



THREE MORE STATES ENACT SDMA LAWS

(with apologies for how long this is, but it's important!)

SDMA laws are generally intended to do one or two different things; require third parties (like healthcare professionals, financial institutions, landlords, etc.) to accept decisions made by persons with SDMA without questioning their “capacity”—this is what we think of as the non-discrimination or civil rights aspect of these laws—or make clear that SDM and SDMA are a viable and potentially less restrictive alternative to guardianship. When SDMNY began, two states had passed such laws; at the beginning of the pandemic there were 10, and now, and, within the past few months, three new states, Colorado, Oregon and Virginia have also passed SDMA laws.

SDMNY worked inclusively for more than 18 months to create “*Principles for SDMA Legislation*” (click [here](#) to see the *Principles* with commentary) based on our experiences over the past 5 years. We were thrilled that OPWDD drew closely on those Principles in drafting an SDMA law that was sent to our New York State legislature last May. The OPWDD bill passed the State Senate, but the legislative session ended before the Assembly could consider it. The bill will have to “start over” in the next session, which begins in January, but we are hopeful that there will be lots of support and that it will pass next year.

What is exciting about these new state laws is that two of them incorporate ideas/provisions that are prominent in our *Principles*, but that were not previously included in any state’s SDMA law. The first is our belief, based on what we have learned from all of you, that SDMA are not just a piece of paper to be signed, but that SDM is a process that Decision-Makers and supporters alike must learn and commit to. Virginia has recognized this essential understanding by providing:

“The Department shall develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process by which an individual with an intellectual or developmental disability may enter into a supported decision-making agreement with a supporter, and the rights and responsibilities of principals and supporters who are parties to a supported decision-making agreement. Such program shall include (i) specific training opportunities for individuals with intellectual and developmental disabilities and who seek to enter into supported decision-making agreements, individuals interested in serving as supporters pursuant to supported decision-making agreements, family members of principals and individuals with intellectual and developmental disabilities who seek to enter into supported decision-making agreements...”

The second understanding is that SDM should be an integral part of the special education system, that transition planning shouldn’t focus on guardianship as a default position, but should inform students and their parents of alternatives and encourage them to pursue possibilities that honor autonomy and self-determination. Here’s what the Oregon law says about that:

“To promote self-determination and independence, the school district shall provide the child and the child’s parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship,...The school district shall provide the information ...at each individualized education program meeting that includes a discussion of post-secondary goals and transition services.”

All of this reminds us how important and impactful the work we are doing is to the ever-growing movement that respects and protects the human right of people with I/DD to make their own decisions with the supports they choose.