

Testimony on Senate Bill 64 and House Bill 172

An Act Relative to Supported Decision Making Agreements for Certain Adults with Disabilities

To the Joint Committee on Children, Families,
and Persons with Disabilities
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Submitted by Paul J. Lanzikos, Executive Director,
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Good morning, Senator Chang-Diaz, Representative Khan, and Members of the Committee,

My name is Paul Lanzikos and currently I am Executive Director of North Shore Elder Services, a state designated Aging Services Access Point. I have been in this position for 15 years and in the field of aging services and advocacy for almost 50.

I am before you today in support of Senate Bill 64 and House Bill 172, *An Act Relative to Supported Decision Making Agreements for Certain Adults with Disabilities*.

At North Shore Elder Services, we serve as an elder protective services agency as well as a guardianship agency under contract with the Executive Office of Elder Services in addition to other home and community based services. We provide advice, information, support, advocacy, and services to thousands of older adults, many of whom who have limitations in their sensory and / or cognitive capacities. No matter what these limitations may be, virtually every one of the elders we serve wants to function at their optimal level of independence and self-determination as we all hope to do.

Everyone in this room regularly relies on decision making support, often many times during a typical day. However, we generally don't refer to the

process with the technical and formal term, supported decision making. We merely call it “getting advice”.

The bill before you establishes the public policy as well as the legal parameters to ensure that each one of our own personal decisions and choices is honored by those we interact with in the course of our daily lives as well as society in general especially if we have some functional, intellectual, or cognitive challenges. This is fully consistent with the United Nations Universal Declaration of Human Rights as articulated in the statement of principles for older persons. I am submitting a copy of this statement with my written testimony and have highlighted the portions that are most germane.

You may legitimately ask why this proposed legislation is necessary since most of us are in agreement with these expressed principles. It is needed for the basic reason that in society’s well-intentioned efforts to afford protection from exploitation and other abuses, various policies, programs, and requirements have been established and are routinely utilized. These include, but not limited to, determinations of guardianship and/or conservatorships, powers of attorney, substitute decision agreements, protective service orders, and the like. There are legitimate need for all these arrangements. However, there are many instances where they are applied with the best of intentions to protect and preserve well-being, but they come with the personal cost of the diminishment of or total loss of self-determination, choice, and even the basic notion of human dignity. Society also bears both tangible and intangible costs. First, there is the financial expense of maintaining the legal apparatus that determines and oversees guardianship and conservatorship arrangements. There is also the awareness that if one of us unnecessarily or inadvertently loses our self-determination, then we are all diminished in enjoying our rights.

All too often today, in the course of daily life, financial, health care, housing, and other service organizations have come to look to guardianship and conservatorship arrangements as convenient and easier ways to transact business with individuals who need assistance or support in decision making. However, the interests and rights of the person should be paramount over the desire of others for ease in transactions.

The enactment of a clear statement of public policy and the establishment protocols regarding supported decision making is essential to establish it as the prevailing way that business can be conducted that meets the needs and interests of the individual and provides confidence to the other party about the legitimacy of the decision.

While supported decision making is a broad concept, how it is utilized is very specific to each person and to each type of situation. I have included, as an exhibit, a menu of the ways and frequencies that supported decision making can be used.

Seven states and the District Columbia have enacted supported decision making statutes, with Nevada being the most recent in the past month. Since colonial times, Massachusetts has championed the inherent value of self-determination. Enactment of this proposed legislation is consistent with this sentiment. Massachusetts, once again, has the opportunity to lead the nation in the recognition and protection of an inalienable right for each and every one of its citizens.

I urge that you give favorable consideration to this important and timely proposed legislation.

Thank you for your attention.