

DISABILITY RIGHTS CENTER - NH

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Supported Decision-Making Is Now Law

On Tuesday, August 10, 2021, Governor Sununu signed SB 134, which establishes Supported Decision-Making (SDM) as a statutorily-recognized alternative to guardianship for adults with disabilities and their families.

In a guardianship proceeding, an adult with disabilities loses their right to make important decisions about their own lives, even about where they reside or how they spend their money. The use of SDM maintains the autonomy of the person with disabilities by providing supports so that the person can make their own decisions with the help of one or more trusted supporters.

Representative Wendy Chase, the prime sponsor of the bill, stated, “the state’s adoption of this important alternative to guardianship is a recognition that the autonomy of adults with disabilities should only be limited if absolutely necessary. Supported Decision-Making agreements can provide an alternative for families who wish to remain involved in the lives of loved ones with disabilities without diminishing their freedom to make choices about their own lives.”

SDM is a less restrictive alternative to guardianship. It is flexible in how it is applied from one person to the next, and in how it is applied to the same person over time. An SDM agreement will only exist if the person with the disability chooses it and is comfortable with their designated supporters.

“People with disabilities will now have more power to choose how to live their lives. People with greater self-determination are healthier, more independent, and better able to recognize and resist abuse. We are pleased that people with disabilities in New Hampshire now have a choice to use SDM as a safe alternative to full guardianship,” said Stephanie Patrick, Executive Director of DRC-NH. “We are grateful to Governor Sununu, Representative Chase, the House and Senate cosponsors, and the many other members of the legislature who supported this legislation and we look forward to its implementation.”

To learn more about SDM visit <https://drcnh.org/issue-highlight/supported-decision-making/>

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DRC-NH is New Hampshire's designated Protection and Advocacy system and is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities. More information about DRC-NH can be found at <http://www.drcnh.org>.