

# AN ANNIVERSARY (OR TWO) TO CELEBRATE

July 26 has been an important date for the disability community for the past 34 years since the historic signing of the Americans with Disabilities Act (ADA) in 1990. That law was, and continues to be important, not only because of the protections it provides to persons with disabilities, but because it marked the “official” change from what was then a medical model of disability, to our current social model. By understanding *dis*-ability as caused by the mismatch of the world as constructed, for persons of different abilities, the social model opens up the world to the possibility change that can accommodate those differences. Equally important, it places responsibility for doing so on society rather than on the individual with a disability. This anniversary is surely worth celebrating, and, significantly, it was chosen by our Governor for her signing of New York’s groundbreaking Supported Decision-Making Agreement (SDMA) Law two years ago.



*Presidential Proclamation on the Anniversary of the Americans with Disabilities Act, 2024*

In many ways our SDMA law builds and significantly expands on the ADA. It recognizes people with I/DD are not inherently *unable* to make their own decisions, but are *able* to do so with support, by family, friends, and others. It recognizes that people with I/DD have been *dis*-abled from having their decisions recognized and disregarded by third parties, whether through ignorance, bias, or prejudice, and it provides for required legal recognition of decisions made by those who have SDMA's made through a recognized facilitation process.



*Governor Kathy Hochul holds the signed SDMA law*

The passage of the SDMA law, as well as greater public knowledge about supported decision-making and SDMNY’s pioneering work is creating a sea change in the lives of people with I/DD and their families across the state and beyond. An ever-growing number of Decision-Makers demonstrate, day in and day out, that they are capable of making decisions about their lives with the support of people they trust and have chosen. Guardianship, which has long been the default position for families, is now beginning to be understood as a last resort for the few, not a necessary removal of rights for the many. Courts are denying guardianship where people with I/DD have decision-making support in place, and, more and more frequently, even if they do not, the courts are referring them to SDMNY to try our facilitation process as a “less restrictive alternative” to guardianship. People already under guardianship are going to court and having those guardianships terminated because they are informally practicing SDM and/or have SDMA's. Parents no longer need fear that, despite their desire for independence for their adult children with I/DD, at some point in the future they may have to obtain guardianship because a health care professional or some other critical figure refuses to accept and act on the decisions their children make. Every day we see and hear evidence of how the SDMA law has incentivized people with I/DD and their families to choose SDM facilitation rather than guardianship, and it’s just the beginning.

July 26 has always been a day of celebration for the disability community, but it is doubly so for us in New York as we look back on the ceremony that took place on July 26, 2022, the impact the SDMA law has already made, and the path it creates for realization of the right of everyone to make their own decisions, regardless of disability!

## HAPPY ADA AND SDMA LAW ANNIVERSARY!