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ALABAMA DISABILITIES ADVOCACY PROGRAM  
May 16, 2014

The Alabama Disabilities Advocacy Program (ADAP) is part of the nationwide federally funded protection and advocacy (P&A) system. ADAP provides advocacy services to Alabamians with disabilities to protect, promote and expand their rights.

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[www.adap.net](http://www.adap.net)

## Save the Date for an End of Life Planning Workshop: Thursday, June 12

ADAP will host a workshop on Thursday, June 12 on end of life planning for persons with disabilities. The workshop will be held from 10 a.m to 12:00 noon at the Tuscaloosa County Cooperative Extension Auditorium, located at 2513 7th Street in Tuscaloosa. If you are a person with a disability, caregiver, family member of a person with a disability, or service provider we encourage you to attend. ADAP attorney Patrick Hackney will provide information on end of life planning tools with a focus on preserving government benefits, such as Social Security and Medicaid. For additional information, contact ADAP at 1-800-826-1675. For a flyer to distribute to click [here](#).

## Special Education for 18-21 Year Old Students: An Update on Their Right to Attend School

Prematurely awarding the Alabama High School Diploma to a student with disabilities who wants to stay in school up to age 21 is a denial of that student's right to a free appropriate public education (FAPE) according to a memo released by Alabama State Department of Education (ALSDE) on April 24, 2014. [Read more](#).

## Voting Reminders

Alabama primary elections will be held on Tuesday, June 3. ADAP encourages every eligible individual to exercise his or her right to vote. Here are important dates and facts to keep in mind:

**Election Day:** The Alabama primary elections will be held on Tuesday, June 3rd. Polls are

open from 7 a.m. until 7 p.m. As long as you are in line to vote, you have the right to vote even if it takes until after 7 p.m. to cast your ballot because of waiting times.

**Last day to register to vote:** For the June primary elections, you must register to vote no later than May 23rd. You may register to vote by mailing an Alabama Mail-in Voter's Registration Form to the Secretary of State or to your local County Board of Registrars. Or, you may register in person at the local County Board of Registrars. A link for the Form is here: <http://www.alabamavotes.gov/downloads/election/vr/nvra-2.pdf>

**Last day to get an absentee ballot:** The last day to get an absentee ballot for the June primary elections is on Thursday, May 29<sup>th</sup>. You can obtain an absentee ballot from the Absentee Ballot Manager for your county. This is usually the Circuit Court Clerk. The absentee ballot must be postmarked no later than the day before the election. Or, you can hand deliver it to your county's Absentee Ballot Manager no later than 5 p.m. on the day before the election. Note: you must attach a photocopy of your ID to the ballot.

**Your right to vote:** Every registered voter has the right to cast a ballot. If you are denied this right because you are not on the poll book and you believe that this is an error, ask a voting station official to check with the local election office. If you are still denied the right to vote, cast a provisional ballot. Ask local election officials to investigate any discrepancy. Follow up with the local election office to clear up any mistakes so you can readily exercise your right to vote in the next election.

**Help with voting:** Under federal and state law, you are entitled to the help of an individual of your choosing to assist you in casting your ballot. An accessible Auto-Mark voting machine should be operational at your voting site and available to you if you wish to use it when casting your ballot.

If you encounter any problems in the electoral process, please feel free to contact ADAP. We can help you file a complaint the Alabama Secretary of State.

For a PDF of this article, click [here](#).

## Guardianship Is Always The Last Resort

A guardian is charged with the responsibility to make decisions for the care of an incapacitated person (or ward). A conservator has the fiduciary responsibility for managing the assets of a ward. This article addresses guardianships only.

Practically speaking, a person acting as a full guardian stands in the shoes of the ward, making decisions on the ward's behalf. The guardian makes simple day-to-day choices and either directs or undertakes all activities of daily living—in some instances including choosing the type and method of the ward's clothing, bathing, and feeding. The guardian is responsible for the ward's health care and living arrangements, including the provision of informed consent for treatment. Accordingly, the guardian must cooperate fully with all care providers, including residential facilities and treating physicians.

Because a full guardianship intrudes on a person's rights, Alabama law favors limited guardianships. That is, a guardian's powers are limited to providing only those services that the ward cannot provide for himself or herself. See Sections 26-2A-105(a) and (c), *Code of Alabama*. For example, an individual with a disability may need help making proper medical decisions, but may be perfectly capable of making his or her own decisions relative to living arrangements, recreational activities, and employment.

Guardianships do not have to last forever. A guardian should seek to maximize the ward's

independence and self-reliance. This can be done in a variety of ways, such as arranging for physical therapy, rehabilitation in cases of head injury or stroke, special education, or employment opportunities. If possible, the ward should have restored to him or her complete decision-making capacity and the guardianship should be terminated. Where some level of supervision is called for, the full guardianship can be changed to a limited guardianship to give the ward more decision-making authority in certain areas of his or her life. To change to a limited guardianship or terminate a guardianship, it is advisable that the support and testimony of a treating professional be available.

Providers of services to individuals with developmental disabilities are specifically prohibited by Alabama law from serving as guardians. Section 26-2A-104.01, *Code of Alabama* states that in no case shall a "corporation appointed under this section engage in providing direct or indirect services to the wards/protected persons under its care or take any other action that could be considered a conflict of interest."

Because guardianships and conservatorships severely limit a person's individual decision-making authority, they should not be sought without substantial thought and individualized examination of a person's true abilities. Less restrictive alternatives may be warranted; guardianships or conservatorships should be used only as a last resort.

For a PDF of this article, click [here](#).



### **H A V E P R E S E N T A T I O N . W I L L T R A V E L**

Do you need a speaker for an upcoming meeting? ADAP provides education and training on a wide variety of disability-related topics including, but not limited to: the Americans with Disabilities Act, Medicaid waivers, guardianships, special education, general disability rights, and transition services for youth who will soon become adults. We will also speak on specifically requested, disability-related topics. If you are interested in making arrangements for ADAP to come speak at one of your meetings, contact Anita Davidson at 205-348-5107 or at [akdavidson@adap.ua.edu](mailto:akdavidson@adap.ua.edu)



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