

Ellen A. Callegary
The Law Offices of Ellen A. Callegary, P.A.
Senate Judicial Proceedings Committee
SB 559 – Supported Decision-Making
February 17, 2022
Position: Support

The attorneys in The Law Offices of Ellen A. Callegary, P.A. represent individuals with disabilities throughout Maryland. For over forty years, I have worked to protect the most vulnerable members of our community --- children and adults with disabilities. Beginning with my time as an Assistant Attorney General in Maryland in 1979 and continuing through today as a private attorney working on their behalf. Because of my desire to promote greater independence in decision-making for all Maryland adults including adults with disabilities, I submit this testimony in support of Senate Bill 559.

- Supported decision-making is a nationally and internationally recognized best practice that helps preserve a person’s right to make their own decisions by recognizing that just like people without disabilities, people with disabilities rely on “supporters” the people who they trust to help them make, communicate, and effectuate their decisions.
- This law would help formalize supported decision-making (SDM) agreements, to ensure that these agreements are accepted and that there are clear guidelines and protections in making these agreements.
- Passing supported decision-making in Maryland would not be a ground-breaking act. In 2015 the legislature passed a narrow bill recognizing supported decision-making in the context of organ transplants. As of today, 20 jurisdictions in the US have passed laws formally recognizing SDM and over 40 states have introduced legislation. The Administration on Community Living has funded SDM projects in over 18 states and created a National Resource Center for Supported Decision-Making, which is a hub for best practices across the country.
- Maryland’s Developmental Disabilities (DD) Council provided a small grant to help propel the creation of the Cross-Disability SDM Coalition, which consists of over 27 partners, including representation from various state agencies, the Administrative Office of the Courts, advocacy groups, self-advocates and family members, and others across the disability and aging communities to help draft a plan to implement SDM in Maryland. The Coalition received technical assistance from the National Resource Center for Supported Decision-Making to draft its action plan, which included an action plan item around passing legislation. I have the honor of being a member of this Coalition.

I am also Co-Editor of “Guardianship and Its Alternatives: A Handbook on Maryland Law”, a joint publication of The University of Maryland Francis King Carey School of Law and the Maryland State Bar Association. SB 559 would provide one more valuable alternative to guardianship for all Maryland adults and their families. Personally, SDM would help my family members with disabilities to receive the support they need throughout their lives. I urge you to give SB 559 a favorable report.