

House Engrossed

supported decision-making; supporter obligations

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2538

AN ACT

AMENDING SECTION 14-1201, ARIZONA REVISED STATUTES; AMENDING TITLE 14,
CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; RELATING TO
INDIVIDUALS WITH DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-1201, Arizona Revised Statutes, is amended to
3 read:

4 14-1201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Agent" includes an attorney-in-fact under a durable or
7 nondurable power of attorney, a person who is authorized to make decisions
8 concerning another person's health care and a person who is authorized to
9 make decisions for another person under a natural death act.

10 2. "Application" means a written request to the registrar for an
11 order of informal probate or appointment under chapter 3, article 3 of
12 this title.

13 3. "Basis for compensation" means an hourly rate, a fixed fee or a
14 contingency fee agreement and reimbursable costs.

15 4. "Beneficiary", as it relates to a trust beneficiary, includes a
16 person who has any present or future interest, vested or contingent, and
17 includes the owner of an interest by assignment or other transfer. As it
18 relates to a charitable trust, beneficiary includes any person entitled to
19 enforce the trust. As it relates to a beneficiary of a beneficiary
20 designation, beneficiary refers to a beneficiary of an insurance or
21 annuity policy, an account with pay on death designation, a security
22 registered in beneficiary form or a pension, profit sharing, retirement or
23 similar benefit plan, or any other nonprobate transfer at death. As it
24 relates to a beneficiary designated in a governing instrument, beneficiary
25 includes a grantee of a deed, a devisee, a trust beneficiary, a
26 beneficiary of a beneficiary designation, a donee, appointee or taker in
27 default of a power of appointment and a person in whose favor a power of
28 attorney or a power held in any person, fiduciary or representative
29 capacity is exercised.

30 5. "Beneficiary designation" refers to a governing instrument
31 naming a beneficiary of an insurance or annuity policy, of an account with
32 pay on death designation, of a security registered in beneficiary form or
33 of a pension, profit sharing, retirement or similar benefit plan, or any
34 other nonprobate transfer at death.

35 6. "Certified paper original" means a tangible medium that contains
36 both the text of an electronic will and any self-proving affidavit
37 concerning the electronic will and that is accompanied by an affidavit
38 that is executed pursuant to section 14-2523.

39 7. "Child" includes a person who is entitled to take as a child
40 under this title by intestate succession from the parent whose
41 relationship is involved. Child excludes a person who is only a
42 stepchild, a foster child, a grandchild or a more remote descendant.

43 8. "Claims", in respect to estates of decedents and protected
44 persons, includes liabilities of the decedent or the protected person,
45 whether arising in contract, in tort or otherwise, and liabilities of the

1 estate that arise at or after the death of the decedent or after the
2 appointment of a conservator, including funeral expenses and expenses of
3 administration. Claims do not include estate or inheritance taxes or
4 demands or disputes regarding title of a decedent or a protected person to
5 specific assets alleged to be included in the estate.

6 9. "Community property" means that property of a husband and wife
7 that is acquired during the marriage and that is community property as
8 prescribed in section 25-211.

9 10. "Conservator" means a person who is appointed by a court to
10 manage the estate of a protected person.

11 11. "Court" means the superior court.

12 12. "Dependent child" means a minor child whom the decedent was
13 obligated to support or an adult child who was in fact being supported by
14 the decedent at the time of the decedent's death.

15 13. "Descendant" means all of the decedent's descendants of all
16 generations, with the relationship of parent and child at each generation.

17 14. "Devise", when used as a noun, means a testamentary disposition
18 of real or personal property and, when used as a verb, means to dispose of
19 real or personal property by will.

20 15. "Devisee" means a person designated in a will to receive a
21 devise. For the purposes of chapter 3 of this title, in the case of a
22 devise to an existing trust or trustee, or to a trustee on trust described
23 by will, the trust or trustee is the devisee and the beneficiaries are not
24 devisees.

25 16. "Disability" means cause for a protective order as described in
26 section 14-5401.

