

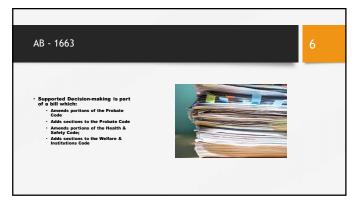
2 • AB 1663 newly enacted Bill which makes revisions and additions to certain statutes • Discuss the need for the Bill • Dissect the codes which comprise Supportive DecisionMaking • Discuss how to create a Supportive DecisionMaking Agreement • Discuss benefits and potential issues for Estate Planners





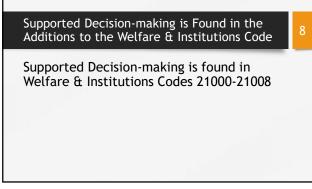












Welfare & Institutions Code 21000-21008

DEFINITION OF "SUPPORTED DECISIONMAKING" W&I Code § 21001(c)

(c) "Supported decisionmaking" means an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding the self-determination of the adult.

Welfare & Institutions Code 21000

slature finds and declares all of the follo

(a) Aduits with disabilities, including older aduits with disabilities, are presumed competent and to have the capacity to make decisions regarding their day-to-day health, safety, welfare, and social and financial affairs, unless otherwise determined through legal proceedings. (b) All adults, to the best of their ability and with supports they choose, should be able to be informed about, and participate in, the management of their affairs.

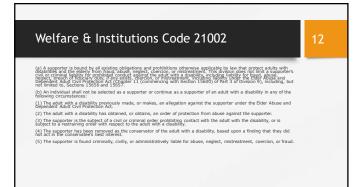
(c) Like adults without disabilities, adults with disabilities may use a wide range of voluntary supports to help them understand, make, and communicate their own decisions. These voluntary arrangements should be encouraged and recognized as a valid way for people with disabilities to strengthen their capacity and maintain their autonomy.

(d) The capacity of an adult should be assessed with any supports, including supported decisionmaking, that the person is using or could use. (e) Supported decisionmaking offers adults with disabilities a flexible way to maintain autonomy and decisionmaking authority over their own lives by developing and maintaining voluntary supports to assist them in understanding, making, communicating, and implementing their own informed choices.

naking can be a way to strengthen the capacity of an adult with a disability (f) Supported de (r) displand decisionnaling can be drary to subdytime the capacity on entropy that subdivision decisionnaling can be drary to subdytime the capacity on entropy that subdivision decision decision and the subdivision decision d

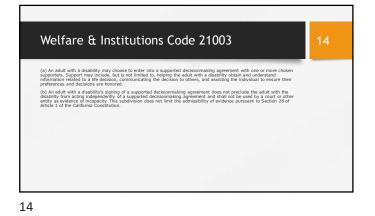
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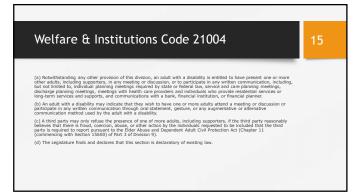
Welfare & Institutions Code 21001 The following definitions apply for purposes of this division: (a) *datu with a disability' means an adult with any disability, including an older adult with a disability or an age-related disability. Oisability functions, but is not furthed to, an intellectual or developmental disability, earning depretative disability, communication disability, psychiatric disability, physical disability, sprong disability, learning or condition. (b) "Life decision" means any decision that affects the adult with a disability, including, but not limited to, a decision regarding any medical, psychological, financial, educational, living arrangement, access to home and community-based services, social, sexual, religious, or occupational matter. (c) "Supported decisionmaking" means an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding the self-determination of the adult. (c) Supported designmenting agreement, means a voluntary entre or writen in prior property in the prior of the second designment and the second designment and the second designment and the second designment shall be signed in conformance with subdivision (b) of Section 21005 and may be revealed confly or in or or by video or aution from the writer in the signed and second and the second and (e) "Supporter" means one or more adults who meet the requirements in Section 21002 and who enter into a supported decisionmaking agreement to help the adult with a disability make decisions.



