

OUR FIRST POST-SDMA LEGISLATION RESTORATION OF RIGHTS

The groundbreaking SDMA legislation that passed and was signed this July (Good News [7/29/22]) did a number of things, but one important one was the legislature's explicit finding that SDM could be a less restrictive alternative to guardianship. So it was especially exciting that after hearing testimony from a Decision-Maker, his supporters, and his SDMNY facilitator, the Surrogate in Monroe County (Rochester) terminated his guardianship, specifically finding that guardianship was not the least restrictive alternative and, further, that it was no longer in the Decision-Maker's best interest.

That historic Decision-Maker was Ryan, 31 who lives in Fairport, N.Y., enjoys collecting baseball cards, playing Match 3 games on his computer, socializing with friends and volunteering at the Red Cross. His wonderful lawyer was Erin McGuinness from our partner Disability Rights New York. Ryan began his journey to restoration several years ago when he reached out to Maureen Phillips, then SDMNY expansion site coordinator for Rochester/Western New York. She reports;

"Ryan is a strong self advocate, Several years ago Ryan reached out to me to better understand his rights and the power of a guardian. He shared that he did not need a guardian and we then explored alternatives to guardianship and the steps he could take to restore his rights. He ultimately decided to pursue supported decision-making, then linked with SDMNY."

His facilitator Sarah reports this about what happened next:

"Ryan and I began this process of creating his SDMA in Feb 2019. Throughout the whole process Ryan was very clear that he believed he should have final say in all areas of his life. He was able to identify people he trusted to help support him in the decision-making process and identify the ways his supporters could best assist him. When we had his SDMA ceremony on April 20th, 2021, Ryan was so excited to have this formal agreement to show the world what he has always known. When he found out he would have to go to court for his restoration, he was scared! He has worked diligently with his supporters, his care coordinator, me, and his lawyer throughout the court ...process. On Friday Nov 4th, Ryan had his hearing. He was able to sit through listening to all of us who have supported him tell the judge our feelings; along with being able to articulate himself his feelings and Ryan was granted his restoration."



Ryan and his supporter

Here's what Ryan said in response to Maureen's question, "What does SDM mean to you?":

"I feel like I can take initiative and make my own decisions. If people ask me about guardianship, I will let them know I do not have or need a guardian. A judge agrees... If someone asks me to sign something I would use my SDMA if I needed support. The people I chose would sit down with me and support my decision-making and get me information if I needed it to make my decision."

And when Sarah spoke to him this Monday, he said:

"We did it! I can now prove to anyone that I am capable! No one is going to make decisions for me ever again!"

Ryan's acknowledgment of everyone who was involved in the restoration isn't surprising, given what a thoughtful and generous young man he is, but we want to celebrate the determination and hard work he has shown in fighting for—and winning—his right to make his own decisions, just like everyone else!

CONGRATULATIONS RYAN, AND THANKS TO HIS SUPPORTERS, FACILITATOR SARAH AND ATTORNEY ERIN!