27 17. "Distributee" means any person who has received property of a
28 decedent from that person's personal representative other than as a
29 creditor or purchaser. Distributee includes a testamentary trustee only
30 to the extent of distributed assets or increment that remains in that
31 person's hands. A beneficiary of a testamentary trust to whom the trustee
32 has distributed property received from a personal representative is a
33 distributee of the personal representative. For the purposes of this
34 paragraph, "testamentary trustee" includes a trustee to whom assets are
35 transferred by will, to the extent of the devised assets.

36 18. "Electronic" means having electrical, digital, magnetic,
37 optical, electromagnetic or similar capabilities.

38 19. "Electronic record" means a record that is created, generated,
39 sent, communicated, received or stored by electronic means.

40 20. "Electronic signature" means an electronic method or process
41 that does both of the following:

42 (a) Is attached to or logically associated with an electronic
43 record and that is executed or adopted by a person with the intent to sign
44 the electronic record.

1 (b) Uses a security procedure that allows a determination that the
2 electronic signature was all of the following:

3 (i) Unique to the person using it.

4 (ii) Capable of verification.

5 (iii) Under the sole control of the person making the electronic
6 signature.

7 (iv) Linked to the electronic record to which the electronic
8 signature relates in a manner so that if the electronic record is changed
9 the electronic signature is invalidated.

10 21. "Electronic will" means a testamentary instrument that is
11 executed and maintained on an electronic medium and that is executed in
12 compliance with section 14-2518.

13 22. "Estate" includes the property of the decedent, trust or other
14 person whose affairs are subject to this title as originally constituted
15 and as it exists from time to time during administration. As it relates
16 to a spouse, the estate includes only the separate property and the share
17 of the community property belonging to the decedent or person whose
18 affairs are subject to this title.

19 23. "Exempt property" means that property of a decedent's estate
20 that is described in section 14-2403.

21 24. "Fiduciary" includes a personal representative, guardian,
22 conservator and trustee.

23 25. "Foreign personal representative" means a personal
24 representative who is appointed by another jurisdiction.

25 26. "Formal proceedings" means proceedings that are conducted
26 before a judge with notice to interested persons.

27 27. "Governing instrument" means a deed, will, trust, insurance or
28 annuity policy, account with pay on death designation, security registered
29 in beneficiary form, pension, profit sharing, retirement or similar
30 benefit plan, instrument creating or exercising a power of appointment or
31 ~~a~~ power of attorney OR SUPPORTED DECISION-MAKING AGREEMENT or a
32 dispositive, appointive or nominative instrument of any similar type.

33 28. "Guardian" means a person who has qualified as a guardian of a
34 minor or incapacitated person pursuant to testamentary or court
35 appointment but excludes a person who is merely a guardian ad litem.

36 29. "Guardian ad litem" includes a person who is appointed pursuant
37 to section 14-1408.

38 30. "Heirs", except as controlled by section 14-2711, means
39 persons, including the surviving spouse and the state, who are entitled
40 under the statutes of intestate succession to the property of a decedent.

41 31. "Incapacitated person" has the same meaning prescribed in
42 section 14-5101.

43 32. "Informal proceedings" means those proceedings conducted
44 without notice to interested persons by an officer of the court acting as

1 a registrar for probate of a will or appointment of a personal
2 representative.

3 33. "Interested person" includes any trustee, heir, devisee, child,
4 spouse, creditor, beneficiary, person holding a power of appointment and
5 other person who has a property right in or claim against a trust estate
6 or the estate of a decedent, ward or protected person. Interested person
7 also includes a person who has priority for appointment as personal
8 representative and other fiduciaries representing interested persons.
9 Interested person, as the term relates to particular persons, may vary
10 from time to time and must be determined according to the particular
11 purposes of, and matter involved in, any proceeding.

12 34. "Issue" of a person means descendant as defined in this
13 section.

14 35. "Joint tenants with the right of survivorship" and "community
15 property with the right of survivorship" includes co-owners of property
16 held under circumstances that entitle one or more to the whole of the
17 property on the death of the other or others but excludes forms of
18 co-ownership registration in which the underlying ownership of each party
19 is in proportion to that party's contribution.

20 36. "Lease" includes any oil, gas or other mineral lease.

21 37. "Letters" includes letters testamentary, letters of
22 guardianship, letters of administration and letters of conservatorship.

23 38. "Minor" means a person who is under eighteen years of age.

