

Senate Bill 559 Estates and Trusts - Supported Decision Making

House Judiciary Committee

March 23, 2022

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. MHAMD, and the Policy Committee of the Maryland Coalition on Mental Health and Aging, appreciate this opportunity to present testimony in support of Senate Bill 559.

SB 559 would authorize the use of supported decision making to assist an adult through the provision of certain support in making, communicating, or effectuating certain decisions and preventing the need for the appointment of certain substitute decision makers for the adult. It would authorize an adult to enter into a supported decision-making agreement with one or more supporters, thus protecting the dignity and autonomy of the individual by centering their capacity for choice, care, and appropriate community supports.

Maryland's public guardianship program guides the care of hundreds of vulnerable older adults, many with dementia, mental illness and substance use disorders. Individuals with behavioral health disorders represent a disproportionate number of those in the overall program and they tend to be in the program for many years. Alternatively, supported decision-making agreements prioritize an individual's ability to make decisions with appropriate supports if and as needed. It has been demonstrated as an effective intervention to public guardianship when an individual retains the legal capacity to make decisions for themselves. Through supported decision-making, an older adult may rely on trusted friends, family members, and professionals to help them understand the choices they face, thus supporting their own autonomy and independence without state intervention.

While MHAMD appreciates the necessity of public guardianship in certain situations, it must be viewed as a last resort. The legislature must pass legislation that would recognize supported decision-making as a pre-requisite to the public guardianship program. For these reasons, we urge a favorable report on SB 559.

For more information contact:

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