



MASSACHUSETTS
Guardianship Policy Institute

GUARDIAN COMMUNITY TRUST
ONE ELM SQUARE, STE. 2D
ANDOVER, MA 01810
(978) 775-3500

NORTHEAST JUSTICE CENTER
181 UNION STREET, #201B
LYNN, MA 01901
(781) 244-1410

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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

TESTIMONY OF MASSACHUSETTS GUARDIANSHIP POLICY INSTITUTE IN SUPPORT
OF
S155, H261: AN ACT RELATIVE TO SUPPORTED DECISION-MAKING AGREEMENTS
FOR CERTAIN ADULTS

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 (the 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.

Supported decision-making helps adults, including those with disabilities and older adults, to maintain their rights, dignity, and independence by choosing one or more trusted supporters to aid in making decisions about their lives.

SDM enables adults to make decisions with trusted supporters, instead of having someone else make decisions for them. In some instances, adults with disabilities are unnecessarily placed under guardianship when they would be able to make their own decisions and retain legal rights if they received individualized assistance from people they trust.

Many respected national organizations and federal agencies have endorsed SDM as an option, including the American Bar Association, National Guardianship Association, The Arc of the United States and the National Council on Disability. Twenty- three states and the District of

Columbia provide a legal framework for SDM agreements.

SDM is an alternative to guardianship. It would not replace guardianship for those adults who need that level of support. There will always be a need for court-appointed guardians for those adults. But for many individuals with disabilities, guardianship is too restrictive. They deserve the right to make their own decisions about health care, finances and more, with the help of trusted supporters.

Passing this bill would also save time and money in probate courts by reducing the number of guardianship petitions for people who do not need them.

Thank you for considering this important bill. We at the Institute urge you to consider reporting this bill out of committee favorably.

Sincerely,

Wynn A. Gerhard
Guardianship Policy and Practice Attorney
Massachusetts Guardianship Policy Institute
Guardian Community Trust

