AN ACT CONCERNING THE USE OF A SUPPORTED DECISION-MAKING AGREEMENT BY A PERSON WITH A DISABILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2019) (a) As used in this section:

1. "Adult with a disability" means a person who is twenty-one years of age or older who has a physical, developmental or mental condition that substantially limits one or more of an individual's major life activities, including any of the following: (A) Capacity for independent living, (B) self-direction, (C) self-care, (D) mobility, (E) communication, or (F) learning;

2. "Supported decision-making" means a process of supporting and accommodating an adult with a disability to enable the adult to make life decisions, including decisions related to where the adult wants to live, the services, supports and medical care the adult wants to receive, whom the adult wants to live with and where the adult wants to work, without impeding the self-determination of the adult;
(3) "Supported decision-making agreement" means an agreement between an adult with a disability and a supporter entered into under this section;

(4) "Supporter" means a person who is twenty-one years of age or older who is willing to enter into an agreement with an adult with a disability to provide supported decision-making; and

(5) "Agency" has the same meaning as provided in section 1-200 of the general statutes.

(b) An adult with a disability may voluntarily enter into a supported decision-making agreement that allows the supporter to:

(1) Provide supported decision-making to an adult with a disability;

(2) Be present during the supported decision-making process, when requested by the adult with a disability; or

(3) Assist a person with a disability, while in such person's presence in (A) obtaining information that is relevant to a given life decision from any person, provided the supporter keeps any information obtained in connection with this responsibility confidential; or (B) communicating the decisions of a person with a disability to others.

(c) A supporter acting pursuant to a supported decision-making agreement may only exercise the authority expressly granted to the supporter in the supported decision-making agreement.

(d) A person that in good faith accepts an acknowledged supported decision-making agreement without actual knowledge that (1) such agreement is void, invalid or terminated, (2) the purported supporter's authority is void, invalid or terminated, or (3) the supporter is exceeding or improperly exercising the supporter's authority may rely upon the supported decision-making agreement as if the supported decision-making agreement were genuine, valid and still in effect, the supporter's authority were genuine, valid and still in effect and the
supporter had not exceeded and had properly exercised the authority.

(e) If any state or municipal law requires that an agency or person provide a prescribed notice to a person with a disability, and the agency or person that is required to provide such notice has received a supported decision-making agreement from a person with a disability that specifies that a supporter is also to receive a copy of any such notice, then the agency or person in possession of the supported decision-making agreement shall also provide the specified supporter with a copy of such notice. Notwithstanding the provisions of this subsection, if any state or municipal law requires that an agency or person provide a prescribed notice to a person with a disability and such notice includes confidential information, including medical records or educational records, that are protected by state or federal law, such notice shall not be provided to the specified supporter unless the supported decision-making agreement is accompanied by a release authorizing the specified supporter to obtain the confidential information.

(f) No agency or person shall be subject to criminal or civil liability, nor shall any person be considered to have engaged in professional misconduct, for an act or omission done in good faith and in reasonable reliance upon a supported decision-making agreement.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2019 | New section |

Statement of Purpose:
To permit a person with a disability to enter into a supported decision-making agreement with another person.

Co-Sponsors: SEN. LOONEY, 11th Dist.
S.B. 63