

## **Fact Sheet:**

# **New Oregon Law on Supported Decision-Making**

### **What does this new law require?**

Schools must provide information, training, and resources on:

- Supported decision-making and
- Ways for family members and supporters to remain engaged and involved in the youth's education and outcomes after high school.<sup>1</sup>

### **When does this information need to be provided?**

At minimum, at each IEP (Individualized Education Program) meeting where post-secondary (after high school) education goals and transition services are discussed.

### **When does this law go into effect?**

This law goes into effect on January 1, 2022.

### **What is Supported Decision-Making?**

Supported decision-making allows you to make choices about your own life with support from trusted family, friends, or a professional that you choose.

- You can use supported decision-making to identify who you want to support you and how you want to be supported. The support person you choose can help you to gather information, evaluate options, or communicate your decision to others.
- Supported decision-making is an approach all people use at some point.
- Supported decision-making might be an important accommodation to ask for if you need additional assistance to gather more information, evaluate options, or communicate your decisions to others.

### **Don't we already do this?**

Yes! Supported decision-making has been best practice for supporting people with disabilities for decades. According to the 2018 report from the National Council on Disability, people who make their own decisions have

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<sup>1</sup> See HB 2105 at: <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2105>

better outcomes, are more independent and integrated into their communities, better employed, healthier, and better able to recognize and resist abuse.<sup>2</sup>

### **Background. Why House Bill 2105?**

Explicitly recognizing supported decision-making under Oregon law to:

- Ensure individuals and families are aware that supported decision-making is an option, and do not look to more restrictive options that unnecessarily restrict a person's rights. Guardianship is very restrictive and may be difficult to undo. It is important to use the least restrictive support option first.
- Plainly reference supported decision-making and update Oregon law, to follow best practices of many other states as seen in the list below.<sup>3</sup>
- Ensure public and private entities recognize supported decision-making and the role of a supporter as an accommodation (e.g. health care workers, residential providers, schools, educators, social service agencies, judges, courts, fiduciaries, etc.).

### **What training, information, and resources are available?**

More information is available:

- [Oregon Department of Human Services](#)
- [Oregon Department of Education](#)
- [Oregon Transition Education Resources](#)

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<sup>2</sup> See [“Beyond Guardianship: Towards Alternatives That Promote Greater Self-Determination.”](#) Report from the National Council on Disability at p. 131 (March 22, 2018).

<sup>3</sup>States that have recently passed laws to explicitly recognize supported decision-making as an accommodation and less restrictive alternative to guardianship: [Indiana](#) (2019); [Rhode Island](#) (2019); [North Dakota](#) (2019); [Nevada](#) (2019); [Washington](#) (2019) [Maine](#) (2018); [Tennessee](#) (2018); [Alaska](#) (2018); [Delaware](#) (2016); [Wisconsin](#) (2018); [Texas](#) (2015). Additionally, the [Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act \(UGCOPAA, 2017\)](#) recognizes Supported Decision-Making.