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HB 529 Estates and Trusts - Supported Decision Making Testimony of Delegate Joseline A. Peña-Melnyk (FWA)

Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee, I am pleased to present House Bill (HB) 529. This bill allows a person with a disability to voluntarily enter into a supported decision making agreement to assist in making, communicating, and executing life decisions.

One in five people in Maryland are living with a disability.¹ Some of these individuals may struggle with making big decisions about their life in areas of medical care, relationships, and finance. Individuals living with a disability are often able to make these decisions with support from friends, relatives, and other trusted people.

While people with disabilities may need assistance making a whole range of life decisions, they do not necessarily need a guardian to make those decisions for them. Currently, Maryland does not have an effective alternative to guardianship. The solution of guardianship would not be right for these individuals. It would strip them of their hard-earned independence and would offend their sense of dignity as a person. Supported decision making would provide our residents a less restrictive option while prioritizing their independence. It allows people with

¹ <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/maryland.html>

disabilities to have trusted adults assist them in making important life decisions including decisions related to medical care, housing, marriage, and legal contracts.

This bill would provide individuals with a disability an accommodation for the decision making process. An accommodation for people with disabilities is essential so they are not forced to make decisions wholly on their own or to abide by decisions completely made by others. Those who can voluntarily participate in their own guidance must be allowed to do so.

Adults, regardless of their ability, are entitled to receive support in making decisions that correspond to their will, preferences, and choices. Making decisions about your own life is a human right. It is inherent to all people, regardless of ability or diagnosis. Human rights include the right to life, liberty, and the freedom of opinion and expression.² Everyone is entitled to these rights, without discrimination. This bill would preserve the human rights of a whole population of Marylanders by allowing individuals living with a disability the opportunity to make their own decisions, promoting self-determination, control, and autonomy.

This accommodation is not new or novel. 19 states have passed laws allowing for supported decision making, including Texas, D.C., and Delaware. All residents of our great state deserve the opportunity to be in the driver's seat of their own life. Supported decision making is a human rights issue that we need to take action on.

Thank you for the opportunity to present House Bill 529. I respectfully request a favorable report.

² <https://www.un.org/en/global-issues/human-rights>