

HIGH PROFILE GUARDIANSHIP CASES  
THE JENNY HATCH CASE, NEWPORT NEWS, VIRGINIA 2012-2013

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BACKGROUND

This case was brought in the late summer of 2012 by the mother and step-father of Jenny Hatch who petitioned the court to become her legal guardians. Jenny Hatch was 28 years old at the time. In the spring of 2012, Jenny had been living with her friends, who became the Intervenors in this case, in Hampton Virginia. Jenny had gone to their home to recuperate after being injured in a bicycle-car accident.

In the early summer of 2012 Jenny obtained a Medicaid Intellectual Disability Waiver. Jenny was then placed in a group home in Portsmouth about 25 miles from the communities where Jenny had spent most of her life. In that group home Jenny was not allowed to have contact with many of her friends from Newport News or Hampton. Her computer and phone were taken away from her. Whenever she could Jenny made frantic and alarming calls to her Newport News and Hampton friends asking for their assistance in getting out of the group home.

The press became involved when these friends alerted them to Jenny's distress, and when the attorney they hired to represent Jenny appeared in Newport News Circuit Court on Jenny's behalf.

ISSUE

The issue of the case was whether Jenny needed a guardian, and, if so, who that guardian should be. Asking to be named guardians if the Court determined that Jenny needed a guardian, Jenny's Hampton friends petitioned to intervene in the

case in the fall of 2012. In early 2013 the court allowed this intervention and also allowed an attorney from Quality Trust in Washington, DC to become Jenny's individual counsel, replacing her original attorney. The trial was held over six days in May, July and August, 2013.

#### THE PRESS DURING TRIAL

There was ongoing coverage by local NBC affiliate WAVY TV, and by the Daily Press out of Newport News, Virginia. This coverage emphasized the distress expressed by Jenny at her inability to control where she lived and who she was allowed to see. As the case developed, the press coverage began to include elements of the testimony of Jenny's expert witnesses concerning the use of supported decision-making as an alternative to guardianship for Jenny Hatch. Although requested, no in-court TV coverage was allowed.

*[WAVY coverage on November 16, 2012 is attached]*

#### THE OUTCOME

The final Order was written by the Judge and read in open court on August 2, 2013. The Order provided that Jenny Hatch needed a guardian for one year only. The Judge appointed the Interveners as co-guardians for this time period. After that the court held that using the supported decision making skills she learned from the staff provided by the Medicaid Waiver, and relying on resulting increased self-reliance, Jenny would be able to adapt and succeed independently – without a guardian.

A second Order was entered on August 8, 2013 making it clear that Jenny Hatch who had consistently supported and worked on political campaigns would retain her right to vote, and declaring her two prior Powers of Attorney and Advance Medical Directives Null and Void.

*[Copies of the final Orders are attached]*

## THE PRESS AFTER TRIAL

The headline on the first page of the Washington Post Metro Section on Saturday, August 3, 2013 was "Judge lets disabled woman choose her own path in life".

Quoting Peter Blanck, the Hatch trial expert witness and nationally known researcher and writer who has explored the effects of guardianships on persons with disabilities, the Post reported that the guardianship petition asked for a "...kind of civil death...It's a complete removal of all decision making for the individual..." Such a guardianship would put Jenny at risk for "stagnation, regression...depression."

The trial outcome was also covered by the local papers, the Daily Press and the Virginian Pilot, and on local TV station, WAVY. Nationally USA today covered it as well as People Magazine. There was international coverage also. Jenny Hatch's address to the Third World Congress on Adult Guardianship was covered by the NAELA News in its August/September 2014 edition. This case also was the start of the Jenny Hatch Justice Project ([jennyhatchjusticeproject.com](http://jennyhatchjusticeproject.com)) dedicated to increasing the awareness of supported decision making and the training of professionals who deal with such matters.

*[Some of the press coverage is attached]*

## SUPPORTED DECISION-MAKING

A copy of "Supported Decision-Making: An Agenda for Action" (February 2014) published by the Quality Trust for Individuals with Disabilities – The Jenny Hatch Justice Project is attached.