



JOHN J.FORD  
DIRECTOR, ELDER LAW PROJECT  
JFORD@NJC-MA.ORG

181 UNION STREET, SUITE 201B  
LYNN, MA 01901  
781-244-1410  
FAX: 781-244-1413

**OFFICES:**  
LYNN  
LAWRENCE  
LOWELL

September 3, 2025

Senate Chair Robyn K. Kennedy  
House Chair Jay D. Livingstone  
Senate Vice Chair Liz Miranda  
House Vice Chair Judith A. Garcia  
Joint Committee on Children, Families and Persons with Disability  
State House,  
Boston MA 02133

Re: Supported Decision Making (H 261/ S 155)

Dear Members of the Committee:

I am submitting this testimony in support of H 261/ S 155 on behalf of the Massachusetts Guardianship Policy Institute, whose goals include fostering alternatives to guardianship proceedings for individuals who may need decisional support in some form but do not require the imposition of a guardianship..

As a legal services attorney who has worked for decades to reform and improve guardianship practice and procedures, and the alternatives, I want to focus on a specific goal that the SDM bill will play a major role in accomplishing. As you may know, when a petition for the appointment of a guardianship is filed with the Probate Court, the petitioner must disclose whether the respondent has executed a health care proxy document or a durable power of attorney document. This was a valuable aspect of the guardianship reform that occurred back in 2009, because it forces everyone to focus on whether the allegedly incapacitated person already has in place a known and trusted person who can make medical or financial decisions in which case a guardian is not necessary. Moreover, even if the respondent has not executed such documents, this should trigger an inquiry, in the context of the drafting of the medical certificate, into the capacity to execute such documents, notwithstanding any impairment. While health care proxy documents and durable powers of attorney are not cure-alls, nobody can argue that, generally speaking, a person needing support is better served by a trusted family member or friend than a stranger who has no history or relationship with the individual.

If the SDM bill is enacted into law, our hope is that the Legislature's blessing will result in the Probate Court's revising its forms and procedures to add the requirement that a guardianship petitioner must disclose whether a respondent has executed a supported decision making agreement as well as a HCP or DPOA. In this way, a petitioner, and a medico drafting a medical certificate, will be steered into considering SDM as a remedy for the respondent and a deeper inquiry into the respondent's capacity and support system.

We must all do what we can to strengthen alternatives to guardianship proceedings, even as we strive to improve the ability of court appointed guardians to meet the challenges of serving incapacitated persons and strengthen oversight of such guardians to ensure the human rights of individual who need help in making decisions in their every day lives are respected..

I have heard no convincing argument that Massachusetts should not should not join the trend among many other States to adopt an SDM statute which will respect an individual's autonomy even as it gives a measure of comfort to third parties like landlords, merchants, medical providers, bankers, etc. in every day life.

From this perspective, enactment of the SDM law, as with health care proxy and durable power of attorney laws, this improvement alone should persuade the Legislature to make SDM a reality and a benefit to residents of Massachusetts – s benefit that has no pubic costs, but a private benefit for many

Thank you for your support,

Very truly yours,

John J. Ford  
Director  
Elder Law Project

JJF/s