



Welcome!

#FreeBritney: Lessons for People with IDD and Their Families

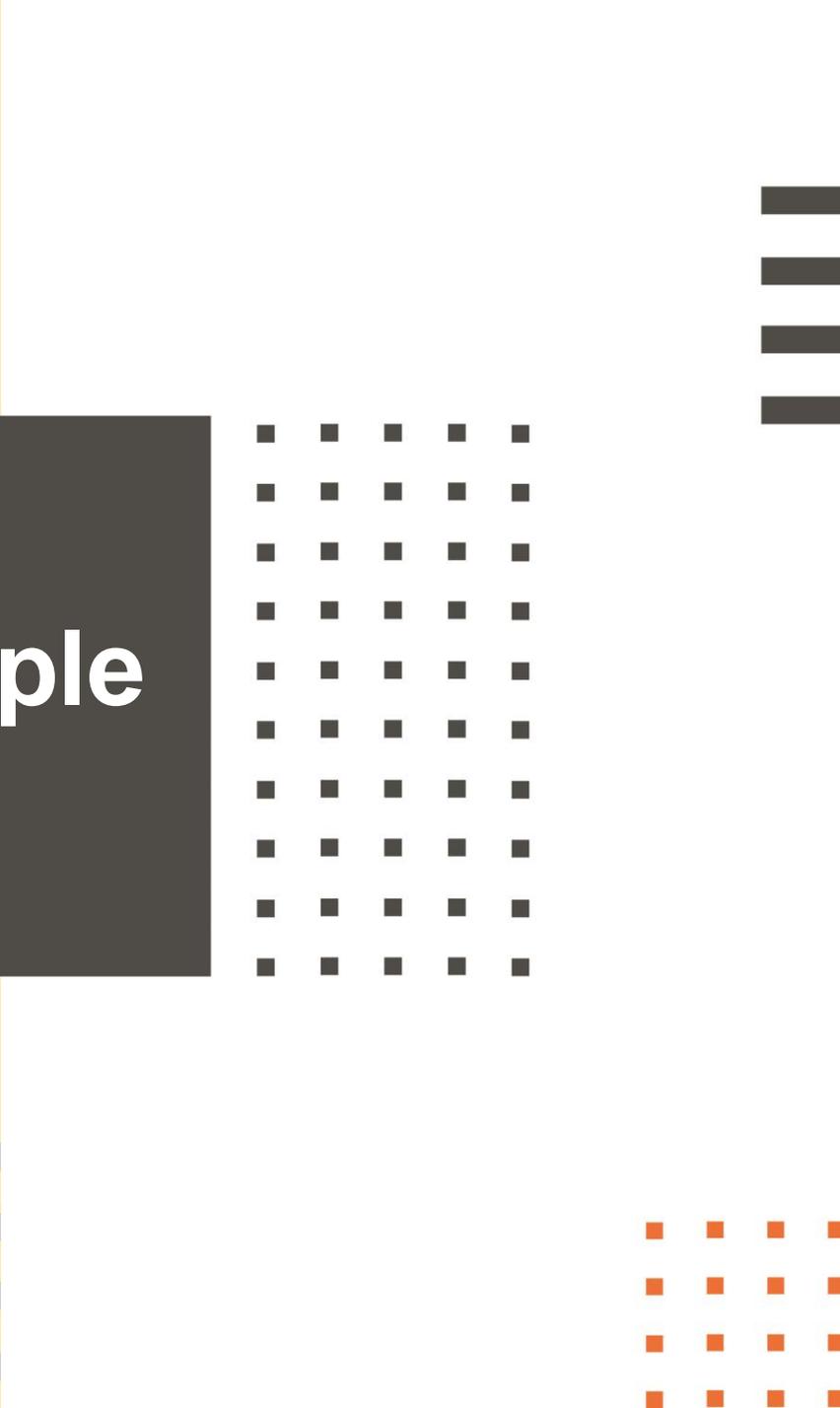
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A **recording of the webinar and slides** will be provided by email after the webinar.



#FreeBritney: Lessons for People with IDD and Their Families

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What is guardianship?

- Determined by **state law**
- Generally: a **formal process** of going to **court** to determine whether someone is “**incapacitated**” (unable to make their own decisions) and **needs a judge to appoint** someone else (a **guardian**) to make some or all decisions for them
- Should not be ordered or pursued if **less restrictive options** will work.



What are concerns about guardianship?

- “**I don’t feel that I can live a full life.** . . . [W]e can sit here all day and say . . . conservatorships are here to help people. [But] there are a thousand conservatorships that are abusive as well.” – Britney Spears, [Variety](#), 7/23/21
- “**I felt like a prisoner, but I didn’t do anything wrong.**” – Jenny Hatch, in U.S. Congressional [testimony](#), 9/28/21
- “I should have never been under guardianship, because I was always independent . . . **Don’t judge me before you get to know me.** Everyone needs help sometimes.” – Ryan King, [The New York Times](#), 6/22/21

What are more concerns?

