

A Great Decision Restoring Rights to a Person Under Guardianship

Bobby is a 23 year-old young man on the autism spectrum. He was placed under personal and property guardianship when he was 12, and both parents passed away. He lived in foster homes, graduated from high school, where he got special education services, first lived in a group home and now lives in his own apartment. He has two jobs and both his supervisors say he's a great worker. He takes care of himself and makes his own decisions, and this year went back to the Surrogate's Court to have his guardianship removed.

The Surrogate in Dutchess County wrote this in removing Bobby's personal guardianship:

"There is much to like and admire about Bobby. He has faced and overcome many obstacles in his life....while also confronting the challenges of his autism spectrum diagnosis. However he has not allowed that diagnosis to define him, or to serve as an excuse or a crutch. Rather, he has worked assiduously to achieve and maintain his independence and to freely exercise his intrinsic right to autonomy and self determination. If asked to pick one word that defines Bobby, that word would not be autism. It would be perseverance. Bobby has demonstrated that he no longer needs a guardian of his person..."

Bobby had made some "disastrous" financial decisions, which the Court attributed to his lack of "an effective support system", so the judge continued his property guardian, but did so "without prejudice to renewal [of his request to terminate the guardianship] upon a showing that Bobby has established a network of family, friends, and/or community sources who are actively engaged and provide him with supported decision making." This means that Bobby can come back to Court and have the property guardian removed when he has a supported decision-making system in place!

We are excited by Bobby's victory, and by the Court's recognition of supported decision-making as a better alternative to guardianship. We also congratulate the lawyers at our partner, Disability Rights New York (DRNY) who represented Bobby in this important case.