



AMERICAN CIVIL LIBERTIES UNION OF UTAH
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Tuesday, March 18, 2025

Dear Governor Spencer Cox:

The **American Civil Liberties Union of Utah (ACLU of Utah)** strongly urges you to veto SB199, Guardianship Amendments, a sweeping and damaging bill that threatens to strip critical rights from Utahns with disabilities.

While most caretakers pursue guardianship with good intentions, it is a drastic measure that permanently removes an individual's autonomy, civil liberties, and legal independence. As the Honorable George Harmond, Utah Seventh Judicial District, wrote in 2009, guardianship "removes from a person a large part of what it means to be an adult: the ability to make decisions for oneself." (Ad hoc Comm. on Probate Law and Procedure, Final Rep. to the Judiciary Council, p.3)

Since Judge Harmond concluded that "[w]e terminate this fundamental and basic right with all the procedural rigor of processing a traffic ticket" in 2009, Utah has made vital changes in ensuring critical due process protections. (Id.) These protections include the right to counsel in guardianship proceedings, the right to a tailored, limited guardianship wherever possible, and the consideration of the individual's own preferences and rights.

SB199 dangerously reverses these advances. It singles out an ill-defined subset of people for a fast-tracked "ultra-guardianship" based solely on the diagnosis of a "severe intellectual disability" by just one physician or psychologist who is not even required to have met or treated the person. Once labeled with a "severe intellectual disability," the person immediately loses their right to counsel, with no meaningful opportunity to challenge that determination or obtain a second opinion.

Further, the broad, unchecked guardianships created by SB199 favor automatic full guardianship rather than the tailored restrictions required by current law. Guardians would gain expansive power to isolate individuals with disabilities from family, friends, and community without court oversight. The bill also authorizes guardians to prohibit any "legal substance or activity" deemed harmful—a dangerously vague standard that could allow bans on internet use, television, dietary choices, or travel by car without accountability or review by the courts.

Rather than protecting Utahns with disabilities, SB199 places them at heightened risk by increasing their vulnerability and isolation. Research consistently demonstrates that supporting autonomy and self-determination helps prevent abuse and neglect. By removing critical checks and balances, SB199 jeopardizes the safety and dignity of those it purports to protect—especially individuals whose guardians may not act in their best interests.

For these reasons, we strongly urge you to veto SB199. Utah must continue to strengthen—not dismantle—critical protections for individuals with disabilities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brittney Nystrom". The signature is written in a cursive style and is positioned above a horizontal line.

Brittney Nystrom
Executive Director
ACLU of Utah

CC:
Lt. Governor Deidre Henderson
Jon Pierpont
Neil Abercrombie
Jennifer Napier-Pearce