



Wisconsin citizens testify to U.S. Senate on need for guardianship reform

Advocates urge state Assembly to hold floor vote on guardian training legislation

On September 28th the U.S. Senate Judiciary committee under the joint leadership of Sen. Cruz (TX) and Sen. Blumenthal (MA) held a [Congressional hearing](#)¹ on the need for Guardianship reform.

The hearing raised important concerns common to all states, including Wisconsin. It is estimated 1.3 million people with disabilities, older adults, and others may have lost their civil legal rights and have had their rights to make decisions transferred to a guardian.

Wisconsin residents [Cindy Bentley](#)² and [Jordan Anderson](#)³ provided video and written testimony for the hearing, as did individuals and disability advocacy organizations from across the country, including Wisconsin⁴.

In all states, basic information about who is under guardianship does not exist, there is no routine review of guardianship orders once they are in place to assess whether restrictions on the person's civil rights are still warranted, and rights are rarely restored.

"I had to have a guardian to get out of the state institution back in 1984, that was the rules," said Cindy Bentley, Executive Director of People First. "In 1987, my guardian and a judge helped me restore my civil rights to make my own decisions. Now I work and pay taxes and vote like everyone else. There is not always a happy ending like mine. I have many friends with legal guardians who is trying to lead their lives."

The committee heard about the need for guardian training, and recognition of Supported Decision Making and other alternatives to guardianship as the first and preferred choice. Many people and families are told to peruse guardianship without understanding the long-term implications and consequences, or knowledge of alternatives.

"I'm thankful my parents listened to me- we were literally hours away from the court hearing," said Jordan Anderson. "They did not know about Supported Decision-Making. Everyone just kept pushing Guardianship. I now have a power of attorney for Health Care and for Finances and I was able retain my right to vote which is so important for me and all people."

In 2018, Wisconsin became the fourth state in the nation to pass a Supported Decision-Making⁵ law, which many people are now using to preserve a person's right to make their own decisions while still providing support.

¹ <https://www.judiciary.senate.gov/meetings/toxic-conservatorships-the-need-for-reform>

² <http://www.supporteddecisionmaking.org/sites/default/files/cindy-bentley-testimony.mp4>

³ <http://www.supporteddecisionmaking.org/sites/default/files/jordon-anderson-testimony.mp4>

⁴ Testimony submitted to U.S. Judiciary committee by Wisconsin Board for People with Developmental Disabilities (https://wi-bpdd.org/wp-content/uploads/2021/10/BPDD_USSenate_GuardianshipHearing_092821.docx) Testimony from other states (<http://www.supporteddecisionmaking.org/guardianship-hearing-videos>)

⁵ <https://wi-bpdd.org/wp-content/uploads/2019/12/SDMToolkit.pdf>



This session the legislature has an important bill (AB 100), which would establish free online training to family and volunteer guardians about the role, responsibilities, and other important features of Wisconsin’s guardianship law before they are appointed⁶. Wisconsin disability and aging advocates urge the state Assembly to schedule an Assembly floor vote as soon as possible on AB 100 to move forward this important legislation.

⁶ <https://docs.legis.wisconsin.gov/2021/related/proposals/ab100>