



What You Need to Know About SUPPORTED DECISION-MAKING (SB21-075)

What is Supported Decision-Making (SDM)?

Supported Decision-Making:

- Gives people with disabilities the help they need to make choices about their own lives, such as where they want to live; the services, supports, and medical care they want to receive; whom they want to live with; and where they want to work.
- Is completely voluntary.
- Promotes self-determination and independence.
- Allows individuals to choose the supporters they want to help them understand, make, and communicate their decisions regardless of a SDM agreement.
- Creates another tool for people to use that is individualized and less restrictive.
- Enables them to retain authority and make final decisions.
- **DOES NOT** affect legal guardianship – either existing guardianship arrangements or the rights of caregivers to seek guardianship when it is appropriate.

Why Does Colorado Need A Supported Decision-Making (SDM) Law?

Under current Colorado law:

- Supported Decision-Making Agreements are not a legally-recognized option for older adults or people with disabilities who want to retain decision-making authority over life decisions.

Supported Decision-Making legislation is necessary to:

- Create a legally recognized, consistent agreement that benefits people with disabilities, their support networks, and the professionals with whom they interact.
- Create a way for doctors, bankers, and other professionals to know that the older adult or person with a disability has received necessary information and made a choice about their well-being.
- Create a less restrictive approach, which is required to be considered before rights are removed through guardianship.

Do Other States Offer Supported Decision-Making?

- 10 states and the District of Columbia currently have laws that allow SDM.
- All have enacted their laws since 2015. More than 30 other states are considering supported decision-making legislation.

What Impact Does SB21-075 Have on Legal Guardianship?

- SB21-075 does not affect Colorado guardianship law or the rights and responsibilities of guardians in any way.
- SB21-075 is designed to assist individuals for whom legal guardianship is not appropriate and who have the capacity to make and communicate personal decisions OR for individuals with a guardian who may seek assistance from a supported decision-making process.

Does Supported Decision-Making Create a Risk of Exploitation?

NO. In fact, Supported Decision-Making can reduce the risk of abuse or exploitation because:

- Older adults and people with disabilities remain in charge of their own lives.
- SDM reduces the isolation too often experienced by those who have a guardian and improves the safety and well-being of older adults or individuals with disabilities.
- SDM arrangements create a team of supporters – a social circle – that looks out for the best interests and personal safety of the individual.
- Individuals with a Supported Decision-Making arrangement can revoke a Supported Decision-Making agreement with any given support team member at any time.
- Proposed SDM legislation makes no changes to current mandatory reporters of anyone who believes that an older adult or person with a disability is being abused, neglected, or exploited by their advisor in a supported decision-making arrangement.

How Does Supported Decision-Making Protect Personal Information?

- Supporters only have access to information that is relevant to a decision being considered through Supported Decision-Making.
- SDM arrangements establish clear parameters on how confidential records are accessed and protected.
- Supporters ensure by signed attestation that all personal information is privileged and confidential.