24 39. "Mortgage" means any conveyance, agreement or arrangement in
25 which property is encumbered or used as security. Mortgage does not
26 include leases or easements.

27 40. "Nonresident decedent" means a decedent who was domiciled in
28 another jurisdiction at the time of the decedent's death.

29 41. "Organization" means a corporation, limited liability company,
30 business trust, estate, trust, partnership, joint venture, association,
31 government or governmental subdivision or agency or any other legal or
32 commercial entity.

33 42. "Original will" means either an original paper will or a
34 certified paper original of an electronic will.

35 43. "Paper will" means a testamentary instrument that is executed
36 and maintained on a tangible medium and that is executed in compliance
37 with section 14-2502 or 14-2503.

38 44. "Parent" includes any person entitled to take, or who would be
39 entitled to take if the child died without a will, as a parent under this
40 title by intestate succession from the child whose relationship is in
41 question and excludes any person who is only a stepparent, foster parent
42 or grandparent.

43 45. "Payor" means a trustee, insurer, business entity, employer,
44 government, governmental agency or subdivision or any other person who is
45 authorized or obligated by law or a governing instrument to make payments.

- 1 46. "Person" means an individual or an organization.
2 47. "Personal representative" includes an executor, an
3 administrator, a successor personal representative, a special
4 administrator and persons who perform substantially the same function
5 under the law governing their status. A general personal representative
6 excludes a special administrator.
7 48. "Petition" means a written request to the court for an order
8 after notice.
9 49. "Proceeding" includes action at law and suit in equity.
10 50. "Property" has the same meaning prescribed in section 14-10103.
11 51. "Protected person" has the same meaning prescribed in section
12 14-5101.
13 52. "Protective proceeding" has the same meaning prescribed in
14 section 14-5101.
15 53. "Qualified custodian" means a person who fulfills the
16 requirements of section 14-2520.
17 54. "Registrar" means the official of the court who is designated
18 to perform the functions of registrar as provided in section 14-1307.
19 55. "Security" includes any note, stock, treasury stock, bond,
20 debenture, evidence of indebtedness, certificate of interest or
21 participation in an oil, gas or mining title or lease or in payments out
22 of production under that title or lease, collateral trust certificate,
23 transferable share or voting trust certificate and, in general, includes
24 any interest or instrument commonly known as a security, or any
25 certificate of interest or participation, any temporary or interim
26 certificate, receipt or certificate of deposit for, or any warrant or
27 right to subscribe to or purchase, any of these securities.
28 56. "Separate property" means that property of a husband or wife
29 that is the spouse's separate property as defined in section 25-213.
30 57. "Settlement", in reference to a decedent's estate, includes the
31 full process of administration, distribution and closing.
32 58. "Special administrator" means a personal representative as
33 described by sections 14-3614 through 14-3618.
34 59. "State" has the same meaning prescribed in section 14-10103.
35 60. "Successor personal representative" means a personal
36 representative, other than a special administrator, who is appointed to
37 succeed a previously appointed personal representative.
38 61. "Successors" means persons, other than creditors, who are
39 entitled to property of a decedent under a will or this title.
40 62. "Supervised administration" refers to the proceedings described
41 in chapter 3, article 5 of this title.
42 63. "Survive" means that a person has neither predeceased an event,
43 including the death of another person, nor is deemed to have predeceased
44 an event under section 14-2104 or 14-2702.

1 64. "Tangible medium" means a medium on which information may be
2 inscribed by writing, typing, printing or similar means and that is
3 perceivable by reading directly from the medium on which the information
4 is inscribed.

5 65. "Testacy proceeding" means a proceeding to establish a will or
6 determine intestacy.

7 66. "Testator" includes a person of either sex.

8 67. "Trust" includes an express trust, private or charitable, with
9 any additions, wherever and however created. Trust also includes a trust
10 created or determined by judgment or decree under which the trust is to be
11 administered in the manner of an express trust. Trust excludes other
12 constructive trusts and excludes resulting trusts, conservatorship,
13 personal representatives, trust accounts, custodial arrangements pursuant
14 to chapter 7, article 7 of this title, business trusts providing for
15 certificates to be issued to beneficiaries, common trust funds, voting
16 trusts, security arrangements, liquidation trusts and trusts for the
17 primary purpose of paying debts, dividends, interest, salaries, wages,
18 profits, pensions or employee benefits of any kind, trusts created by a
19 city or town for the payment of medical insurance, health care benefits or
20 expenses, long-term or short-term disability, self insurance reserves and
21 similar programs administered by a city or town, legal defense trusts and
22 any arrangement under which a person is nominee or escrowee for another.

