

March 4, 2024

Re: HF 3483

Dear Chair Klevorn and Members of the Committee:

The Minnesota Elder Justice Center, The Arc Minnesota, and the Center for Excellence in Supported Decision Making (CESDM) write in support of HF3483 **with the proposed A5 amendments included.**

The Arc Minnesota is a statewide nonprofit advocacy organization that works to promote and protect the human rights of people with intellectual and developmental disabilities (IDD), supporting them and their families in a lifetime of full inclusion and participation in their communities. The Minnesota Elder Justice Center is a statewide nonprofit organization that works to prevent and alleviate the abuse, neglect, and financial exploitation of older and vulnerable adults. CESDM, a program of Volunteers of America MN, hosts Minnesota's Guardianship Information Line. In addition, CESDM works to promote best practices in guardianship with an emphasis on seeking alternatives, such as Supported Decision making, which promotes choice and preserves self-determination for people with decision-making challenges through training, consultation, and direct case work.

For too long, people with IDD, older adults, and individuals with mental health support needs have been subjected to restrictive guardianships that strip them of their civil rights and decision-making authority. We believe all people have the right to make decisions, have control in their lives, advocate for themselves, and get support from trusted allies as they make decisions. That's why we promote less restrictive alternatives to guardianship – such as Supported Decision Making – when working with people who have IDD, older adults, and their trusted supporters navigating the aging and disability service system.

- **Sections 1 and 2: The Liability Language Strikes the Correct Balance**

We support HF3483's language to amend immunity of guardians whose conduct falls under the categories listed in section 2. We believe the standard in line 5.25 represents a well-balanced approach to address a gap in protections for persons under guardianship who have experienced reckless behavior by their guardian, while still protecting guardians who serve in their roles in good faith.

- **Section 3: A Task Force on Guardianship Must be Centrally Focused on Funding and Promoting Less Restrictive Alternatives**

Our organizations had concerns about the scope of the proposed Task Force as originally written, **however, support the Task Force as described with the A5 amendments.** The A5 will go a long way to ensure that alternatives to guardianship are front and center of the Task Force, focusing on funding and promoting less restrictive alternatives to avoid expanding and deepening the state's unsustainable dependence on guardianship.

Without the amendment, we are concerned that the concept of such a task force is too focused on increasing guardianship, when the current policy direction of the state and all recent best practice research nationwide shows that we should instead be focusing on

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prioritizing and expanding alternatives to guardianship, like Supported Decision-Making. **Supported Decision-Making is a best practice in helping individuals with disabilities, older adults, and others with cognitive limitations make informed choices.** It respects the autonomy of older adults, individual living with disabilities, and those with cognitive impairment, while intentionally supporting them to build their confidence and competence in decision-making.

Four years ago, our organizations helped lead an effort that resulted in significant reforms and updates to Minnesota's guardianship and conservatorship laws. For the first time, Minnesota recognized the critical role that Supported Decision-Making plays for older adults and persons with disabilities. Under those changes, Courts ordering guardianship now must ensure that less restrictive means to guardianship, including Supported Decision-Making, have been tried before ordering a guardianship. At that time, however, no state funding was available to help organizations and counties expand their Supported Decision-Making services.

While guardianship is appropriate in some instances, it should be the very last alternative considered as it can greatly restrict a person's ability to make decisions about where to live, their healthcare, or even if they can vote. A new grant program at DHS was established last legislative session to increase access to the service, and facilitate a culture shift toward Supported Decision-Making service options as a first, more person-centered choice. That funding, however, will run out quickly and we must investigate options to create permanent Supported Decision-Making funding and infrastructure in this state.

We have been in discussions with proponents of the bill regarding amendments to the Task Force language, and are deeply grateful for the changes with the A5 amendment.

Gratefully,

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