

FACT SHEET

Rhode Island's Supported Decision-Making Legislation

2019 -- S 0031 AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- SUPPORTED DECISION-MAKING ACT

Introduced by Senators Satchell, Seveney, Lawson, Nesselbush, and Cano

2019 – H 5909 AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- SUPPORTED DECISION-MAKING ACT

Introduced by Representatives Craven, McEntee, and McKiernan

Supported Decision-Making (“SDM”) is a form of decision-making assistance that promotes self-direction for adults, through the assistance of one or more supporters chosen by the adult. Supporters help the adult understand the nature and consequences of potential personal and/or financial decisions, so that the adult can make a decision. Supporters may help gather information, review options and/or communicate a decision. Under the proposed legislation, adults would complete a SDM agreement that identifies their supporters and their roles. The SDM agreement could then be relied upon by third parties.

Here are some additional facts about SDM.

SDM is an additional less restrictive alternative to guardianship; it does not take away other alternatives to guardianship.

SDM may not work for everyone, but for some people it will preserve their right to make their own decisions.

SDM is person-centered. It preserves decision-making autonomy, while providing ongoing supports to the individual.

The SDM legislation includes a statutory form that can be modified. Individuals may choose to consult an attorney, but can complete the form on their own.

Similar to a Power of Attorney, SDM does not require court involvement to set up.

This same SDM legislation (2018- H 7992) was overwhelming passed by the House last year.

Other states have already adopted SDM, including Alaska, the District of Columbia, Delaware, Indiana, Texas and Wisconsin