



General Assembly

January Session, 2019

Committee Bill No. 63

LCO No. 6405



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***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:

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

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

9 (2) "Supported decision-making" means a process of supporting and
10 accommodating an adult with a disability to enable the adult to make
11 life decisions, including decisions related to where the adult wants to
12 live, the services, supports and medical care the adult wants to receive,
13 whom the adult wants to live with and where the adult wants to work,
14 without impeding the self-determination of the adult;

15 (3) "Supported decision-making agreement" means an agreement
16 between an adult with a disability and a supporter entered into under
17 this section;

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

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

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

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

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

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

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

36 (d) A person that in good faith accepts an acknowledged supported
37 decision-making agreement without actual knowledge that (1) such
38 agreement is void, invalid or terminated, (2) the purported supporter's
39 authority is void, invalid or terminated, or (3) the supporter is
40 exceeding or improperly exercising the supporter's authority, may rely
41 upon the supported decision-making agreement as if the supported
42 decision-making agreement were genuine, valid and still in effect, the
43 supporter's authority were genuine, valid and still in effect and the

44 supporter had not exceeded and had properly exercised the authority.

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

61 (f) No agency or person shall be subject to criminal or civil liability,
62 nor shall any person be considered to have engaged in professional
63 misconduct, for an act or omission done in good faith and in
64 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

JUD *Joint Favorable*