

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 861

Short Title: Study Supported Decision-Making.

(Public)

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

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION STUDY SUPPORTED DECISION-MAKING AS AN ALTERNATIVE TO GUARDIANSHIP OF THE PERSON.

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

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

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

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

The General Assembly of North Carolina enacts:

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

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

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

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

