

PREVENTING SEXUAL ABUSE OF INDIVIDUALS WITH IDD

Afternoon Panel:
SEXUAL CONSENT, AUTONOMY AND DISABILITY
Panelists: Elizabeth Shea, Esq., Porzio Bromberg Law Firm
Michael Brower, Esq., DRNJ
Ashley Brompton, Esq., Vera Institute

GUARDIANSHIP: HISTORICAL PERSPECTIVES AND HOW THE LAW HAS CHANGED

WHAT DOES SUPPORTED DECISION MAKING LOOK LIKE NATIONALLY AND ITS INTERACTION WITH GUARDIANSHIP

A FRAMEWORK FOR TALKING ABOUT SEXUAL CONSENT

▶ 20 Year Old Woman who has family who are her rep payee and have guardianship over the person. She lives at home and works. She forms a relationship with a man which she has stated is consensual. Her family believes he is exploiting her for sex and money. The guardian family member contacts law enforcement.

CASE STUDY

▶ A 25 Year Old Woman lives in a residential group home setting supported by DDD funds. She has a sexual relationship with a "boyfriend". She talks to staff, saying that it was consensual but she may now regret it. Staff asks if she wants to contact the police or a support group or sexual assault support provider to talk about it. She does not want to report an assault but staff completes an Unusual Incident Report (UIR) as they believe is required. DDD wants to investigate and /or contact law enforcement.

CASE STUDY

▶ Agency runs supported housing units in which individuals with IDD live as adults. 20 Year Old man is his own guardian, but family is very involved and has asked staff to contact them if their son starts dating or starts a relationship. They have told staff that they do not believe in premarital sex and expect that staff will not provide education about sexuality or birth control.

CASE STUDY

▶ A 50 Year Old Man lives on his own in the family house which is owned jointly by him and his siblings. Siblings have medical POA and financial guardianship. Both parents are deceased and siblings live locally, assisting him with ADLs. He works part time at the local supermarket. He has met a 35 Year Old Woman with no apparent disability who has moved into the house. There is no evidence of physical abuse, the man indicates that he is in love. They have no plans to marry but he buys her gifts with his salary and has indicated he wants to leave her his share in the house. Siblings are thinking about gaining guardianship now.

CASE STUDY

▶ 30 Year Old Man lives in a supported apartment supervised by a private agency. He has no family support. He works part time and has direct support staff who assist him with ADLs. He is interested in another man who works where he works and has no diagnosed DD that staff knows of. They want to have sex at this young man's apartment. Staff are not willing to help him buy birth control or to discuss healthy sexuality with him. They worry that the young man is taking advantage of their client.

CASE STUDY

- ▶ 18 Year Old Woman has significant IDD; she is non-verbal and evaluations determine that she has limited cognitive ability to understand abstract concepts or communicate. Parents currently attend to her significant ADLs at home. The family comes from a culture where arranged marriages are common for all young people.
- ▶ Her parents are now seeking guardianship. Their plan for their daughter is to find a young man willing to enter into an arranged marriage with their daughter, possibly someone else with a disability. They will have the couple marry and encourage them to conceive a child who can, in the long term, provide the care their daughter will need after they are gone.

CASE STUDY
