

10 REASONS

to Support a Supported Decision-Making Law in Florida



Supported Decision-Making (SDM) is a tool that allows an adult with a disability ("decision-maker") to appoint people they trust ("supporters") to support them in making their own decisions. The proposed law will codify SDM in Florida for the first time. **While SDM can be used by all people with disabilities, this law focuses on people with developmental disabilities by encouraging courts to consider SDM before appointing a guardian advocate.**

1 Honor the ID/DD Community's Contributions to SDM

While SDM can be used by all people with disabilities, it was pioneered by adults with developmental disabilities. The first cases in the US where SDM was ordered by a court, including in Florida, involved an adult with a developmental disability.

2 Conserve State Resources

Florida's courts are overwhelmed with guardianship and guardian advocacy cases. SDM keeps people with disabilities out of court, allowing courts to focus on cases where a substitute decision-maker is truly needed.

3 Protect Against Abuse & Neglect

SDM better enables people with disabilities to protect themselves from abuse and neglect. Guardian advocates have sole control over the person in their care's life with little oversight. This law will allow people with developmental disabilities to diversify their support system and oversee actions taken on their behalf.

4 Keep Loved Ones Involved

SDM allows loved ones to stay involved without the need for extensive paperwork. The new SDM law will allow supporters to obtain information for the decision-maker or communicate the decision-maker's decisions to others without the need for additional legal documents.

5 Join Southern States Leading the Way

In 2013, a Virginia state court became the first in the country to order the use of SDM. Kentucky and Florida courts followed in 2016 and 2017.

6 Join 16 States & D.C.

In 2015, Texas became the first state to pass an SDM law. Twelve states and D.C. followed: Delaware (2016), Wisconsin (2017), District of Columbia (2018), Missouri (2018), Alaska (2018), Indiana (2019), Maine (2019), North Dakota (2019), Nevada (2019), Rhode Island (2019), Louisiana (2020), Washington (2020), Minnesota (2020), New Hampshire (2021), Illinois (2021), Colorado (2021).

7 Further Florida's Pioneer Work on SDM

In 2016, a St. Lucie County judge found that SDM was a least restrictive alternative to guardianship for Michael Lincoln-McCreight and issued an order terminating his guardianship in favor of an SDM Agreement. From 2016-2017, The North Florida Office of the Public Guardian received a grant from the National Resource Center on Supported Decision-Making to use SDM to assist their clients. In 2020, Tyler Borjas became the second person in Florida to end his guardianship using SDM.

8 Improve Quality of Life

SDM provides people with disabilities with a better quality of life. Research shows that increased self-determination leads to better outcomes in employment and community integration, increases independence, and makes people with disabilities better able to identify situations that could lead to abuse. .

9 Protect the Sanctity of the Family Unit

Though court oversight is essential to protect people under guardian advocacy from being mistreated, guardian advocacy gives the court ultimate authority over the person with a developmental disability. Extensive reporting may be required and certain actions cannot be taken without the court's approval.

10 Give Families an Affordable Option

SDM lets all families legally support their loved ones regardless of income. While guardian advocacy can technically be done without an attorney, in practice it can be difficult to do. On average, the cost of setting up a guardianship or advocacy can range from \$5,000 to \$7,500 or more, and fees continue each year for annual reports. Cases to restore the person under guardianship or guardian advocacy's rights are just as expensive. SDM will be an affordable option when a substituted decision-maker is not needed.

MICHAEL'S STORY



Michael Lincoln-McCreight is a young adult with a developmental disability who participated in the Sheriff's Explorers, volunteered at hospitals, went to church, and loved movies. But after a petition to find him incapacitated was filed, all that changed. Though required by law to consider less restrictive alternatives, the court appointed Michael the public guardian. Michael's guardian restricted his every move and relationship, making his quality of life worse than before the guardianship. In 2016, a St. Lucie County judge found that SDM

was the least restrictive appropriate alternative to guardianship for Michael and terminated his guardianship in favor of an SDM Agreement. Months later, when Mike was invited to a podcast, he finally had the right to accept. He relied on his supporters to travel to Tallahassee, calling his uncle for advice and asking his friend for help buying a bus ticket. Today, Michael is as a Security Guard and the Co-Chair of the SDM4FL coalition. He helped draft the proposed SDM law. Listen to Mike's podcast episode [here](#).