



DISABILITY RIGHTS NEW YORK

New York's Protection & Advocacy System and Client Assistance Program

FOR IMMEDIATE RELEASE

Contact: Timothy A. Clune, Esq.
Executive Director
518-432-7861
Tim.Clune@drny.org

***Disability Rights New York Seeks Federal Injunction Declaring
Article 17A Guardianship Unconstitutional***

Albany, NY September 26, 2016 – Disability Rights New York (DRNY) filed suit in the United States District Court for the Southern District of New York, against New York State; the Unified Court System of The State of New York, Honorable Janet Difiore, as Chief Judge of the New York State Unified Court System; and Honorable Lawrence K. Marks, as Chief Administrative Justice of the New York State Unified Court System, seeking to enjoin the state from appointing guardianships pursuant to Article 17A of the Surrogate Court Procedure Act (Article 17A), because the statute violates the Fifth and Fourteenth Amendments to the United States Constitution, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973 (Section 504).

Article 17A permits the termination of all decision making rights of only individuals with intellectual and developmental disabilities. These rights include, the right to vote, where to live, whom to associate with, what medical treatment to seek and receive, whether to marry and have children, whether to vote, and where to work. Article 17A allows for the imposition of a guardianship without ever having the person present at the hearing or with any regard to the wishes of the individual and does not provide the individual a right to be represented by counsel.

“This is an archaic law that is extremely harmful to individuals with intellectual and developmental disabilities,” said Timothy A. Clune, Esq., Executive Director DRNY. “Article 17A as currently written needs to be removed from the books.” DRNY is New York State’s designated Protection and Advocacy System.

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725 Broadway, Suite 450
Albany, New York 12207
(518) 427-6561 (fax)

25 Chapel Street, Suite 1005
Brooklyn, New York 11201
(718) 797-1161 (fax)

44 Exchange Blvd, Suite 110
Rochester, New York 14614
(585) 348-9823 (fax)

mail@DRNY.org • www.DRNY.org

(800) 993-8982 (toll free) • (518) 432-7861 (voice) • (518) 512-3448 (TTY)