

# FACT SHEET

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## Rhode Island's Supported Decision-Making Legislation

**2019 -- S 0031** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- SUPPORTED DECISION-MAKING ACT

Introduced by Senators Satchell, Seveney, Lawson, Nesselbush, and Cano

**2019 – H 5909** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- SUPPORTED DECISION-MAKING ACT

Introduced by Representatives Craven, McEntee, and McKiernan

**Supported Decision-Making** (“SDM”) is a form of decision-making assistance that promotes self-direction for adults, through the assistance of one or more supporters chosen by the adult. Supporters help the adult understand the nature and consequences of potential personal and/or financial decisions, so that the adult can make a decision. Supporters may help gather information, review options and/or communicate a decision. Under the proposed legislation, adults would complete a SDM agreement that identifies their supporters and their roles. The SDM agreement could then be relied upon by third parties.

Here are some additional facts about SDM.

- SDM is an additional less restrictive alternative to guardianship; it does not take away other alternatives to guardianship.
- SDM may not work for everyone, but for some people it will preserve their right to make their own decisions.
- SDM is person-centered. It preserves decision-making autonomy, while providing ongoing supports to the individual.
- The SDM legislation includes a statutory form that can be modified. Individuals may choose to consult an attorney, but can complete the form on their own.
- Similar to a Power of Attorney, SDM does not require court involvement to set up.
- This same SDM legislation (2018- H 7992) was overwhelmingly passed by the House last year.
- Other states have already adopted SDM, including Alaska, the District of Columbia, Delaware, Indiana, North Dakota, Texas and Wisconsin.
- National organizations that endorse SDM, include:
  - The American Bar Association (ABA), which passed a resolution in support of SDM in 2017  
[https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2017\\_SDM\\_%20Resolution\\_Final.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2017_SDM_%20Resolution_Final.pdf);
  - The Administration on Community Living of the U.S. Department of Health and Human Services <https://acl.gov/programs/consumer-control/supported-decision-making-program>;

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- The National Conference of Commissioners on Uniform State Laws, which incorporated SDM in its 2017 revisions to the *Uniform Guardianship, Conservatorship and Other Protective Arrangements Act*;
- Disability and elder organizations endorsing SDM include
  - the Autistic Self- Advocacy Network (ASAN),
  - the National Association of State Directors of Developmental Disabilities Services (NASDDDS),
  - the National Association of States United for Aging and Disabilities (NASUAD),
  - the National Legal Resource Center (NLRC), the National Center on Elder Abuse (NCEA),
  - the National LTC Ombudsman Resource Center,
  - the Association of University Centers on Disabilities (AUCD),
  - Project Action,
  - the Sibling Leadership Network (SLN),
  - the Canadian Association for Community Living Network (CACL),
  - Family Voices,
  - Parent to Parent USA, and
  - TASH.
- Many Rhode Island organization endorse SDM, including:
  - Advocates in Action
  - Alliance for Better Long Term Care
  - Brain Injury Association of RI
  - Consumer Provider Network of RI
  - Mental Health Consumer Advocates/Oasis
  - NASW/RI
  - Personal Lifetime Advocacy Network of RI
  - RI Cross Disability Coalition
  - RI Developmental Disabilities Council
  - RI Disability Law Center
  - RI Organizing Project
  - RI Parent Information Network
  - Sherlock Center on Disabilities

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