

The Legal Rights of Handicapped Persons With Regard to Procreation

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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 how 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 say what the "right" bath in 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 that legal analysis 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 Sliemers 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 Office of Attorney General of 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

**United States Commission on Civil
Rights. Wyoming Advisory Committee**



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 The White House Conference on Handicapped Individuals , 1977 *A Guide to Legal Rights for People with Disabilities* Marc D. Stolman, 1994 This book deals comprehensively with the legal problems most often encountered by people with disabilities as well as issues such as Social Security wills and durable powers of attorney It is primarily written for non lawyers but lawyers may benefit from it as well It answers the most common questions about the laws involved in insurance government benefits wills trusts durable powers of attorney bankruptcy debt collection credit reports and how to enforce your rights Forms for a will and a durable power of attorney are attached in the appendices

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 *The White House Conference on Handicapped Individuals, Washington, D.C., May 23-27, 1977: Awareness papers* , 1977 *Law, Rights and Disability* Jeremy Cooper, 2000-12-01 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 The contributors who are all either academics or other professional experts in their field write in a jargon free accessible style **Compendium of Law Suits Establishing the Legal Rights of Mentally Retarded Citizens** U.S. President's Committee on Mental Retardation, 1974 *Rights of the Mentally Disabled* American Psychiatric Association, American Psychiatric Association Staff, Kernberg, 1984-03-01 The rights of the mental disabled are highlighted in the book *Disabled USA.* , 1987

Lawyers, Lawsuits, and Legal Rights Thomas F. Burke, 2002-10-29 Burke drills deep into America s unique culture of litigation and is rewarded with a powerful insight it is not the public or even lawyers that are so darn litigious but American law itself This meticulous dispassionate book stands not only to advance the debate but I hope to reshape it Jonathan Rauch author of *Government s End Why Washington Stopped Working* Lawyers Lawsuits and Legal Rights is a fascinating study of the American penchant for public policies that rely on lawsuits to get things done Burke s analysis is insightful and original This book compellingly shows that litigious policies have deep roots in our Constitution culture and politics Charles Epp author of *The Rights Revolution* Lawyers Activists and Supreme Courts in Comparative Perspective Burke s authoritative

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Challenges to the Human Rights of People with Intellectual Disabilities Frances Owen, Dorothy Griffiths, 2008-12-15 This book provides a multidisciplinary examination of human rights and the lives of people with intellectual disabilities It combines historical psychological philosophical social educational medical and legal perspectives to form a unique and insightful account of the subject **Civil Rights of the Institutionalized** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, 1979

Disabled Persons and the Law Bruce D. Sales, D. Matthew Powell, Richard Van Duizend, 2013-06-29 **The Social and Rehabilitation Record**, 1975 **The Emergence of Civil Rights in Wyoming** United States Commission on Civil Rights. Wyoming Advisory Committee, 1978 *Legal Rights* National Association of the Deaf, 2000 This outstanding resource also explains new requirements for federal buildings and other new structures to provide full access Recent additions to the Individuals with Disabilities Education Act are described as are the ways public schools can meet new acoustical standards for classrooms Legal Rights covers the entire spectrum of communication issues for deaf and hard of hearing people from the new rules about interpreters in federal courts to the latest developments regarding relay services It also lists those states that are leaders in ensuring access and equal rights to people with disabilities making it the most complete source of legal information for deaf and hard of hearing people now available *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 *Report to the President from the President's Commission on Mental Health, 1978: Appendices* United States. President's Commission on Mental Health, 1978 **Task Panel Reports** United States. President's Commission on Mental Health, 1978

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