italiano has had his rights stripped from him by agencies of the state of Pennsylvania, agencies which have failed to consider alternatives, available supports, and the extreme damage to Mr. Italiano by their actions. While Mr. Italiano is the focus of the case at hand, the issues being litigated affect every Pennsylvanian at risk for having their rights removed because of age or disability.

“David was vulnerable to this removal of his rights and the loss of his home because he was not connected with the services we offer,” said Misty Dion of Roads to Freedom Center for Independent Living of North Central PA.” We have extensive experience supporting disabled and older people with a variety of services that preserve and promote their dignity and rights. Taking away his home, warehousing him in nursing homes and group homes, and depriving him of the right to be in contact with us is a gross violation of his legal and human rights!”

Among the recommendations of the Fourth National Guardianship Summit; Maximizing Autonomy and Assuring Accountability held in May 2021 was the recommendation that “States should adopt and implement the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (Uniform Act)….

Key provisions of the Uniform Act include, among others:

(1) prohibit guardianships where less restrictive alternatives would meet an adult's functional needs;

(2) require specific court findings before certain critical rights (e.g., to marry, vote, choose visitors) are abridged;

(3) require petitioners to state whether less restrictive alternatives have been tried and justify any failure to do so;

(4) create mechanisms that adults subject to guardianship and others can use to trigger modification or termination of an order…”

While there are states that follow these recommendations, Pennsylvania is not among them, and in fact, confers great power to guardians with seemingly little oversight or concern for the rights of disabled and elderly citizens.

“Even the American Bar Association thinks that guardianship is a “drastic intervention,” and that less restrictive options are much preferred,” said Mike Grier of PCIL. “That drastic intervention by aging organizations and courts here in Pennsylvania has stripped David Italiano and countless others of their dignity, their privacy, their right to choose where they live and with whom they associate. The current situation is simply untenable and must be changed,”

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Michael Grier, MSA

Executive Director

Pennsylvania Council on Independent Living

CC. Misty Dion, President, PCIL