



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Senate Bill 559/House Bill 529: Estates and Trusts – Supported Decision-Making

WHAT does this bill do?

- It recognizes supported decision-making as an alternative to guardianship.
- It does not replace guardianship or a power of attorney. It creates another tool that people can use to make their own decisions. It also creates another option so families do not feel their only choice is guardianship.
- It reinforces that everyone, with or without a disability, can and should make their own decisions. People just may need some support or accommodations to do that.
- It lets a person to choose one or more supporters to help them understand, make, and communicate their own decisions. A person can choose exactly what support they want and the types of decisions they want that support with.
- It gives people an option of using a supported decision-making agreement that describes their relationship with their supporter(s) so that other people (like doctors, attorneys, and others) recognize their decisions.
- It allows people under guardianship to use supported decision-making to increase their decision-making ability and self-determination skills and can be a tool to change or get rid of guardianship.
- In 2015, the Maryland legislature passed a bill recognizing supported decision-making in organ transplant decisions. This bill expands that recognition of supported decision-making to all types of decisions.

WHY is Supported Decision-Making important?

- It is a critical civil rights issue for people with disabilities—it is about the right to have rights use those rights to direct your own life.
- It has been recognized across the United States and around the world as a best practice that helps a person keep their right to make their own decisions.
- It allows a person to develop their decision-making skills with support. Many people, including people with disabilities, have not been given the opportunities to make their own decisions. Because of this history, some people may think that they cannot make decisions. We need to both give them that chance to make decisions and recognize that they may need time to learn how to make good decisions.
- It can prevent the need for guardianship. Guardianship, while a tool, is restrictive—it takes away a person's basic rights to direct their life. It can take away a person's right to vote, ability to marry or partner with the person that they love, and the ability to control what kind of medical care they receive.

19 states and DC have passed laws recognizing supported decision-making. Another 21 states have introduced legislation. Maryland should be next.