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ARCA Conservatorship Policy Statement

ARCA believes that individuals with intellectual and developmental disabilities are capable of making their own decisions and directing their own lives.

Many adults, both with and without disabilities, require assistance to make decisions in a variety of life areas. For adults served by regional centers, ARCA supports the full exploration of options available to support their decision-making while protecting and advancing their fundamental rights. The same range of support options should be available to individuals regardless of ethnicity, primary language, or socioeconomic status.

The existence of a developmental disability in and of itself does not constitute the need for the establishment of a conservatorship. As conservatorship involves the limitation, and sometimes exclusion, of rights of adults with disabilities, its use is inherently restrictive. It should be approved only when less restrictive alternatives fail to meet the individual's support needs.

ARCA believes that Supported Decision-Making represents a promising alternative to conservatorship. It enables adults with disabilities to maintain authority over their own lives while encouraging them to identify, create, and maintain supportive communities that can assist them with making informed decisions. Formalizing the practice in state law, including its application in medical, legal, financial, and educational decision-making, would enhance its broader acceptance and effectiveness.

ARCA also supports other alternatives to conservatorship, which may be appropriate in individual cases, such as medical power of attorney, durable power of attorney, the appointment of a representative payee, and the creation of special needs trusts.

If there is no less restrictive option to conservatorship for an individual, limited rather than general conservatorships should be approved following careful consideration of the need for restriction of each proposed power. In recognition of the potential for personal growth, the judicial system should be provided with the necessary resources to evaluate the appropriateness and scope of each individual's conservatorship before initial approval and regularly following it. When needed, this option should be available to individuals regardless of ethnicity, primary language, or socioeconomic status.