

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 861
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10300-MM-119 (03/25)

Short Title: Study Supported Decision-Making. (Public)

Sponsors: Representatives Farmer-Butterfield, R. Turner, Hurley, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION STUDY
3 SUPPORTED DECISION-MAKING AS AN ALTERNATIVE TO GUARDIANSHIP OF
4 THE PERSON.

5 Whereas, the General Assembly has a strong interest in protecting older people and
6 people with disabilities' right to express their own preferences, make their own decisions, and
7 direct their own life, free from overbroad or undue guardianship; and

8 Whereas, Supported Decision-Making is a less restrictive alternative to guardianship
9 that allows people with limitations in decision-making choose trusted friends, family members,
10 and professionals to help them understand the situations and choices they face so they may
11 make their own decisions without the need for a guardian; and

12 Whereas, research has demonstrated a direct relationship between the authority and
13 opportunity to express preferences and make life choices ("self-determination") and quality of
14 life; and

15 Whereas, people with limitations who exercise greater self-determination are better
16 problem solvers, more independent, more likely to be employed in higher paying jobs, and less
17 likely to be abused; Now, therefore,

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.** The Legislative Research Commission shall study whether North
20 Carolina's statutes related to guardianship of the person should be amended to include a process
21 for implementing supported decision-making. As part of the study, the Commission is
22 encouraged to review, at a minimum, the following:

23 (a) Article 12 of the Convention on the Rights of Persons with Disabilities,
24 adopted by the United Nations General Assembly on December 13, 2006, and signed by the
25 United States of America on June 30, 2009.

26 (b) Findings and recommendations of the 2012 National Roundtable on
27 Supported Decision-Making hosted by the American Bar Association (ABA) Commission on
28 Disability Rights and the ABA Commission on Law and Aging, with the Administration on
29 Intellectual and Developmental Disabilities (AIDD) in the Administration for Community
30 Living, U.S. Department of Health and Human Services.

31 **SECTION 2.** This act is effective when it becomes law.