23 68. "Trustee" includes an original, additional or successor
24 trustee, whether or not appointed or confirmed by the court.

25 69. "Ward" has the same meaning prescribed in section 14-5101.

26 70. "Will" includes a codicil and any testamentary instrument that
27 merely appoints an executor, revokes or revises another will, nominates a
28 guardian or expressly excludes or limits the right of an individual or
29 class to succeed to property of the decedent passing by intestate
30 succession. A will may be a paper will or an electronic will.

31 Sec. 2. Title 14, chapter 5, Arizona Revised Statutes, is amended
32 by adding article 9, to read:

33 ARTICLE 9. SUPPORTED DECISION-MAKING AGREEMENTS

34 14-5721. Definitions

35 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

36 1. "ADULT" MEANS AN INDIVIDUAL WITH A DISABILITY WHO IS AT LEAST
37 EIGHTEEN YEARS OF AGE.

38 2. "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT
39 SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES.

40 3. "INTERESTED PERSON" MEANS ANY PERSON WHO IS INTERESTED IN THE
41 AFFAIRS OR WELFARE OF AN ADULT WHO HAS ENTERED INTO A SUPPORTED
42 DECISION-MAKING AGREEMENT.

43 4. "INTIMIDATE" INCLUDES THREATENING TO DEPRIVE AN ADULT OF FOOD,
44 NUTRITION, SHELTER OR NECESSARY MEDICATION OR MEDICAL TREATMENT.

1 5. "SUPPORTED DECISION-MAKING" MEANS A PROCESS OF SUPPORTING AND
2 ACCOMMODATING AN ADULT TO ENABLE THE ADULT TO MAKE LIFE DECISIONS,
3 INCLUDING DECISIONS RELATED TO WHERE THE ADULT WANTS TO LIVE, THE
4 SERVICES, SUPPORT AND MEDICAL CARE THE ADULT WANTS TO RECEIVE, WHOM THE
5 ADULT WANTS TO LIVE WITH AND WHERE THE ADULT WANTS TO WORK, WITHOUT
6 IMPEDING THE ADULT'S SELF-DETERMINATION.

7 6. "SUPPORTED DECISION-MAKING AGREEMENT" MEANS AN AGREEMENT BETWEEN
8 AN ADULT AND A SUPPORTER THAT IS ENTERED INTO PURSUANT TO THIS ARTICLE.

9 7. "SUPPORTER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE
10 AND WHO ENTERS INTO A SUPPORTED DECISION-MAKING AGREEMENT WITH AN ADULT.

11 14-5722. Supported decision-making agreements; scope; rights
12 and obligations; intimidation; deception;
13 petition; termination; form

14 A. AN ADULT, WITHOUT UNDUE INFLUENCE OR COERCION, MAY VOLUNTARILY
15 ENTER INTO A SUPPORTED DECISION-MAKING AGREEMENT WITH A SUPPORTER UNDER
16 WHICH THE ADULT AUTHORIZES THE SUPPORTER TO DO ANY OR ALL OF THE
17 FOLLOWING:

18 1. PROVIDE SUPPORTED DECISION-MAKING, INCLUDING ASSISTING THE ADULT
19 IN UNDERSTANDING THE OPTIONS, RESPONSIBILITIES AND CONSEQUENCES OF THE
20 ADULT'S LIFE DECISIONS, WITHOUT MAKING THOSE DECISIONS ON BEHALF OF THE
21 ADULT.

22 2. ASSIST THE ADULT IN ACCESSING, COLLECTING AND OBTAINING FROM ANY
23 PERSON INFORMATION THAT IS RELEVANT TO A GIVEN LIFE DECISION, INCLUDING
24 MEDICAL, PSYCHOLOGICAL, FINANCIAL, EDUCATION OR TREATMENT RECORDS.

