

March 5, 2024

Re: SF 3438

Dear Chair Latz and Members of the Committee:

The Minnesota Elder Justice Center, The Arc Minnesota, and the Center for Excellence in Supported Decision Making write in support of SF 3438, with inclusion of Task Force language that prioritizes Supported Decision-Making as a best practice alternative to guardianship.

For too long, people with IDD, older adults, and individuals with mental health support needs have been subjected to restrictive guardianships that strip them of their civil rights and decision-making authority. We believe all people have the right to make decisions, have control in their lives, advocate for themselves, and get support from trusted allies as they make decisions. That's why we promote less restrictive alternatives to guardianship – such as Supported Decision Making – when working with people to navigate the aging and disability service system.

Sections 1 and 2: The Liability Language Strikes the Correct Balance

We support SF3438's language to amend immunity of guardians whose conduct falls under the categories listed in section 2. We believe the standard in line 5.25 represents a well-balanced approach to address a gap in protections for persons under guardianship who have experienced reckless behavior by a guardian, while still protecting those who serve in their roles in good faith.

Section 3: A Task Force on Guardianship Must be Centrally Focused on Funding and Promoting Less Restrictive Alternatives

Our organizations had concerns about the scope of the proposed Task Force as originally written, **however, we support the changes to the Task Force made in HF3483, the companion to this bill.**

Without a Task Force focused on Supported Decision-Making, we are concerned that the concept of such a Task Force is too focused on increasing guardianship, when the current policy direction of the state and all recent best practice research nationwide shows that we should instead be focusing on prioritizing and expanding alternatives to guardianship, like Supported Decision-Making. **Supported Decision-Making is a best practice in helping individuals with disabilities, older adults, and others with cognitive limitations make informed choices.** It respects the autonomy of older adults, individual living with disabilities, and those with cognitive impairment, while intentionally supporting them to build their confidence and competence in decision-making.

While guardianship is appropriate in some instances, it should be the very last alternative considered as it can greatly restrict a person's ability to make decisions about where to live, their healthcare, or even if they can vote. We have been in discussions with proponents of the bill regarding amendments to the Task Force language, and are deeply grateful for the changes to prioritize Supported-Decision Making.

Gratefully,

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