



Alternatives to Guardianship Project

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Valerie Huhn
Director
Department of Mental Health
1706 East Elm Street
Jefferson City, MO 65101

Sent via email:
OPAmail@dmh.mo.gov

Re: ADA Olmstead Principles Apply to Adult Guardianship Proceedings

Dear Director Huhn:

I am writing on behalf of Alternatives to Guardianship, a new project funded by the Department of Mental Health on behalf of the Missouri Developmental Disabilities Council. Information about our mission and activities is found at: <http://alternativestoguardianship.com/>

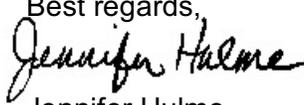
In our first phase, we are reaching out to stakeholders, such as the Department of Mental Health, who have an interest in promoting alternatives to guardianship for adults with developmental disabilities, such as supported decision-making when feasible, improving the administration of justice in guardianship proceedings, and protecting the rights of adults involved in such cases.

We noticed the following statement on the department's website regarding the landmark case of *Olmstead v. L.C.*, 527 U.S. 581 (1999):

"Title II of the ADA requires that any entity administering public funds must ensure services, programs, and activities are provided in the most integrated setting appropriate to the needs of qualified individuals with disabilities. Persons served must be informed that they have the right to receive services in the most integrated setting appropriate to their needs." (Emphasis added)

State and local courts are entities that administer public funds. The United States Supreme Court has ruled that Title II of the ADA applies to entities within the judicial branch. (*Tennessee v. Lane*, 541 U.S. 509 (2004)).

We are wondering if the Department would consider convening a workgroup on this matter and, after proper review, issue a guidance memo to assist judges, court-appointed attorneys, and guardians to properly implement Olmstead principles in adult guardianship proceedings. The Department's leadership in this area could immensely benefit adults with mental or developmental disabilities by ensuring proper consideration of their Olmstead rights in these cases.

Best regards,

Jennifer Hulme
Project Director