



Florida
Developmental
Disabilities
Council, Inc.

Legislative Platform 2023



Supported Decision Making 2023

Position Statement

The Council supports meaningful alternatives to full guardianship and Guardian Advocacy. Supported Decision Making can be explored when guardianships are considered. Some of the more restrictive forms of guardianship, while necessary for some individuals, can be considered a last resort after less restrictive options are explored.



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Issue

The Florida Developmental Disabilities Council has been a leader in Guardianship alternatives, for individuals with developmental disabilities, for years. The Council's Lighting the Way to Guardianship is a popular publication outlining different alternatives to a full guardianship.

Supported Decision-Making (SDM) is an alternative to guardianship that allows people with disabilities to make their own decisions with the support of people they trust. It is a unique tool proven successful in 15 states and D.C., that will further the Florida Legislature's intent to ensure guardianship is only imposed when there is no alternative.

Regardless of a person's legal status (even for individuals under guardian advocacy or full guardianships) the person with a disability should be meaningfully involved in making decisions about their life and the person's wishes and preferences should be followed to the greatest extent possible.

Parents of children with disabilities are often told they need to seek guardianship as soon as their child turns 18. Meanwhile, the Florida law states that you cannot put someone under guardianship if there is a "less restrictive" alternative, but the law does not offer a meaningful alternative. Judges and loved ones need more information and options.

Finally, SDM provides people with disabilities with a better quality of life. Research shows that increased self-determination leads to better outcomes in employment and community integration. Increased independence can help people with disabilities be better able to identify situations that could lead to abuse.

Recommendations



List alternatives to guardianship in Florida Statute, including SDM and ensure judges have the information they need to protect people with disabilities.



Require anyone trying to put another person under guardianship or guardian advocacy to show why an alternative, including SDM, will not work.



Support an SDM system that allows loved ones to stay involved without the need for extensive cost and paperwork.

