1-1 1-2 1-3 1-4 1-5 1-6	April 16, 2015, reported adversely, with favorable Committee
1-7	COMMITTEE VOTE
1-8	Yea Nay Absent PNV
1-9	Schwertner X
1-10	Kolkhorst X
1 - 11 1 - 12	Campbell X Estes X
1-12	Estes X Perry X
1-14	Rodríguez X
1-15	Taylor of Collin X
1-16	Uresti X
1-17	Zaffirini X
1-18 1-19	COMMITTEE SUBSTITUTE FOR S.B. No. 1881 By: Rodríguez A BILL TO BE ENTITLED
1-20	AN ACT
1-21	relating to authorizing supported decision-making agreements for
1-22	certain adults with disabilities.
1-23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24	SECTION 1. Subtitle I, Title 3, Estates Code, is amended by
1-25	adding Chapter 1357 to read as follows:
1 - 26 1 - 27	CHAPTER 1357. SUPPORTED DECISION-MAKING AGREEMENT ACT SUBCHAPTER A. GENERAL PROVISIONS
1-28	Sec. 1357.001. SHORT TITLE. This chapter may be cited as
1-29	the Supported Decision-Making Agreement Act.
1-30	Sec. 1357.002. DEFINITIONS. In this chapter:
1-31	(1) "Adult" means an individual 18 years of age or
1-32	older or an individual under 18 years of age who has had the
1-33	disabilities of minority removed.
1 - 34 1 - 35	(2) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or
1-36	more major life activities.
1-37	(3) "Supported decision-making" means a process of
1-38	supporting and accommodating an adult with a disability to enable
1-39	the adult to make life decisions, including decisions related to
1-40	where the adult wants to live, the services, supports, and medical
1-41	care the adult wants to receive, whom the adult wants to live with,
1-42 1-43	and where the adult wants to work, without impeding the self-determination of the adult.
1-43	(4) "Supported decision-making agreement" is an
1-45	agreement between an adult with a disability and a supporter
1-46	entered into under this chapter.
1-47	(5) "Supporter" means an adult who has entered into a
1-48	supported decision-making agreement with an adult with a
1-49	disability.
1-50	Sec. 1357.003. PURPOSE. The purpose of this chapter is to
1 - 51 1 - 52	recognize a less restrictive alternative to guardianship for adults with disabilities who need assistance with decisions regarding
1-53	daily living but who are not considered incapacitated persons for
1-54	purposes of establishing a quardianship under this title.
1-55	SUBCHAPTER B. SCOPE OF AGREEMENT AND AGREEMENT REQUIREMENTS
1-56	Sec. 1357.051. SCOPE OF SUPPORTED DECISION-MAKING
1-57	AGREEMENT. An adult with a disability may voluntarily, without
1-58	undue influence or coercion, enter into a supported decision-making
1 - 59 1 - 60	agreement with a supporter under which the adult with a disability authorizes the supporter to do any or all of the following:
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	C.S.S.B. No. 1881
2-1	(1) provide supported decision-making, including
2-2	assistance in understanding the options, responsibilities, and
2-3	consequences of the adult's life decisions, without making those
2-4	decisions on behalf of the adult with a disability;
2 - 5 2 - 6	(2) subject to Section 1357.054, assist the adult in accessing, collecting, and obtaining information that is relevant
2-0	to a given life decision, including medical, psychological,
2-8	financial, educational, or treatment records, from any person;
2-9	(3) assist the adult with a disability in
2-10	understanding the information described by Subdivision (2); and
2-11	(4) assist the adult in communicating the adult's
2-12 2-13	decisions to appropriate persons. Sec. 1357.052. AUTHORITY OF SUPPORTER. A supporter may
2-13 2 - 14	exercise the authority granted to the supporter in the supported
2-15	decision-making agreement.
2-16	Sec. 1357.053. TERM OF AGREEMENT. (a) Except as provided
2-17	by Subsection (b), the supported decision-making agreement extends
2-18	until terminated by either party or by the terms of the agreement.
2-19	(b) The supported decision-making agreement is terminated
2-20 2-21	if: (1) the Department of Family and Drotective Corvices
2-21	(1) the Department of Family and Protective Services finds that the adult with a disability has been abused, neglected,
2-23	or exploited by the supporter; or
2-24	(2) the supporter is found criminally liable for
2-25	conduct described by Subdivision (1).
2-26	Sec. 1357.054. ACCESS TO PERSONAL INFORMATION. (a) A
2-27	supporter is only authorized to assist the adult with a disability
2-28 2-29	in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making
2-30	agreement.
2-31	(b) If a supporter assists an adult with a disability in
2-32	accessing, collecting, or obtaining personal information,
2-33	including protected health information under the Health Insurance
2-34	Portability and Accountability Act of 1996 (Pub. L. No. 104-191) or
2-35 2-36	educational records under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the supporter shall ensure
2-37	the information is kept privileged and confidential, as applicable,
2-38	and is not subject to unauthorized access, use, or disclosure.
2-39	(c) The existence of a supported decision-making agreement
2-40	does not preclude an adult with a disability from seeking personal
2-41	information without the assistance of a supporter.
2-42 2-43	Sec. 1357.055. AUTHORIZING AND WITNESSING OF SUPPORTED DECISION-MAKING AGREEMENT. (a) A supported decision-making
2-43	agreement must be signed voluntarily, without coercion or undue
2-45	influence, by the adult with a disability and the supporter in the
2-46	presence of two or more subscribing witnesses or a notary public.
2-47	(b) If signed before two witnesses, the attesting witnesses
2-48	must be at least 14 years of age.
2 - 49 2 - 50	Sec. 1357.056. FORM OF SUPPORTED DECISION-MAKING AGREEMENT. (a) Subject to Subsection (b), a supported
2-51	decision-making agreement is valid only if it is in substantially
2-52	the following form:
2-53	SUPPORTED DECISION-MAKING AGREEMENT
2-54	Appointment of Supporter
2-55	I, (insert your name), make this agreement of my own free
2 - 56 2 - 57	<u>will.</u> I agree and designate that:
2-57	Name:
2-59	Address:
2-60	Phone Number:
2-61	E-mail Address:
2-62	is my supporter. My supporter may help me with making everyday life
2 - 63 2 - 64	decisions relating to the following: Y/N obtaining food, clothing, and shelter
2 - 64 2 - 65	Y/N taking care of my physical health
2-66	Y/N managing my financial affairs.
2-67	My supporter is not allowed to make decisions for me. To help
2-68	me with my decisions, my supporter may:
2-69	1. Help me access, collect, or obtain information that is

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<u>11nancia</u> 2.	<u>, educational, or</u> Help me underst			make an info	vrmod
decision;		and my open			<u>/rmcu</u>
3.	Help me communic	cate my deci	sion to appro	priate person	ns.
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C.S.S.B. No. 1881 4-1 provided by Section 39, Article III, Texas Constitution. If this 4-2 Act does not receive the vote necessary for immediate effect, this 4-3 Act takes effect September 1, 2015.

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