

The Legal Rights of Handicapped Persons With Regard to Procreation

Nancy Sjugan, M.A.

ABSTRACT: I shall develop a new view of the legal rights of handicapped persons with regard to procreation. First, I shall discuss the concept of informed consent because it is relevant in determining when one gives or denies lawful permission for medical treatment or services. Then I shall turn to sterilization, abortion, and contraception: three specific aspects of procreation where the law has developed significantly. In the context of informed consent, I shall discuss an aspect of these medical procedures and services and the varying ethical/historical institutions in society. Like the previous speakers, I shall stress competing considerations that must be weighed during decision-making in this sensitive area. In addition, nightmares are harbored on the present legal struggle regarding procreation is the same for handicapped people as it is for people without handicaps and the legal analysis for people with mental handicaps is the same as it is for people with other kinds of handicaps. No particular body of law treats people with one handicap any way and people with other handicaps another way, and people without handicaps in altogether different fashion.

THE CONCEPT OF INFORMED CONSENT

Let us begin with informed consent.¹ This is a legal requirement that all of us have confronted at various times. Informed consent is required before a physician may administer any non-emergency medical treatment or procedure. Thus, it is important to examine the three elements that constitute it: the consent must be knowing, competent, and voluntary.

Let us take these elements apart. Knowing means the consent must be based on information. Unfortunately, the concept is not as simple as it may

¹ Nancy Sjugan is a staff attorney with the Developmental Disabilities Law Project, University of Maryland School of Law from 1976 to 1978. Since then, she has been Consulting Attorney of the Civil Liberties Office at Evergreen Legal Services, Port Angeles, Washington. This article is based upon a lecture she authored delivered in January 24, 1978 at a Problem-Solving Workshop for Teachers, Parents, and Administrators on Sex Education for Deaf-Blind Students sponsored by the South Central Regional Center of the University of Texas, Dallas. There is considerable controversy in the law that have occurred after that date.

The Legal Rights Of Handicapped Persons

Tom Christoffel



The Legal Rights Of Handicapped Persons:

A handbook on the legal rights of handicapped people United States. President's Committee on Employment of the Handicapped, 1976 *Law, Rights, and Disability* Jeremy Cooper, 2000 This comprehensive volume assesses the relationship between legal rights and disability and the effect of law legal process and third party professional intervention on the lives of people with disabilities Stressing the crucial role played by disabled people themselves in fulfilling the promise of the worldwide rights movement the chapters examine this relationship across a variety of themes stressing the legal elements of each issue and the extent to which law can assist in strengthening individual rights in that area The contributors who are all either academics or other professional experts in their field write in a jargon free accessible style The volume will be of interest to lawyers human rights activists health care professionals and to disabled people generally The main areas covered in the volume are new perspectives on working in partnership with disabled people the changing attitudes to the rights of people with disabilities across the globe improvements to the rights of disabled people through legal process using national and international law an examination of the rights and entitlement of disabled people to community care housing employment education and special services for children disabled people and mental health law messages from disability research for law practice and reform implications for research

The Legal Rights of Students with Disabilities Charles J. Russo, 2011-06-16 Since 1948 when the United Nations adopted the Universal Declaration of Human Rights all students have been declared the right to education The rights of disabled students have not been explicitly addressed however and each country has developed their own rules and regulations Although similarities exist among the different countries differences are evident especially in both the extent and acknowledgment of these rights The Legal Rights of Students with Disabilities International Perspectives examines the rights of disabled students in ten diverse countries on six continents Written by leading experts in education law this volume provides comparative insights to help meet the educational needs of disabled students The book also offers strategies to manage the legal and educational complexities associated with special education

Compendium of Law Suits Establishing the Legal Rights of Mentally Retarded Citizens U.S. President's Committee on Mental Retardation, 1974

The White House Conference on Handicapped Individuals, 1977

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Rights in Wyoming United States Commission on Civil Rights. Wyoming Advisory Committee,1978 *Legal Rights*

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Staff,Kernberg,1984-03-01 The rights of the mental disabled are highlighted in the book **Health and the Law** Tom Christoffel,1985-08 This outstanding text and reference provides health professionals students with a balanced comprehensive highly readable survey of the legal concepts and controversies affecting them today Avoiding unnecessarily technical language it lucidly explains basic legal principles and theories examines current issues and their implications and probes future legal trends Throughout each chapter offers a complete self contained introduction to a medicolegal topic including invaluable endnotes that cite references clarify perspectives and suggest further readings A unique appendix also explains how to use law library facilities to best advantage Appendices United States. President's Commission on Mental Health,1978

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