25 3. ASSIST THE ADULT IN UNDERSTANDING THE INFORMATION DESCRIBED IN
26 PARAGRAPH 2 OF THIS SUBSECTION.

27 4. ASSIST THE ADULT IN COMMUNICATING THE ADULT'S DECISIONS TO
28 APPROPRIATE PERSONS.

29 B. A SUPPORTER IS NOT A SURROGATE DECISION-MAKER FOR THE ADULT AND
30 DOES NOT HAVE THE AUTHORITY TO SIGN LEGAL DOCUMENTS ON BEHALF OF THE ADULT
31 OR BIND THE ADULT TO A LEGAL AGREEMENT.

32 C. THE SUPPORTED DECISION-MAKING AGREEMENT SHALL SET FORTH THE
33 RIGHTS, ROLES, DUTIES, LIMITATIONS AND OBLIGATIONS OF BOTH THE ADULT AND
34 THE SUPPORTER WHO ARE ENTERING INTO THE AGREEMENT.

35 D. IF THE SUPPORTER INTIMIDATES OR DECEIVES THE ADULT IN PROCURING
36 THE SUPPORTED DECISION-MAKING AGREEMENT OR ANY AUTHORITY PROVIDED IN THE
37 SUPPORTED DECISION-MAKING AGREEMENT, THE SUPPORTER IS SUBJECT TO CRIMINAL
38 PROSECUTION AND CIVIL PENALTIES.

39 E. THE SUPPORTER MAY NOT RECEIVE COMPENSATION AS A RESULT OF THE
40 SUPPORTER'S DUTIES UNDER A SUPPORTED DECISION-MAKING AGREEMENT. THE
41 SUPPORTER SHALL ACT WITHOUT SELF-INTEREST AND SHALL AVOID CONFLICTS OF
42 INTEREST.

43 F. AN INTERESTED PERSON MAY FILE A VERIFIED PETITION WITH THE
44 SUPERIOR COURT TO DETERMINE THE VALIDITY OF THE SUPPORTED DECISION-MAKING
45 AGREEMENT.

1 G. A SUPPORTED DECISION-MAKING AGREEMENT MUST BE SIGNED BY THE
2 ADULT AND THE SUPPORTER IN THE PRESENCE OF TWO OR MORE SUBSCRIBING
3 WITNESSES, WHO MUST BE AT LEAST EIGHTEEN YEARS OF AGE, OR A NOTARY PUBLIC.

4 H. A SUPPORTED DECISION-MAKING AGREEMENT EXTENDS UNTIL:

5 1. TERMINATED IN WRITING BY EITHER PARTY OR BY THE TERMS OF THE
6 SUPPORTED DECISION-MAKING AGREEMENT.

7 2. AT ANY TIME THE ADULT BECOMES AN INCAPACITATED PERSON AS DEFINED
8 IN SECTION 14-5101.

9 3. ON THE APPOINTMENT OF A GUARDIAN PURSUANT TO ARTICLE 3 OF THIS
10 CHAPTER.

11 I. THE SUPPORTED DECISION-MAKING AGREEMENT SHALL BE IN
12 SUBSTANTIALLY THE FOLLOWING FORM:

13 SUPPORTED DECISION-MAKING AGREEMENT

14 THIS AGREEMENT IS GOVERNED BY THE ARIZONA SUPPORTED
15 DECISION-MAKING AGREEMENT STATUTE SECTION 14-5722, ARIZONA
16 REVISED STATUTES. FOR THE PURPOSES OF THIS AGREEMENT,
17 "DECISION-MAKER" MEANS AN ADULT WITH A DISABILITY WHO EXECUTES
18 AN AGREEMENT FOR THE PURPOSE OF DESIGNATING AN INDIVIDUAL TO
19 SERVE AS THE DECISION-MAKER'S SUPPORTER WHEN THE
20 DECISION-MAKER MAKES CERTAIN DECISIONS THAT ARE LISTED IN THE
21 AGREEMENT.

22 PURPOSE OF AGREEMENT

23 THE PURPOSE OF THE SUPPORTED DECISION-MAKING AGREEMENT
24 IS TO SUPPORT AND ACCOMMODATE A DECISION-MAKER TO MAKE
25 INFORMED DECISIONS AND CHOICES ABOUT CERTAIN ASPECTS OF THE
26 ADULT'S DAILY LIFE.

