

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 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 access to 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 Office of Human Affairs 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

Frances Owen, Dorothy Griffiths



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

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 **Disabled Persons and the Law** Bruce D. Sales, D. Matthew Powell, Richard Van Duizend, 2013-06-29 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, Washington, D.C., May 23-27, 1977: Awareness papers** , 1977

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 book demonstrates that the highly litigious American system is not an isolated anomaly but in fact fits in with deeply rooted elements of American political culture Where citizens of other countries rely on expert or bureaucratic judgment to resolve disputes Americans turn to the courts Equally novel and compelling *Lawyers Lawsuits and Legal Rights* marshals an impressive set of evidence and delivers a refreshingly well written look at the state of American litigation Frank R

Baumgartner co author of *Agendas and Instability in American Politics* 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

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 Resource Guide to Literature on Barrier-free Environments, with Selected Annotations Info-Systems, Inc,1980 Disabled Rights Jacqueline Vaughn Switzer,2003-02-13 Freedom and Justice for all is a phrase that can have a hollow ring for many members of the disability community in the United States Jacqueline Vaughn Switzer gives us a comprehensive introduction to and overview of U S disability policy in all facets of society including education the workplace and social integration Disabled Rights provides an interdisciplinary approach to the history and politics of the disability rights movement and assesses the creation and implementation successes and failures of the 1990 Americans with Disabilities Act ADA by federal state and local governments Disabled Rights explains how people with disabilities have been treated from a social legal and political perspective in the United States With an objective and straightforward approach Switzer identifies the programs and laws that have been enacted in the past fifty years and how they have affected the lives of people with disabilities She raises questions about Congressional intent in passing the ADA the evolution and fragmentation of the disability rights movement and the current status of disabled people in the U S Illustrating the shift of disability issues from a medical focus to civil rights the author clearly defines the contemporary role of persons with disabilities in American culture and comprehensively outlines the public and private programs designed to integrate disabled persons into society She covers the law s provisions as they apply to private organizations and businesses and concludes with the most up to date coverage of recent Supreme Court decisions especially since the 2000 2002 terms that have profoundly influenced the implementation of the ADA and other disability policies For activists as well as scholars students and practitioners in public policy and public administration Switzer has written a compassionate yet powerful book that demands attention from everyone interested in the battle for disability rights and equality in the United States

Appendices United States. President's Commission on Mental Health,1978

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The Legal Rights Of Handicapped Persons Introduction

In this digital age, the convenience of accessing information at our fingertips has become a necessity. Whether its research papers, eBooks, or user manuals, PDF files have become the preferred format for sharing and reading documents. However, the cost associated with purchasing PDF files can sometimes be a barrier for many individuals and organizations. Thankfully, there are numerous websites and platforms that allow users to download free PDF files legally. In this article, we will explore some of the best platforms to download free PDFs. One of the most popular platforms to download free PDF files is Project Gutenberg. This online library offers over 60,000 free eBooks that are in the public domain. From classic literature to historical documents, Project Gutenberg provides a wide range of PDF files that can be downloaded and enjoyed on various devices. The website is user-friendly and allows users to search for specific titles or browse through different categories. Another reliable platform for downloading The Legal Rights Of Handicapped Persons free PDF files is Open Library. With its vast collection of over 1 million eBooks, Open Library has something for every reader. The website offers a seamless experience by providing options to borrow or download PDF files. Users simply need to create a free account to access this treasure trove of knowledge. Open Library also allows users to contribute by uploading and sharing their own PDF files, making it a collaborative platform for book enthusiasts. For those interested in academic resources, there are websites dedicated to providing free PDFs of research papers and scientific articles. One such website is Academia.edu, which allows researchers and scholars to share their work with a global audience. Users can download PDF files of research papers, theses, and dissertations covering a wide range of subjects. Academia.edu also provides a platform for discussions and networking within the academic community. When it comes to downloading The Legal Rights Of Handicapped Persons free PDF files of magazines, brochures, and catalogs, Issuu is a popular choice. This digital publishing platform hosts a vast collection of publications from around the world. Users can search for specific titles or explore various categories and genres. Issuu offers a seamless reading experience with its user-friendly interface and allows users to download PDF files for offline reading. Apart from dedicated platforms, search engines also play a crucial role in finding free PDF files. Google, for instance, has an advanced search feature that allows users to filter results by file type. By specifying the file type as "PDF," users can find websites that offer free PDF downloads on a specific topic. While downloading The Legal Rights Of Handicapped Persons free PDF files is convenient, its important to note that copyright laws must be respected. Always ensure that the PDF files you download are legally available for free. Many authors and publishers voluntarily provide free PDF versions of their work, but its essential to be cautious and verify the authenticity of the source before downloading The

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