

February 8, 2023

Hon. Anthony Kern, Chair, and Members  
Judiciary Committee  
Arizona Senate  
1700 W. Washington Street  
Phoenix, AZ 85007

Dear Chairman Kern and Judiciary Committee Members:

We, as representatives of the Arizona Disability Community, have come together to oppose Senate Bill 1411. The Disability Rights movement – and most important, courageous self-advocates within this movement – has worked for more than 60 years to ensure people with developmental disabilities have full societal inclusion, dignity, and respect. Progress toward self-determination has resulted in substantial gains for people with disabilities and demonstrated the enormous capacity most individuals with disabilities have to direct the course of their lives. SB 1411 reverses these gains and eliminates many of the hard-won rights of persons with developmental disabilities.

**The majority of individuals receiving developmental disabilities services never rise to the level of needing guardianship. Eligibility for services by the Division of Developmental Disabilities (DDD) does not, in and of itself, equate to incapacity or the inability to be independent.**

We respectfully request your review of the following information and ask that you vote NO on SB 1411 in the Senate Judiciary Committee.

SB 1411 has significant legal implications for individuals with disabilities, as well as family members, as it:

- Represents an automatic removal of civil and human rights.
- Denies due process to individuals with disabilities.
- Treats DDD members as though they are not people with inalienable rights, automatically stripping them of autonomy and fundamental protections, which includes their right to vote.
- Presumes a person with a disability is incapacitated, contrary to existing law.
- Contradicts the direction of federal initiatives and regulations and may cost Arizona tens of millions of dollars in funding for Home and Community Based Services (HCBS).
- Is in opposition to Executive Order 2017-08, making Arizona an Employment First state, and possibly restricting the freedom of individuals with disabilities to pursue careers of their choosing.

SB 1411 Imposes extensive new burdens on parents:

- Guardianship requirements, which include extensive reporting and recordkeeping responsibilities, are far greater than most realize.
- Rescinding guardianship, once established, is a time-consuming, expensive, and laborious process.

We understand there is a minority of families for whom guardianship of persons with developmental disabilities may be a necessity and that improvements to guardianship and conservatorship are needed in Arizona. For this reason, we believe SB 1038 is a more prudent bill to move forward this year.

SB 1038 establishes a probate advisory council to propose improvements to guardianship and conservatorship in Arizona. We support letting this process happen before making wholesale changes to guardianship that will erode more than six decades of advocacy in the disability community – by millions of self-advocates, advocates, and family members – and devalue the lives of 50,000+ DDD members and proud Arizonans.

Thank you, Mr. Chairman and members, for your consideration and continued support of all Arizonans.

Sincerely,

Ability360

The Arc of Arizona

Arizona ADAPT

Arizona Association of Providers for People  
with Disabilities

Arizona Autism Coalition

Arizona Center for Disability Law

Arizona Center for Law in the Public Interest

Arizona Developmental Disabilities Planning  
Council

Arizona Disability Advocacy Coalition

Autism Society of Greater Phoenix

Arizona Statewide Independent Living Council

Tamsen Bassford, MD – Tucson, AZ

Direct Advocacy & Resource Center

Diverse Ability Incorporated

First Place AZ Global Leadership Institute

New Horizons DisAbility Empowerment  
Center

People First of Arizona

Raising Special Kids

Southwest Institute for Families and Children  
with Special Needs