



SUPPORTED DECISION MAKING ACT

WHAT IS SUPPORTED DECISION MAKING (SDM)?

SDM GIVES PEOPLE WITH DISABILITIES A VOICE

- In SDM, the person makes their own decisions about important life choices, such as health care and financial matters, with the assistance of a trusted group of friends, family, or professionals.
- Supporters help the person obtain relevant information, understand that information, evaluate risks and benefits, and/or communicate their decisions.
- In contrast to substituted decision making models like guardianship, *supporters do not make decisions for the person.*
- SDM is a transformational accommodation for people with disabilities that increases self-esteem and self-worth, expands personal growth and life experiences, and reduces stigma.
- SDM is currently implemented in 13 states and the District of Columbia.

SDM PROTECTS LEGAL AND CIVIL RIGHTS

- The UN Convention on the Rights of Persons with Disabilities recognizes that people with disabilities have equal basis for legal capacity as others and do not lose their presumption for capacity simply because they have a disability.
- The UN identifies SDM as the best way to protect the autonomy, agency, and civil rights of people with disabilities.
- SDM challenges the paternalistic and restrictive assumptions that people with disabilities are unable to direct their own lives, and that society should prioritize their protection over their autonomy.
- SDM empowers individuals to identify toxic, abusive, or exploitive behavior rather than rely on others to make those determinations.

WHY DOES NEW MEXICO NEED SUPPORTED DECISION MAKING?

NEW MEXICO NEEDS STRONGER ALTERNATIVES TO GUARDIANSHIP

- SDM Task Force found guardianship is too often the “go-to” intervention for people with disabilities, and ordered with insufficient medical justification or exploration of less-restrictive alternatives.
- DDC has seen a drastic increase of guardianship applications, submitting large budget increases year over year.
- New Mexicans with disabilities and their families seek guardianship when they do not have access to a less-restrictive option.
- Studies by national health experts show that exercising self-determination significantly increases the life span, quality of life, and mental health of people with disabilities.
- The state can reduce or avoid high-cost supports and services, such as guardianship and acute health care services, for people with disabilities who have the type of supports provided in this bill.

SDM ACT IS NECESSARY TO IMPLEMENT SDM IN NM

- Clarifies how SDM works and creates a uniform process.
- Provides the legitimacy necessary for SDM acceptance by individuals, service providers, and institutions.
- Codifies restrictions and protections for people engaging in SDM.
- Indemnifies third parties who rely in good faith on SDM agreements.

SDM AGREEMENT

- Written in plain language
- Lists the types of decisions where the person wants assistance
- Identifies each supporter and defines the scope of their role
- States that supporters cannot make decisions for the person
- Mandates reporting of suspected abuse, neglect, or exploitation
- May be terminated by the person or the supporter
- Contains a notice to third parties

PROTECTIONS & OVERSIGHT

- Person maintains full control
- Multiple supporters serve as checks and balances
- Restrictions on who can act as supporters include criminal history of violence or dishonesty, no-contact orders, and incarceration
- DDC SDM program educates New Mexicans on SDM requirements
- DDC facilitates SDM execution, implementation, and termination
- DDC can monitor SDM agreements and supporters

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