

NEW SDMA STATUTES POINT TOWARD NEED TO EDUCATE DECISION-MAKERS AND SUPPORTERS

When SDMNY began in 2016, 3 states had SDMA statutes; now there are 15 plus the District of Columbia. Until very recently, however, none required anything more than a document, often just a form, that is witnessed or notarized, signed by the Decision-Maker and their supporters.

Our experience—and that of pilot projects around the world—has demonstrated the importance of a well thought out process of facilitation to educate both Decision-Makers and supporters about what goes into making decisions, and when and what kinds of support may be useful to the Decision-Maker. Equally important, we have seen how the facilitation process enables Decision-Makers to grow in autonomy and responsibility, and supporters change from people who “know best” to those who recognize the Decision-Maker as an adult capable of making their own decisions—some with support— just like everyone else.

In the last year or so, several more states have passed SDMA laws, and, for the first time, two of those, Illinois and Virginia, make reference to some process of education for supporters, and Decision-Makers (called “Principals” or “Individuals with I/DD”) as well.

“A supporter shall seek training and education regarding the responsibilities and limitations of the supporter role...The Guardianship and Advocacy Commission shall develop training and education materials for both principals and supporters...” (Illinois)

“The Department [of Behavioral Health and Developmental Services] 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.” (Virginia)

Obviously no one knows yet what the “materials” or “program” will look like in those states, but we are encouraged that legislatures and advocates are beginning to recognize that an SDMA is much more than just a piece of paper. SDMNY’s “Principles for SDMA Legislation”, based on our “on-the-ground” experience over years, gives this guidance:

SDMAs should be the result of a process of facilitation or education designed to ensure that the Decision-Maker understands what goes into making a decision and obtaining support, and that Supporters understand their roles and how those roles may differ from their pre-existing relationships with the Decision-Maker.

We’d add, and hope you agree, that the SDMA is, and should be, the memorialization of a process that the Decision-maker and their supporters understand, have negotiated and agreed upon, and that is intended to serve the Decision-Maker for their whole life. That, takes time and hard work, and as all our Decision-Makers, their families and supporters have attested, it’s worth it!

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To see all our “Principles for SDMA Legislation”, with commentary, or all of the enacted SDMA statutes, click [here](#).