Supported Decision-Making:

Update on U.S. Trends

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National Resource Center on Supported Decision Making

- Funded in 2014 by the **U.S. Administration on Community Living** and led by **Quality Trust**
- Focused on **Research, Training and Information Sharing** about Supported Decision Making (SDM)
- Addressing the issues **of older people and people with disabilities**
- **Linking** development efforts throughout the United States
- **www.SupportedDecisionMaking.org**

SDM Legislation in U.S. (Passed or Pending)

SDM Agreements	
Enacted	**Pending**
TX (2015, 2017) (stat. form, other reforms)	**CT** (intro 2019) (no statutory form)
DE (2015) (admin form 2018)	**KS** (intro 2019) (judiciary council form TBD)
WI (2018) (statutory form)	**KY** (intro 2019) (HFS Cabinet form TBD)
DC (2018) (statutory form)	**MA** (intro 2019) (statutory form)
MO (2018) (no statutory form; LRA only)	**OR** (intro 2019) (optional statutory form)
AK (2018) (statutory form)	**RI** (intro 2019) (statutory form)
ND (2019) (statutory form)	
IN (2019) (no statutory form)	
NV (intro 2019) (no statutory form)	

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SDM Legislation in U.S. (Passed or Pending, cont.)

UGCOPAA / SDM as Less-Restrictive Alternative Only
ME (2018) (but amending bill pending)
NV (intro 2019) (pending)
WA (intro 2019) (pending, to governor)
SDM in Education
DC (2015)
TX (2015; 2017)
SDM in Other Contexts
DE (intro 2019); WA (2019) (public guardian)
IL (intro 2019) (community integration)
MN (intro 2019) (investigation/alleged abuse)
TX (2009, intro 2019) (pilot programs)

"SDM" in Organ Transplantation
MD (2015)
DE (2017)
KS (2018)
OH (2018)
ND (2019)
WA (2019)
LA (intro 2019) (pending)
NY (intro 2019) (pending)
SDM Studies
VA (2014)
ME (2016)
IN (2017)

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NRC-SDM State Grantees

2015 - 2016	2016 - 2017	2018-2019
DE – Led by Delaware Developmental Disabilities Council **IN** -- Led by The Arc of Indiana **ME** -- Led by Disability Rights Maine **NC** -- Led by First In Families of North Carolina **WI** – Led by Wisconsin Board for People with Developmental Disabilities (not funded)	**FL** – Led by the Northern Florida Office of Public Guardian **GA** – Led by the University of Georgia **ME** – Led by Disability Rights Maine **NV** – Led by the Second Judicial District Court, State of Nevada, Washoe County **NY** – Led by Brookdale Center for Healthy Aging of Hunter College (Research Foundation SUNY) **TN** – Led by The Arc TN	**IN** – Led by Indiana Disability Rights **MN** – Led by Volunteers of America Minnesota **MS** – Led by The Arc of Mississippi **OR** – Led by The Arc Oregon **SC** – Led by Able South Carolina **TN** – Led by Disability Rights Tennessee **DC** – Led by the DC Association of Special Education (not funded)

For more information on these projects, visit www.SupportedDecisionMaking.org

More on U.S. State Trends

State Courts Examples	Pilot Examples
• PA (1999) • NY (2012, 2015, 2016, 2017) • VA (2013) • MA (2015) • DC (2016, 2018) • FL (2016) • VT (2017) • KY (2017) • NV (2017) • ME (2018) • IN (2018)	• TX Volunteer SDM Advocate Pilot (2012) • MA SDM Pilots (CPR and partners, www.supporteddecisions.org) • NY SDM Pilot (www.sdmny.org) • ME SDM Pilot (DRME, www.supportmydecision.org) • VT SDM Pilot (https://ddsd.vermont.gov/supported-decision-making) • KY My Choice KY (http://www.mychoiceky.org) • CA Saks Institute Project (https://www.thebatterysf.com/batterypowered/givingproject/the-saks-institute-for-mental-health-law-policy-ethics) • GA (CPR, Georgia Advocacy Office) (www.supporteddecisions.org) • IN (IN WINGS, https://www.in.gov/idr/2684.htm)

More U.S. SDM Policy & Practice Initiatives

Entity	Resource
National Guardianship Association (2016)	**Position State on Guardianship, Surrogate Decision-Making, and Supported Decision-Making** • States that SDM should be considered before guardianship and incorporated as part of the guardianship, if guardianship is necessary.
Social Security Advisory Board (2016)	**Representative Payees: A Call to Action** • States SSA should consider SDM as an alternative to appointing a representative payee • http://ssab.gov/Portals/0/ OUR_WORK/REPORTS/ Rep_Payees_Call_to_Action_Brief_2016.pdf
American Bar Association (2016)	**PRACTICAL Tool and Resource Guide** • Helps lawyers identify and implement decision-making options that are less restrictive than guardianship, including SDM. • http://www.americanbar.org/groups/law_aging/ resources/guardianship_law_practice/practical_tool.html

More U.S. SDM Policy & Practice Initiatives

Entity	Resource
Uniform Law Commission (2017)	**Uniform Guardianship, Conservatorship, and Other Protective Arrangements Acts (UGCOPAA)** • Model law that, among other things, formally recognizes SDM and requires its consideration as a less-restrictive alternative to guardianship. • http://uniformlaws.org/Committee.aspx?title=Guardianship, Conservatorship, and Other Protective Arrangements Act
American Bar Association (2017)	**ABA Resolution 113** • Urges legislatures to amend their guardianship statutes to require SDM "be identified and fully considered as a less restrictive alternative before guardianship is imposed" and a grounds for termination of guardianship. • https://www.americanbar.org/content/dam/aba/administrative/crsj/supported_decision_making_newspiece.authcheckdam.pdf

More U.S. SDM Policy & Practice Initiatives

Entity	Resource
AAIDD & Arc (2016)	**Joint Position Statement on Autonomy, Decision-Making Supports, and Guardianship** • Promotes less restrictive means of decision-making support, including SDM. • http://uniformlaws.org/Committee.aspx?title=Guardianship, Conservatorship, and Other Protective Arrangements Act
U.S. Department of Education, OSERS (2017)	**A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities** • Recognized SDM and other less-restrictive decision-making support for adult students in special education. • https://www2.ed.gov/about/offices/list/osers/transition/products/postsecondary-transition-guide-may-2017.pdf

More U.S. SDM Policy & Practice Initiatives

Entity	Resource
National Council on Disability (March 2018)	**Beyond Guardianship: Towards Alternatives that Promote Greater Self-Determination of People with Disabilities** • Discusses civil rights implications of guardianship and alternatives, including their impact on older adults with disabilities. Recommends expansion of SDM at state/local level • https://ncd.gov/publications/2018/beyond-guardianship-toward-alternatives
United States Senate Special Committee on Aging (Nov. 2018)	**Ensuring Trust: Strengthening State Efforts to Overhaul the Guardianship Process and Protect Older Adults** • Recommends, among other reforms, state promotion of less-restrictive alternatives to guardianship, including SDM • https://www.aging.senate.gov/download/guardianship-report-2018

Food for Thought

- Formal versus Informal?
- Flexibility versus Standard SDMA
- SDMAs limited to people with disabilities?
- Paid versus Unpaid Supporters?
- Background Requirements for Formal Supporters?
- Safeguards Against Abuse, Misuse, and/or Undue Influence?
- Enforceability of SDMAs?
- Extrajudicial or Court Oversight?
- SDM within Guardianship?

Join the Conversation

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