

# **Supported Decision Making Act**

## **Our Position**

AARP Alaska endorses the Supported Decision Making Act. HB 336

## **GOALS**

1. Adults who are vulnerable or live with disabilities have support from people for making life decisions. Supporters agree, in writing, to take direction from these adults on getting information, talking about outcomes, telling other people about a person's choices and doing other things that the adults want for support when they are making life decisions.
2. Adults with Supported Decision Making (SDM) Agreements do not have their rights to make decisions taken away from them like they would with guardianship orders. They have the information and support that they need about their choices to exercise the same rights that others have to choose where to live, what services they get, how to spend their money, and who they spend time with.
3. Supported Decision Making continues familiar and lifelong ways of making choices. It is very common throughout life to confer with family, friends, a physician, a financial planner, or a member of the clergy when big decisions are made. SDMA's formalize that familiar process as needs and capacity change.

## **WHAT**

1. Supported Decision Making Agreements are planned and written by a set process, with supporters that are chosen by the person (the principal) who wants support.
2. Valid agreements will have specific ways that supporters will help with decisions and will have safeguards to protect the well-being and independence of vulnerable adults and those who live with disabilities.

3. There will be a basic template form for the SDM Agreements, but each Agreement will be individualized to express the directions of the person who wants support, and the ways they want to be supported to make decisions.
4. This Bill does not:
  - A. Interfere or change the established law regarding legal capacity to make decisions or the court processes on petitions for guardianship or conservatorship. It is just another option for people to use.
  - B. Take the place of other legally established documents such as powers of attorney or advance directives.
  - C. Alter or change a person's responsibility for their own actions
  - D. Cost much; additional funding to implement these changes is estimated to be minimal

#### ***WHY IS IT NEEDED?***

1. People who can make life decisions with support from others around them should not have the right to make those decisions taken away from them by unnecessary government (court) involvement.
2. Alaska has one of the highest rates of full guardianship in the country. The number of guardianships in the state has doubled in the last 7 years. The courts can't keep up with monitoring all the guardianships to make sure rules and guidance are followed. The Office of Public Advocacy (public guardians) is overwhelmed and has too many wards to supervise. Many of the guardianships would be unnecessary if there were an option for a formalized SDM Agreement.
3. Research shows that people who make more decisions about their lives through alternatives to full guardianship are more involved in their community, more likely to maintain their own health, more likely to feel respected and dignified, and more likely to report satisfaction with their own lives.
4. Even people experiencing declining abilities due to a condition like Alzheimer's disease, still can and should maintain remaining skills by

exercising them with support and encouragement. Identity does not have to be lost with memory.

**ASK**

***Please support the Supported Decision Making Act – HB 336***