

Testimony Before the House Judiciary Committee

House Bill 529 Estates and Trusts - Supported Decision Making

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for House Bill 529 Estates and Trusts - Supported Decision Making.

As social workers, we are in favor of this bill because it supports the autonomy and self-determination of individuals with disabilities. The bill authorizes the use of supported decision making (SDM), an important tool that enables people with cognitive or intellectual limitations to maintain control of the most important decisions that shape their lives, such as where to live or how to spend their funds, while receiving vital input from people they trust. SDM in Maryland would reduce the number of people who lose the right to have a voice in these matters through the appointment of a guardian or other substitute decision maker.

In our experience, most people with intellectual and cognitive disabilities want to receive help to make, communicate, or carry out decisions that affect their lives, while retaining the ability to make the final decision. This is the process of SDM. It is important to remember that many of us engage in SDM when we buy a car, look for a new home or invest in the stock market; when we rely on expert advice but retain the final decision-making power.

Currently, Marylanders with disabilities often lose the right to make these basic decisions because a substitute decision maker has been appointed. The appointment of a guardian, the most restrictive step, occurs when the court determines that the individual lacks the capacity to make decisions regarding their finances, their personal affairs, or both. People under guardianship often lose all ability to make important personal choices in their lives, choices that many of them could have made with appropriate supports.

According to the Council on Quality and Leadership in their White Paper on SDM in the U.S., nine other states have supported decision making laws. The White Paper concludes that, while more work is needed to collect data and develop best practices, SDM appears to offer a viable alternative to more restrictive guardianship laws.

Critics of SDM say that this process may leave individuals with disabilities open to exploitation. This bill includes important guidelines and requirements to ensure that individuals with disabilities are not coerced or unduly influenced by their supporters.

People with intellectual and cognitive disabilities deserve to be treated with respect and dignity, and they should have a voice in important decisions that affect their lives. For these reasons, we ask for a favorable report on HB 529.

Respectfully,

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