



Title: HB 2015, ODDS: Supported Decision-Making

Purpose: Update Oregon law to ensure Oregonians with disabilities can be supported to make decisions about their own lives to the maximum extent possible.

What is Supported Decision-Making?

- Supported decision-making is when a person uses trusted family, friends, or professionals for support to understand, evaluate, and communicate their decisions. It gives the person with a disability the tools to make their own decisions. This is an approach nearly all people use when making decisions and must also be recognized when it is an approach used by individuals with disabilities.
- Supported decision-making has been best practice for supporting people with disabilities for decades. According to the 2018 report from the National Council on Disability, people who make their own decisions have better outcomes, are more independent and integrated into their communities, better employed, healthier, and better able to recognize and resist abuse. See [“Beyond Guardianship: Towards Alternatives That Promote Greater Self-Determination.”](#) Report from the National Council on Disability at p. 131 (March 22, 2018).
- Read more at: www.supporteddecisionmaking.org.

This Supported Decision-Making bill would update Oregon law to:

- Require that supported decision-making be explored as a less restrictive alternative before appointing a guardian. This is consistent with [American Bar Association Resolution 113](#) (2017), which recommends that state laws explicitly call out supported decision-making because it is often not otherwise explored as a less restrictive alternative.
- Specify requirements for written supported decision-making agreements.
- Require that schools provide training and information regarding supported decision-making when post-school outcomes are discussed.

This Supported Decision-Making bill is needed to:

- Formally recognize, authorize, and define supported decision-making in Oregon.
- Increase access to supported decision-making tools, training, information, safeguards, and standards.
- Often, families unnecessarily turn to guardianship, or other more restrictive options because they do not know supported decision-making is an option. Explicitly recognizing supported decision-making under the law would help ensure individuals and families are aware that supported decision-making is an option.

- Make sure public and private entities recognize supported decision-making as a reasonable accommodation (e.g. health care workers, residential providers, schools, educators, social service agencies, judges, courts, fiduciaries, etc.).
- Better prioritize public guardianship for more who truly need it.
- Modernize Oregon guardianship law to explicitly reference supported decision-making, similar to other states including: [Indiana](#) (2019); [Rhode Island](#) (2019); [North Dakota](#) (2019); [Nevada](#) (2019); [Washington](#) (2019) [Maine](#) (2018); [Tennessee](#) (2018); [Alaska](#) (2018); [Delaware](#) (2016); [Wisconsin](#) (2018); [Texas](#) (2015). Additionally, the [Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act \(UGCOPAA, 2017\)](#) recognizes Supported Decision-Making.
- Guardianship will continue to remain an option in Oregon and people can use supported decision-making when under guardianship. Promoting supported decision-making is important to ensure individuals with disabilities maintain civil liberties and are not subjected to unnecessary or over-restrictive guardianship.

Stories of Supported Decision-Making: <http://supporteddecisionmaking.org/impact>

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