- Ms. Spears “expressed serious opposition to the conservatorship earlier and more often than had previously been known, and said that it **restricted everything from whom she dated to the color of her kitchen cabinets.**” – [The New York Times](#), 6/22/21
- **“I am Britney Spears!”** – Attributed to Ms. Spears’ father by Jaqueline Butcher, former family friend, [The New Yorker](#), 7/13/21
- Ms. Spears “described how she had been isolated, medicated, financially exploited, and emotionally abused. She assigned harsh blame to the California legal system . . . She added that she had **tried to complain to the court** before but had been ignored, which **made her ‘feel like I was dead,’** she said—**‘like I didn’t matter.’**” – [The New Yorker](#), 7/13/21

What about mental health crises?

- “And, when someone struggles with mental illness, family members may have to take strict actions that might not make sense to outsiders.”
- “She was angry, breaking things. And **people wouldn't know the context**—that it was because they held the kids over her.”
Jacqueline Butcher, Friend of Lynne Spears

- [The New Yorker](#), 7/13/21



Guardianship Alternatives

Powers of Attorney (POAs)



- Legal document
- Voluntary
- Do not have to go to court
- Choose who makes some or all decisions
- Flexibility; can change your mind
- Capacity needed to choose person, not to understand underlying decision

Guardianship Alternatives

Psychiatric Advance Directives (PADs)



- Legal document
- Describe choices for care
- Choose who makes decisions
- Voluntary
- Do not have to go to court
- Flexible
- End when mental health crisis ends

“The whole process was maybe ten minutes...No one testified. No questions were asked.” Jacqueline Butcher, Friend of Lynne Spears, [The New Yorker](#), 7/13/21

Temporary Guardianship

- Expires without court involvement
- Limit to areas of need
- Plan for the future

What about fear of financial abuse?

- “[**Guardianship**] is a **safety net** for those who are both susceptible to financial exploitation and other harm that could come to them,” said Sally Hurme, a board member for the **National Guardianship Association**, which represents guardians. - [The New York Times](#), 7/10/21
- “[Her father] and [mother] were **terrified for their daughter**, multiple people said; they were worried that [a friend] might **be siphoning money** from Spears, or that he might encourage impulsive choices that would leave her in **serious debt**.” - [The New Yorker](#), 7/13/21
- “**I shouldn’t be in a conservatorship if I can work and provide money** and work for myself and pay other people – it makes no sense...What state allows people to [say]... ‘You can’t spend your money unless you do what we want you to do.’” - Britney Spears, [Variety](#), 6/23/21

Guardianship Alternatives

Existing Banking Options

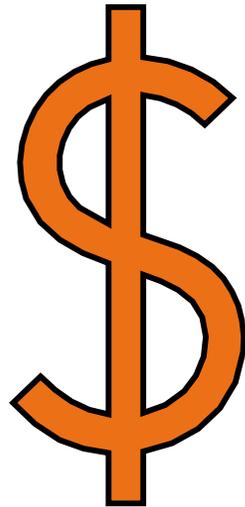


- Supported decision-making
- Joint accounts
- Direct deposit
- Automatic billing
- Money management classes
- ABLE Accounts

[National Disability Institute](#)

Guardianship Alternatives

Special Needs Trusts



- Tool for saving without losing public benefits
- Choose your trustee – can be a family member, friend, or professional
- Trustee decides how to invest and manage funds in the trust

Guardianship Alternatives

Representative Payees



- Appointed by Social Security Administration
- Manage Social Security benefits like SSI and SSDI
- Do not have to go to court

More on Civil Rights

- “I was told right now in the conservatorship, I’m **not able to get married or have a baby**, I have a (IUD) inside of myself right now so I don’t get pregnant. I wanted to take the (IUD) out so I could start trying to have another baby.” – Britney Spears, [Variety](#), 6/23/21
- “My **full rights** were **taken away**: the right to **vote**, the right to get **married**, the right to choose **where** I wanted to **live**, the right to choose my **socialized environment** . . . I was not able to go to **church**. I was not able to do any **volunteer work** at all.” – Michael Lincoln-McCreight, [Vice](#), 7/8/21

Health Care Decisions

- “I can’t go somewhere unless I meet people I don’t know every week in a office identical to the one where the therapist was very abusive to me. . . **I don’t owe them to go see a man I don’t know and share him my problems.**” – Britney Spears, [Variety](#), 6/23/21
- “This **conservatorship is doing me way more harm** than good,’ she said, detailing how her legal guardians have dictated where she lives, works and receives therapy...[and] **forced her to take medication against her will.**” – Britney Spears, [Time](#), 6/28/21

Educational Decisions

- “Among those with intellectual and developmental disabilities, people ages 18-22 are the age group most likely to be under guardianship. Educators routinely recommend guardianship for teenagers leaving school, creating a **‘school-to-guardianship pipeline,’** according to a [2019 report](#) from the National Council on Disability.” – [Time](#), 7/25/21
- **“Too often schools have told family members that a student with ID/DD must have guardianship** if they want a family member or friend to assist with one’s IEP when the student turns 18.” – Family member in Michigan, 2019 NCD Report, p.32
- “Students are not informed, parents are uninformed, and educators are uninformed . . . **It’s a triple whammy.**” – Former educator, 2019 Report, p.35



Alternatives in Education

- Supported Decision-Making & FERPA release-of-information forms
- Educational powers of attorney
- Additional Options, depending on State Law

Questions?

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