

# Guardianship and Consent

**Myth:** A person who has a guardian cannot access sexuality skills education or consent to sexual activities without approval from their guardian. Support team members should defer to the guardian for all sexuality-related decision making.

**Fact:** In response to the larger question about consent capacity and the rights of people with disabilities, the American Association on Intellectual and Developmental Disabilities is a great source of information. On their website they explain:

"Every person has the right to exercise choices regarding sexual expression and social relationships. The presence of an intellectual or developmental disability, regardless of severity, does not, in itself, justify loss of rights related to sexuality."

-AAIDD Policy Position Statement ([www.aidd.org](http://www.aidd.org))

*AAIDD's A Guide to Consent* provides professionals with accurate information. Grounded in knowledge of these legal resources, we can remain sensitive to the concerns of family members and appointed guardians while advocating for the rights of our clients.

The National Guardianship Association's Standards of Practice states that, "The guardian shall ensure that the ward has information about and access to accommodations necessary to permit sexual expression to the extent the ward desires and to the extent the ward possesses the capacity to consent to the specific activity." (Assessment of Sexual Consent Capacity by Marin Lyden, 2007).

Self-Advocates say:

"We are sexual beings. We are interested in knowing how to express our sexuality in safe and healthy ways. We want to have relationships—of our own choosing, in our own time frame, and shaped by our own values." [From the Sexual Education For Adults with Developmental Disabilities curriculum-  
<http://www.disabilityworkshops.com/resources.htm>]

For more information, visit [www.idhd.org/sdc.html](http://www.idhd.org/sdc.html).