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Why a man with intellectual disabilities has fewer rights than a convicted felon

By [Petula Dvorak](#) Post Columnist, September 21, 2015



Ryan King working at Safeway (Photo by Andrew Lightman)

Ryan King is 33. He has been working at a Safeway in Washington for 15 years. He pays his bills on time, budgets saving and spending money every month, uses exact change for his ride to and from work each day, makes a mean shrimp scampi, and has never been charged with a crime.

Yet, in the eyes of the courts, he has fewer rights than most convicted felons. Legally, Ryan cannot decide where to live, where to work, where to spend his free time, what medicine to take or with whom to talk.

Why? He has intellectual and developmental disabilities as well as sickle cell disease. And, as

with many people like him, he is trapped in a legal guardianship that he's longed to end for nearly a decade.

"I love being independent," King explains. "Everyone needs a little help sometimes. I don't know anyone who knows everything. But just because people need a little bit of help doesn't mean they can't be independent. What's unique in King's case is that his legal guardians — his parents — also want to terminate their court-ordered stewardship.

Not because they don't want to continue living with him or because they don't want to be responsible for him. And not because they don't love him.

Susie and Herbert King, who are in their mid-60s, have a great relationship with Ryan. The three of them obsess about episodes of "Scandal," they go on vacations together, and they split the cooking, shopping and cleaning in their immaculately decorated Northwest D.C. home.

But they also want to give him what all parents want for their children: independence, self-determination and control over his fate.

King has some cognitive limitations and some visual and spatial limitations. He needs a little help navigating a new place. But once he's familiar, he's got it, he and his parents said.

In 2007, after King had worked at the Georgia Avenue Safeway for seven years and had proved that he can make sound decisions and care for himself, his parents tried to have the guardianship removed.

Denied. The D.C. judge filled out an ordinary, mass-produced form. And that ended that bid for independence.

Now they are preparing to renew their efforts to end the guardianship. And they are hoping for a different outcome from the court.

“This is planning for the future,” King explains. “And some people don’t plan.”

If anything happened to his parents, King’s guardianship would revert to the courts, and he could be forced out of his house and into a group home, be forced to quit his job, be cut off from his friends and even have all his computer passwords to his favorite sites (such as eBay) blocked.

Sound ridiculous? It’s exactly what happened to Jenny Hatch, who was pitted against her mother and stepfather in a fight against guardianship that made national headlines a few years ago.

Jenny was living on her own in Newport News, Va., working, socializing, volunteering on political campaigns — having a robust life as a young woman with Down syndrome.

After she was struck by a car while riding her bike, a court yanked her independence, forced her to quit her job, ordered her into a group home and blocked all her computer passwords. If any of her friends wanted to see her, they had to fill out a permission slip.

She suddenly became a complete prisoner, all in the alleged name of safety.

“As far as the law was concerned, Jenny had ceased to exist. She was an ‘unperson’ who suffered a ‘civil death,’ ” said her attorney, Jonathan Martinis. “Her guardians, for all intents and purposes, became Jenny, making decisions for her, instead of her, whether she liked it or not.”

This is Ryan King’s nightmare.

After a groundbreaking legal battle, Martinis helped Jenny win back her freedom — and her life. And he helped give power to the nationwide movement to replace these kinds of overbearing guardianships with something called supported decision-making — designed to make the person with cognitive challenges “the ultimate decision-maker” but still provide the support he or she needs to thrive, according to the National Guardianship Association.

Martinis is helping King in the renewed legal push for his freedom. For months now, Martinis has been dashing over to King’s house in the afternoon from his office at Quality Trust for Individuals with Disabilities, where he is legal director. One day in August, they were going over the power of attorney document, which would give his parents guardianship status only if something traumatic happened to King and a doctor determined he couldn’t function on his own.

“If you became incapacitated,” Martinis explained.

“I don’t like that word,” King told him. “It’s something I never want to be. I don’t want anybody else to make decisions for me.”

Martinis nodded. King went on.

“These days, if you’re in a wheelchair, people look at you and assume you’re incapacitated,” he said. “I don’t understand people like that.” That gets him on a roll. “Why would you judge me before you know me?” King asked.

He has dreams. He’s been in a limo — twice. He’d love to start his own limo business. Own a fleet of them. “Ryan Inc. Or maybe King’s Business,” he said, sweeping his hand in the air, marquee style.

And a record label, he said. “And could you imagine if Kerry Washington was married to me, instead of a football player?”

He wants his family to be part of his business. “They’ll be my board of directors,” he explained.

Martinis runs with that, because supported decision-making is a little like a business with a board of directors, helping make decisions.

“Your folks have been like your board of directors,” Martinis told King. “You make the decisions, you’re in charge. And they support you.”

King has crafted a declaration of independence to present to the court: “Owning my own limousine business. “Having my own place (I would prefer a

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house). “Making my own decisions. “Having lots of friends and having lots of activities.

“Spending a lot of time with my family. “Being in charge of my money.”

And one thing he always adds when you meet him:
“Don’t judge me before you know me.”