27 ROLE OF SUPPORTER

28 TO ASSIST A DECISION-MAKER, A SUPPORTER MAY:

29 1. ASSIST THE DECISION-MAKER WITH GETTING INFORMATION
30 TO BE ABLE TO UNDERSTAND AVAILABLE CHOICES.

31 2. ASSIST THE DECISION-MAKER IN UNDERSTANDING CHOICES
32 SO THE DECISION-MAKER CAN MAKE THE BEST PERSONAL DECISIONS.

33 3. ASSIST THE DECISION-MAKER IN COMMUNICATING DECISIONS
34 TO THE RIGHT PEOPLE AND ORGANIZATIONS.

35 REVOCATION OR TERMINATION OF AGREEMENT

36 A. THE DECISION-MAKER OR THE SUPPORTER MAY REVOKE THIS
37 AGREEMENT AT ANY TIME.

38 B. THIS AGREEMENT TERMINATES AS A MATTER OF LAW AT ANY
39 TIME THE DECISION-MAKER BECOMES AN INCAPACITATED PERSON AS
40 DEFINED IN SECTION 14-5101, ARIZONA REVISED STATUTES.

41 C. THIS AGREEMENT TERMINATES AS A MATTER OF LAW ON THE
42 APPOINTMENT OF A GUARDIAN FOR ANY REASON OR PURPOSE PURSUANT
43 TO TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES.

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D. IF EITHER THE DECISION-MAKER OR SUPPORTER HAS QUESTIONS ABOUT THE AGREEMENT, THE DECISION-MAKER OR SUPPORTER SHOULD SPEAK WITH A LAWYER BEFORE SIGNING THIS SUPPORTED DECISION-MAKING AGREEMENT.

IMPORTANT INFORMATION FOR SUPPORTERS ABOUT THE LIMITS TO THIS AGREEMENT

A. YOU MAY NOT MAKE A DECISION FOR OR ON BEHALF OF THE DECISION-MAKER.

B. NEITHER YOU NOR ANY ORGANIZATION FOR WHOM YOU ARE EMPLOYED OR SERVE AS A VOLUNTEER MAY RECEIVE ANY FINANCIAL SUPPORT, REMUNERATION OR COMPENSATION, EITHER DIRECTLY OR INDIRECTLY, FOR OR RELATED TO YOUR SERVICES AND ROLE AS A SUPPORTER TO THE DECISION-MAKER.

C. WHEN YOU AGREE TO PROVIDE SUPPORT TO AN ADULT UNDER THIS SUPPORTED DECISION-MAKING AGREEMENT, YOU HAVE A DUTY TO AND YOU SHALL:

- 1. ACT IN GOOD FAITH.
- 2. ACT WITH LOYALTY TO THE DECISION-MAKER.
- 3. ACT WITHOUT SELF-INTEREST.
- 4. AVOID CONFLICTS OF INTEREST.

5. STOP SERVING AS A SUPPORTER AT ANY TIME THAT YOU QUESTION THE CAPACITY OF THE DECISION-MAKER TO CONTINUE MAKING DECISIONS EVEN WITH YOUR SUPPORT.

D. STOP SERVING AS A SUPPORTER AT ANY TIME THAT THE SUPPORTED DECISION-MAKING AGREEMENT IS REVOKED BY THE DECISION-MAKER OR YOU, OR THE AGREEMENT ENDS AS A MATTER OF LAW.

E. RESPECT THE DECISION-MAKER'S RELATIONSHIPS WITH FRIENDS AND FAMILY MEMBERS AND NOT ATTEMPT TO ISOLATE OR ALIENATE THE DECISION-MAKER FROM THOSE FRIENDS AND FAMILY MEMBERS.

APPOINTMENT OF SUPPORTER

I _____, (NAME OF ADULT, (THE "DECISION-MAKER")), AM OF SOUND MIND AND ENTER INTO THIS AGREEMENT VOLUNTARILY.

MY DISABILITIES ARE: (DESCRIBE BRIEFLY)

I CHOOSE _____ TO BE MY SUPPORTER.

