

What is Supported Decision-Making?

Supported Decision-Making:

- Is a process of supporting and accommodating an adult with a functional impairment to enable the adult to make life decisions, including decisions related to where the adult wants to live, the services, supports, and medical care the adult wants to receive, whom the adult wants to live with, and where the adult wants to work, without impeding the self-determination of the adult.
- Gives older adults and people with disabilities the help they need to make choices about their own lives;
- Allows them to choose the supporter(s) they want to help them understand, make, and communicate their decisions;
- Enables the individual to retain authority and make final decisions.

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

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Under current Arizona law:

- Supported Decision-Making is not recognized as an option for older adults or people with disabilities who want to retain decision-making authority over life decisions.
- Guardianship, powers of attorney, and other options give another individual the authority to make specific decisions *for* the older adult or person with disabilities.

Supported Decision-Making legislation is necessary to:

- Create a legally recognized agreement that benefits older adults and 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.

Does Supported Decision-Making Save Money?

YES, because:

- Supported Decision-Making costs less than guardianship, which requires a court process (most families incur significant legal costs when they pursue court-designated guardianship).
- Guardianships can result in more reliance on paid public supports.

Does Supported Decision-Making Create 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 under guardianship 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.
- Individuals are protected by provisions that automatically end the supported decision-making agreement if a supporter is found to have engaged in neglect, abuse, or exploitation or is subject to a restraining order.
- Proposed SDM legislation makes a mandatory reporter 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 to be considered through Supported Decision-Making.
- SDM processes establish clear parameters on how confidential records are accessed and protected.
- Supporters ensure by signed attestation that all personal information is privileged and confidential.