Welfare & Institutions Code 21002..cont'd

(c) A support shall do all of the following:
(1) Support and implement the direction, will, and preferences of the adult with a disability.
(2) Respect the values, beliefs, and preferences of the adult with a disability.
(3) Act honestry, diligently, and in good faith.
(4) Act which the scope identified by the adult with a disability.
(5) sisticatin confidentiality of any information obtained by a supporter, unless the adult with a disability supporter shall not core an adult with a disability.
(4) I A supporter shall not core an adult with a disability.
(5) Joins does not be of the following:
(6) Li A supporter shall not core an adult with a disability.
(7) Nakes decisions for, or on behalf of the adult with a disability.
(8) Sign documents on behalf of the adult with a disability.
(9) Sign documents on behalf of the adult with a disability.
(9) A supporter shall not obtain information nor reasonably related to matters with which the adult with a disability has disability, expecting and you be on disability.
(9) A supporter shall not dotain information nor reasonably related to matters with which the adult with a disability has disability.
(1) A supporter shall not dotain information in the propose other than supporting the adult with a disability.
(2) A supporter shall not dotain information in the support has a not prove other than supporting the adult with a disability.
(3) A supporter shall not dotain information in the supporter has an information not reasonably related to matters. This includes, but is not limited to, any decision in which the supporter has an information not reasonably related to matters.





Welfare & Institutions Code 21005

(a) A supported decisionmaking agreement shall be written in plain language accessible to the adult with the disability and shall include, but not be limited to, all of the following:

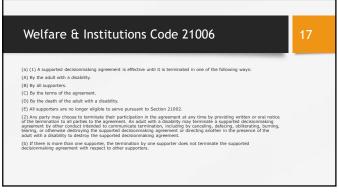
(1) A list of the areas in which the adult with a diability requests support. (2) A list of the areas in which the supporter agrees to provide the support. (3) The supporter's agreement that they meet each of the requirements specified in Section 21002.

(4) Information advising the adult with a disability about their right to file a report under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9), including, but not limited to, Sections 15656 and 15657.

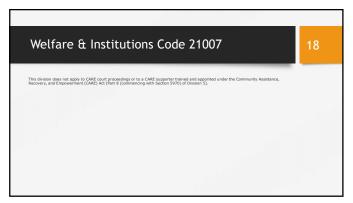
w. excerns 13020 ml 13021. (5) Information and cogies of their supported or substituted decisionnaking documents the addit with a disability has in place, including, but not inteed to, powers of attorney, authorizations to share medical or educational information, authorization programment and the signed by the addit with a disability and each supported discussments that be signed by the addit with a disability and each supported in preserve of two or more attesting and disinterested windness who are alterest 13 wars of age or a notary public. The addit with a disability may use reasonable modifications, such as assistive technology or physical assistance, to sign the agreement.

(c) A supported decisionmaking agreement should be reviewed by all supporters and the adult with a disability every two years and updated as needed. An updated agreement shall be signed as required in subdivision (b).

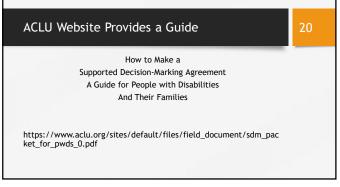
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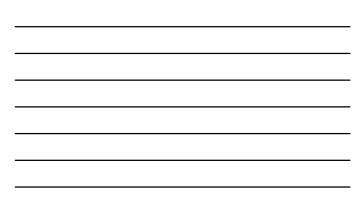
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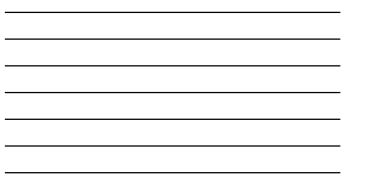
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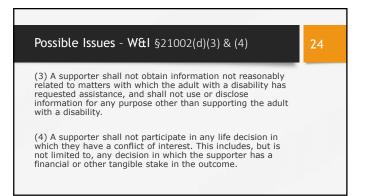












Drafters' Perspective

- How does a Supportive Decision-Making Agreement correlate with an Immediate DPA?
 How does a Supportive Decision-Making Agreement correlate with an Immediate Health Care Directive?
- HIPAA?
- Do Supporters have a Fiduciary Duty?
 Do Supporters have a Fiduciary Duty?
 Review OC Local Form L-3016 ADL Assessment of the Proposed Conservatee for ideas on creating a Supportive Decision-Making Agreement
- Does a Supportive Decision-Making Agreement become part of your EP Package?