SUPPORTER'S ADDRESS: _____

SUPPORTER'S TELEPHONE NUMBER: _____

SUPPORTER'S EMAIL ADDRESS: _____

SUPPORTER'S ROLE AND LIMITATIONS ON THAT ROLE

MY SUPPORTER MAY HELP ME WITH LIFE DECISIONS ABOUT EACH OF THE FOLLOWING WHICH I HAVE MARKED WITH AN "X" (CHECK THOSE THAT APPLY):

- YES ___ NO ___ OBTAINING FOOD, CLOTHING AND A PLACE TO LIVE.
- YES ___ NO ___ MY PHYSICAL HEALTH AND HEALTH SERVICES.
- YES ___ NO ___ MY MENTAL HEALTH AND MENTAL HEALTH SERVICES.
- YES ___ NO ___ MANAGING MY MONEY OR PROPERTY.
- YES ___ NO ___ GETTING AN EDUCATION OR OTHER TRAINING.
- YES ___ NO ___ CHOOSING AND MAINTAINING MY SERVICES AND SUPPORTS.

- YES ___ NO ___ FINDING A JOB.
- YES ___ NO ___ OTHER: _____ (SPECIFY)
- YES ___ NO ___ MY SUPPORTERS MAY SEE MY PRIVATE HEALTH INFORMATION UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191) IF I FIRST CHOOSE TO PROVIDE A SIGNED RELEASE.
- YES ___ NO ___ MY SUPPORTERS MAY SEE MY EDUCATIONAL RECORDS UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (20 UNITED STATES CODE SECTION 1232g) IF I FIRST CHOOSE TO PROVIDE A SIGNED RELEASE.

THIS AGREEMENT IS EFFECTIVE WHEN SIGNED AND WILL CONTINUE UNTIL _____ (DATE) OR UNTIL MY SUPPORTER OR I END THE AGREEMENT OR THE AGREEMENT ENDS BY OPERATION OF LAW, INCLUDING THE APPOINTMENT OF A GUARDIAN FOR ME.

DECISION-MAKER'S SIGNATURE

SIGNED THIS _____ (DAY) OF _____ (MONTH), _____ (YEAR)

(SIGNATURE OF DECISION-MAKER) (PRINTED NAME OF DECISION-MAKER)

CONSENT OF SUPPORTER

I (NAME OF SUPPORTER), _____
CONSENT TO ACT AS A SUPPORTER UNDER THIS AGREEMENT.

(SIGNATURE OF SUPPORTER) (PRINTED NAME OF SUPPORTER)

THIS AGREEMENT MUST BE SIGNED IN FRONT OF TWO WITNESSES OR A NOTARY PUBLIC

(WITNESS 1 SIGNATURE) (PRINTED NAME OF WITNESS 1)

(WITNESS 2 SIGNATURE) (PRINTED NAME OF WITNESS 2)

OR
NOTARY PUBLIC
STATE OF _____
COUNTY OF _____

1 THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON _____(DATE)
2 BY
3 _____
4 (NAME OF DECISION-MAKER) (NAME OF SUPPORTER)
5 _____
6 (SIGNATURE OF NOTARY) (PRINTED NAME OF NOTARY)
7 (SEAL, IF ANY, OF NOTARY)
8 MY COMMISSION EXPIRES: _____
9 WARNING: PROTECTION FOR THE DECISION-MAKER WITH A DISABILITY
10 IF A PERSON WHO RECEIVES A COPY OF THIS SUPPORTED
11 DECISION-MAKING AGREEMENT OR WHO IS AWARE OF THE EXISTENCE OF
12 THIS AGREEMENT HAS CAUSE TO BELIEVE THAT THE DECISION-MAKER IS
13 BEING ABUSED, NEGLECTED OR EXPLOITED BY THE SUPPORTER, THE
14 PERSON SHALL REPORT THE ALLEGED ABUSE, NEGLECT OR EXPLOITATION
15 TO THE DEPARTMENT OF ECONOMIC SECURITY'S ONLINE REPORTING
16 SYSTEM BY CALLING THE ADULT PROTECTIVE SERVICES, ADULT ABUSE
17 HOTLINE OR BY CALLING THE LOCAL POLICE DEPARTMENT.
18 Sec. 3. Effective date
19 This act is effective from and after December 31, 2021.