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HB 529
Estates & Trusts – Supported Decision Making
Hearing of the House Judiciary Committee
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SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Health Rights Project supports policies and practices that promote the overall health of Marylanders struggling to make ends meet, with the explicit goal of promoting strategies that work to eliminate racial and ethnic disparities in health outcomes. **The PJC stands in strong support of HB 529**, which would authorize the use of supported decision-making agreements to assist an adult in making, communicating or effectuating certain decisions without the need for a court to appoint a substitute decision maker.

Guardianship has the impact of stripping away the rights that adults naturally have to make certain decisions for themselves. Though there are times where guardianship may be the appropriate course, courts tend to place adults with disabilities, primarily those with intellectual, developmental or mental health disabilities, under guardianship that is more broad than necessary.¹ At risk for individuals proposed for guardianship is the ability to make decisions that impact their quality of life, like the right to marry, who to communicate with, how to spend money, receiving healthcare and voting. Further, individuals who are appointed a public guardian are at risk of neglect, abuse from others and being unnecessarily institutionalized.²

Supported decision making is a person-centered tool that empowers adults with disabilities to make decisions for themselves with limited support from someone they trust. By not recognizing supported decision making as a less restrictive alternative to guardianship, Maryland is actually behind more than 20 other states that have enacted laws allowing adults to utilize supported decision-making agreements. HB 529, if passed, would prevent the appointment of a guardian where the adult can make decisions with assistance from a support person. It

¹ Teaster, Pamela B., et al. *Wards of the State: A National Study of Public Guardianship* (2007), http://www.supporteddecisionmaking.org/sites/default/files/wards_of_the_state.pdf.

² *Id.*

would also allow for a court to terminate or limit guardianship where a supported decision-making agreement exists.

It is time for Maryland to join other states in recognizing supported decision making as a tool to preserving the self-determination of adults with disabilities. For these reasons, the Public Justice Center urges the committee to issue a **FAVORABLE** report for **HB 529**. If you have any questions about this testimony, please contact Ashley Black at 410-625-9409 x 224 or blacka@publicjustice.org.