

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40034-MG-21 (01/13)

Short Title: LRC/Sptd Decsn-Making In Lieu of Guardianship. (Public)

Sponsors: Representative Farmer-Butterfield.

Referred to:

A BILL TO BE ENTITLED

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

Whereas, the General Assembly has a strong interest in protecting the rights of older people and people with disabilities to express their own preferences, make their own decisions, and direct their own lives, 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 to 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:

- (1) 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 July 30, 2009.
- (2) 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. The Legislative Research Commission may make an interim report to the 2017 General Assembly when it reconvenes in 2018 and shall make its final report to the 2019 General Assembly. Each report shall include the findings and recommendations of the study, including any legislative proposals.

SECTION 3. This act is effective when it becomes law.



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