



# HOUSE BILL 149: SUPPORTED DECISION MAKING ACT

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**Supported  
decision making  
gives people and  
families more  
choices**

## OVERVIEW

House Bill 149 creates the Supported Decision Making Act, provides requirements for Supported Decision Making agreements, and creates a Supported Decision Making Program within the Office of Guardianship (OOG) at the Developmental Disabilities Council (DDC). HB 149 makes an appropriation of \$289,000 in FY26.

### What is Supported Decision Making (SDM)?

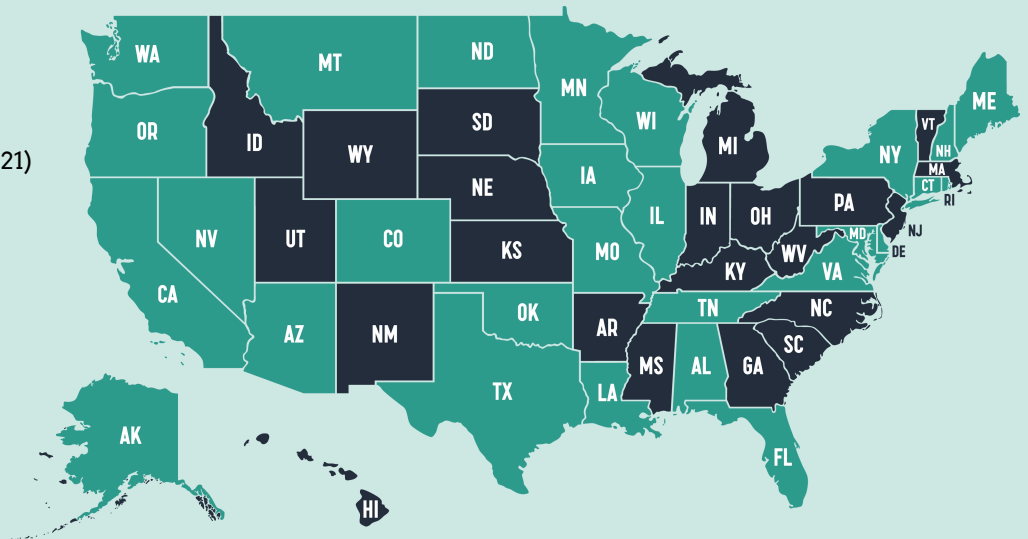
Supported Decision Making (SDM) is an approach for assisting individuals with disabilities and older adults who rely on others for help making life decisions. In Supported Decision Making, the person makes their own decisions about important life choices, such as health care and financial matters, with the assistance of a trusted group of friends, family, or professionals. Supporters help the person obtain relevant information, understand that information, evaluate risks and benefits, and/or communicate their decisions. In contrast to substituted decision making models like guardianship, **supporters do not make decisions for the person.**

### How does SDM work with guardianship and conservatorship?

SDM does not eliminate guardianship or conservatorship. People who need guardians or conservators (or both) should have them. SDM simply gives people and their families another lesser restrictive option, if they choose it.

## THESE 27 STATES AND THE DISTRICT OF COLUMBIA RECOGNIZE SDM IN THEIR LAWS.

- Alabama (2023)
- Alaska (2018)
- Arizona (2023)
- California (2022)
- Colorado (2021)
- Connecticut (2024)
- DC (2018)
- Delaware (2016)
- Florida (2024)
- Illinois (2021)
- Indiana (2019)
- Louisiana (2020)
- Maine (2019)
- Maryland (2022)
- Minnesota (2020)
- Missouri (2018)
- Montana (2021)
- Nevada (2019)
- New Hampshire (2021)
- New York (2021)
- North Dakota (2019)
- Oregon (2021)
- Rhode Island (2019)
- Tennessee (2018)
- Texas (2015)
- Virginia (2021)
- Washington (2020)
- Wisconsin (2017)



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### Does New Mexico law already cover SDM?

No, there is no New Mexico state law that specifically recognizes people's right to choose SDM. More than half of the states have clarified their laws to specifically recognize and respect people's right to choose SDM. Texas, in 2015, was the first state to pass a law related to SDM.

House Bill 149 clarifies how SDM works and provides the legitimacy necessary for SDM acceptance by individuals, service providers, and institutions. The proposed bill also provides protections for people who choose SDM and allows third parties to rely in good faith on SDM agreements without fear of liability.

### How can SDM help people who choose to use it?

When people choose SDM, they make their own decisions instead of having someone else make decisions for them. Research has repeatedly found that older adults and people with disabilities who make more of their own choices – who are more *self-determined* – can have better lives.[2]

For example: research shows that: people with disabilities who are more self-determined are better able to recognize and avoid abuse [3] and, among people with similar abilities and limitations, those who made their own decisions were more likely to live independently, work, be active members of their communities, date, and marry than those who had people making decisions for them.[4] A study also showed that young adults who used SDM were more independent and confident, were better at making decisions, and made better decisions.[5]

**The Legislature funded a SDM Task Force in 2022 to evaluate how the model could be most effectively implemented in New Mexico. Comprised of 25 individuals representing key stakeholder groups, the Task Force studied existing models and research and drew on their knowledge of the guardianship and disability landscapes in New Mexico. HB149 reflects the recommendations of the Task Force.**

## ENDORSEMENTS

- **Alzheimer's Association**
- **AARP**
- **The Arc of New Mexico**
- **Disability Coalition**
- **Disability Rights New Mexico**
- **New Mexico's Developmental Disability Council**
- **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) led by the Judiciary**

[1] e.g., Blanck, P., & Martinis, J. (2015). "The right to make choices": The national resource center for supported decision-making. *Inclusion*, 3(1), 24-33

[2] e.g., Shogren, K., et al. (2012). Relationships between self-determination and postschool outcomes for youth with disabilities, *J. Special Educ.* 4. 256 (2015); Powers, L., et al. (2012). My life: Effects of a longitudinal, randomized study of self-determination enhancement on the transition outcomes of youth in foster care and special education, *Child. & Youth Services Rev.* 34, 2179; McDougall, J, et al. (2010). The importance of self-determination to perceived quality of life for youth and young adults with chronic conditions and disabilities, *Remedial & Special Educ.* 31, 252.

[3] Hickson, L. et al. (2015). Randomized control trial to evaluate an abuse prevention curriculum for women and men with intellectual and developmental disabilities. *Am. J. on Intellectual and Developmental Disabilities* 120(6), 490. Khemka, I. et al. (2005). Evaluation of a decision making curriculum designed to empower women with mental retardation to resist abuse. *Am. J. Mental Retardation* 110, 193; Khemka, I. (2000). Increasing independent decision making skills of women with mental retardation in simulated interpersonal situations of abuse. *Am. J. on Mental Retardation* 105(5), 387.

[4] Bradley, V., et al. (2019). What does NCI data reveal about the guardianship status of people with IDD? Available at: [https://legacy.nationalcoreindicators.org/upload/core-indicators/NCI\\_Data\\_Brief\\_Aging\\_3\\_19\\_20.pdf](https://legacy.nationalcoreindicators.org/upload/core-indicators/NCI_Data_Brief_Aging_3_19_20.pdf)

[5] Martinis, J. & Beadnell, L. (2021). "I learned that I have a voice in my future": Summary, findings, and recommendations from the Virginia supported decision making pilot project. Available at: <https://thearcofnova.org/wp-content/uploads/sites/6/2021/02/SDM-Pilot-Project-Final-Report-2.2.21.pdf>