



Testimony in Support
SB 559 - Estates and Trusts- Supported Decision Making
Judicial Proceedings
February 17, 2022
By Ken Capone

Hello committee members my name is Ken Capone. I am the Director of People On the Go of Maryland which is Maryland's statewide self-advocacy organization. We are here to testify in support of SB 559 Estates and Trusts - Supported Decision Making.

Background: People On the Go Maryland builds community through diversity and inclusion. We respect the individuality of our members and are committed to making inclusion a priority so that everyone feels comfortable, valued, and heard. People On the Go remains distinct by maintaining a cross-disability strategy that focuses on effecting positive change in the lives of people with and without disabilities.

Rationale: Supported decision making is a tool that allows people with disabilities to retain their decision- making capacity by choosing supporters to help them make choices instead of the alternative of having someone appointed as a certain substitute decision maker.

With the introduction of supported decision-making, people with disabilities have the opportunity to do really what people without disabilities have done when it comes to having input in life choices; if you think about it if you don't have a disability you still are using supported decision-making. We all ask our friends, family and others how we should handle certain choices in a given situation. In a sense the policy of supported decision-making helps level the playing field between those with disabilities and those without, because this policy presumes competence and that anybody is capable of making choices for them they just might want and need some support.

A person using supported decision making chooses trusted advisors; such as friends, family members, or professionals to serve as supporters. The supporters agree to support the person with a disability to understand, consider, and

communicate decisions. This gives the person with a disability the tools to make his or her own, informed decisions.

With Supported decision making I was able to get advice, information and communicate decisions with supporters and retain my ability to make my own decisions on important issues like purchasing a house, Trust and Estate documents for my deceased mother and purchasing a modified van. With supported decision making the supporters do not make decisions for you like a certain substitute decision maker may decide if appointed to do so.

We feel supported decision-making is important for people with disabilities and their families as an alternative to guardianship. This method of assistance allows for people with disabilities to have the input from their family, and other key supporters recognized without taking away the person's legal rights to make the decisions. Historically we have not presumed competence when it comes to people with disabilities being able to make appropriate life choices, some examples include the area of finance, and managing one's own money, choosing where and with whom to live and even whether or not you can refuse or accept medical treatment. Some families have turned to guardianship to make some of these life decisions for their love ones even though guardianship was not necessary.

In conclusion supported decision making give options for those seeking to retain independence with supports and the dignity of presuming competence. We ask for a favorable report