



Center for Public
Representation

**Testimony of Michael J. Kendrick, Ph.D.
Center for Public Representation
in Support of Senate Bill 109 and Supported Decision-Making**

Boston, Massachusetts, September 18, 2023

My name is Michael Kendrick, and I am the Senior Advisor on Supported Decision-Making Initiatives at the Center for Public Representation. CPR is a legal advocacy center that is committed to protecting and advancing the rights of people with disabilities. We have been an active member of the Massachusetts Advocates for Supported Decision-Making coalition and strongly support Senate Bill 109.

I am focusing my testimony today on CPR's experience with piloting Supported Decision-Making in Massachusetts and the benefits we have seen the practice have in people's lives. In 2014, CPR, in conjunction with Nonotuck Resources Associates, began the first Supported Decision-Making pilot in the United States to be independently evaluated. The evaluation was conducted by the Human Services Research Institute in Cambridge, Massachusetts, for a two-year period. The pilot included individuals with intellectual and developmental disabilities ranging in age from their 20's through their 80's. The pilot participants had a variety of diagnoses, medical conditions, and some even had dementia. Without exception, the research demonstrated that Supported Decision-Making was a viable alternative to guardianship, and that people felt much more empowered, gained skills, and felt more in charge of their lives. We went on to help establish 5 additional pilots in Massachusetts and one in Georgia. SDM has proven to be equally effective and viable for people from diverse communities including people of different racial, linguistic, ethnic and cultural backgrounds.

Too many people are unnecessarily placed in overly restrictive guardianships where they lose their legal authority to make decisions for the remainder of their lives, absent court recension. Rather than to presume the imposition of legal guardianship to be the starting point for protecting potentially vulnerable persons, it is much better to begin with a solution that legally enables the potentially vulnerable person to unambiguously retain their personal right to make their own decisions -- but with the added intentional safeguard of receiving individually tailored personal support from others they trust.

This approach is not intended as a means to entirely discontinue the use of legal guardianship, but instead to deliberately increase the use of less restrictive personal support options that act to intentionally strengthen people's capacities both to make their own decisions and improve their decision making.

CPR urges swift passage of Senate Bill 109, so that more people can access the benefits of supported decision-making. Having a supported decision-making statute in Massachusetts will help ensure such arrangements are honored and respected by third parties, including health care providers, educational agencies, and financial institutions. The time for this statutory recognition is now. Such action, if taken in Massachusetts, will undoubtedly act to ensure and preserve the rights and autonomy of more Commonwealth residents through the intentional mobilization of supporters they trust to help them with their decision making. Thank you for your time.