10 REASONS
to Support a Supported Decision-Making Law in Florida

Supported Decision-Making (SDM) is an alternative to guardianship that allows an adult with a disability ("decision-maker") to appoint people they trust ("supporters") to support them in making their own decisions.

1 Clarify the Law
An SDM law would clarify Florida's existing guardianship law and facilitate compliance. Florida's guardianship law requires there be no least restrictive alternative before appointing a guardian. But the law does not provide a meaningful alternative. The proposed law will list alternatives to guardianship and ensure judges have the information they need to protect people with disabilities.

2 Conserve State Resources
Judges and court staff do not have the resources to handle the multiple thousands of guardianship cases currently active. Meanwhile, the state's elderly population continues to grow. In the 2017-2018 fiscal year alone, 7,317 new guardianship cases were filed. SDM keeps people out of the system, allowing courts to focus on cases where guardianship is truly needed and on catching bad actors.

3 Protect Against Abuse & Neglect
SDM better enables people with disabilities to protect themselves from abuse and neglect. Guardians and guardian advocates have sole control over the person in their care's life with little oversight. SDM allows people with disabilities to diversify their support system and oversee actions taken on their behalf.

4 Keep Loved Ones Involved
SDM allows loved ones to stay involved without the need for extensive paperwork. The new SDM law will allow supporters to obtain information for the decision-maker or communicate the decision-maker's decisions to others without the need for additional legal documents.

5 Join Southern States Leading the Way
In 2013, a Virginia state court became the first in the country to order the use of SDM as an alternative to plenary guardianship. Kentucky and Florida courts followed in 2016 and 2017.

6 Join 12 States & D.C.
Further Florida's Pioneer Work on SDM

In 2016, a St. Lucie County judge found that SDM was a least restrictive alternative to guardianship for Michael Lincoln-McCreight and issued an order terminating his guardianship in favor of an SDM Agreement. From 2016-2017, The North Florida Office of the Public Guardian received a grant from the National Resource Center on Supported Decision-Making to use SDM to assist people under their guardianship with achieving greater decision-making independence.

Improve Quality of Life

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, increases independence, and makes people with disabilities better able to identify situations that could lead to abuse. As people with disabilities, including those who are older adults, face heightened challenges due to COVID-19, the ability to make their own decisions, including housing and medical choices, is more essential than ever.

Protect the Sanctity of the Family Unit

Though court oversight is essential to protect people under guardianships from being mistreated by their guardians, guardianships can be very intrusive. For example, a Miami mother who is her son's guardian would need to ask the court for permission to take him to Disney World. SDM gives privacy to families where the person with a disability does not need the court's oversight. It protects these families from undue government intrusion.

Give Families an Affordable Option

SDM lets all families legally support their loved ones regardless of income. On average, the cost of setting up a guardianship can range from $5,000 to $7,500 or more, and fees continue each year for annual reports. Cases to restore the person under guardianship's rights are just as expensive. SDM will be an affordable option for families who do not need guardianship, as it does not involve the costs associated with going to court. SDM will give all families more options.

MICHAEL'S STORY

Michael Lincoln-McCreight is a young adult with a developmental disability who participated in the Sheriff’s Explorers, volunteered at hospitals, went to church, and loved movies. But when a professional guardian filed a petition to find him incapacitated, all that changed. Though required by law to consider less restrictive alternatives, the court appointed Michael a public guardian. Michael's guardian restricted his every move and relationship, making his quality of life worse than before the guardianship. In 2016, a St. Lucie County judge found that SDM was the least restrictive appropriate alternative to guardianship for Michael and terminated his guardianship in favor of an SDM Agreement. Months later, when Mike was invited to a podcast, he finally had the right to accept. He relied on his supporters to travel to Tallahassee, calling his uncle for advice and asking his friend for help buying a bus ticket. Today, Michael is a Security Guard and the Co-Chair of the SDM4FL coalition. He helped draft the proposed SDM law. Listen to Mike's podcast episode here.