

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



KENNETH FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

**STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831**

CAROLINE CADIRAO
DIRECTOR
Executive Office on Aging

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**Testimony in SUPPORT of HB320 HD1
RELATING TO SUPPORTED DECISIONMAKING**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
REP. DAVID A. TARNAS, CHAIR
REP. MAHINA POEPOE, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing: Tuesday, February 25, 2025, 2:00 P.M., Conference Room 325

1 **EOA Position:** The Executive Office on Aging (EOA), an attached agency to the Department of
2 Health (DOH) **supports HB320 HD1.**

3 **Fiscal Implications:** None

4 **Purpose and Justification:** This measure formally recognizes and defines “supported decision-
5 making agreements” under the Hawaii Revised Statutes. Supported decision-making (SDM)
6 offers a way for older adults and individuals with disabilities to maintain their rights, dignity, and
7 independence by making decisions about their own lives with help from people that they trust
8 and choose. SDM is person centered approach based on the wants and needs of the individual.

9 Too many people are unnecessarily placed under restrictive guardianships when they
10 could make their own decisions with individualized assistance from people they trust.

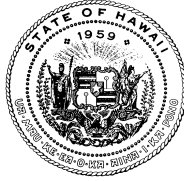
11 Additionally, when an individual obtains a guardian, it can be difficult to change their status. If

1 passed, the bill would establish a legal framework for decision-making in the state and would
2 encourage courts to consider SDM before establishing guardianship. SDM agreements would
3 save time and money in probate courts by reducing the number of guardianship petitions for
4 people who do not need them. However, SDM does not replace guardianship for those who need
5 it. It is an additional and less restrictive option.

6 Several States have piloted SDM models and have had success in bringing families
7 together and improving lives. EOA hopes that Hawai'i legislators take this opportunity to
8 provide a pathway where the decisions and choices of older adults and individuals with
9 disabilities are honored.

10 **Recommendation:** EOA supports HB320 HD1 which would formally recognize supported
11 decision-making agreements into Hawai'i law.

12 Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on HB320 HD1
RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: February 25, 2025; 2:00 pm

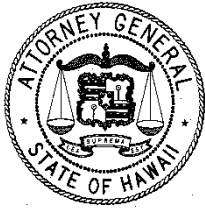
Room Number: 325

1 **Department Position:** The Department of Health (“Department”) provides COMMENTS on
2 HB320 HD1.

3 **Department Testimony:** The Developmental Disabilities Division (DDD) provides the following
4 testimony on behalf of the Department. The Department appreciates the intent of HB320 HD1
5 to provide a framework for supported decision-making (SDM) as a less restrictive alternative to
6 guardianship and/or conservatorship.

7 To ensure consistency in the interpretation and application of State law, we note that HB1004
8 HD1, which adopts the Uniform Health-Care Decisions Act, also addresses SDM. HB1004 HD1
9 defines SDM as “assistance, from one or more persons of an individual’s choosing, that helps
10 the individual make or communicate a decision, including by helping the individual understand
11 the nature and consequences of the decision.” According to testimony by the Department of
12 the Attorney General (DAG) to the House Committee on Human Services & Homelessness
13 relating to HB320, HB1004 is a more appropriate vehicle for addressing SDM, and we defer to
14 the DAG in this matter.

15 Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 320, H.D. 1, RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, February 25, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Margaret A. Leong, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments:

This bill adds a new chapter to the Hawaii Revised Statutes (HRS) to provide a process for a qualified adult to enter into a supported decision-making agreement with one or more members of a supportive community for the purposes of assisting the qualified adult in understanding and making decisions regarding the qualified adult's health, safety, welfare, or financial affairs. The bill on page 2, lines 13-14, defines "qualified adult" as "an adult with a disability, a mentally ill adult, or an aging adult."

As a preliminary matter, we note that House Bill No. 1004, H.D. 1, would amend the current laws relating to advance health care directives and advance mental health care directives, and it also addresses supported decision-making. House Bill No. 1004, H.D. 1, is comprehensive in its treatment of capacity and decision-making, and we believe it is a more effective vehicle for dealing with the supported decision-making issues in this bill.

If the Committee is inclined to pass this bill in conjunction with House Bill No. 1004, H.D. 1, or instead of it, we recommend the following amendments for clarity and consistency.

New statutory section -2, at page 3, line 13, to page 5, line 19, sets out requirements for a supported decision-making agreement and delineates the

circumstances prohibiting a member of a supportive community from entering a decision-making agreement with a qualified adult. New statutory section -4, at page 7, line 1, to page 10, line 9, establishes required terms for a supported decision-making agreement and enumerates the reasons a supported decision-making agreement automatically terminates. We recommend that those two sections be revised to conform the conditions for a person to become a member of a supportive agreement with the conditions that result in automatic termination of the agreement. We also recommend that section -4(d) include the prohibition of providing paid support services to the qualified adult by the member of the supportive community enumerated in section -2(d) as a basis for automatic termination of the agreement.

Specifically, we recommend replicating the termination provision in section -4(d)(2)(A), at page 10, lines 1-3, and adding it to section -2(d), on page 5, lines 8-19, as a new paragraph to read as follows:

- (d) A qualified adult shall not enter into a supported decision-making agreement with a member of the supportive community who:
 - (1) Provides paid support services to the qualified adult; ~~[or]~~
 - (2) Has been confirmed as the perpetrator of abuse of the qualified adult, any other qualified adult, or any vulnerable adult; or
 - ~~[(2)]~~ (3) Has been convicted of:
 - (A) A crime against a vulnerable adult or in which the member otherwise intentionally caused physical harm to another;
 - (B) A financial crime; or
 - (C) The offense of theft in the first, second, third, or fourth degree.

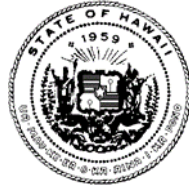
And we recommend adding a paragraph to section -4(d), on page 9, line 14, to page 10, line 9, to read as follows:

- (d) The supported decision-making agreement shall automatically be terminated if:
 - (1) The member of the supportive community who entered into the decision-making agreement provides paid support services to the qualified adult;
 - ~~[(1)]~~ (2) After investigating a member of the supportive community for abuse of the qualified adult, the department of human services confirms that the qualified adult is a vulnerable adult who has been abused by the member of the supportive community; or

- [(2)] (3) The member of the supportive community is:
- (A) Confirmed as the perpetrator of abuse of the qualified adult, any other qualified adult, or any vulnerable adult;
 - (B) Convicted of a crime against a vulnerable adult or in which the member otherwise intentionally caused physical harm to another;
 - (C) Convicted of a financial crime; or
 - (D) Found to have committed theft in the first, second, third, or fourth degree.

If the Committee passes this bill, we respectfully request that the Committee consider the recommended revisions. Thank you for the opportunity to provide testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWE LAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 24, 2025

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 320 HD1 – RELATING TO SUPPORTIVE DECISION-MAKING AGREEMENTS.**

Hearing: February 25, 2025, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of the measure to allow qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or more members of a supportive community. DHS agrees with the testimony of the Department of the Attorney General.

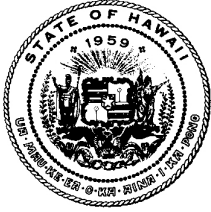
PURPOSE: This bill specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements, and circumstances for termination. Effective 7/1/3000 (HD1).

DHS appreciates the amendments of the Committee on Human Services & Homelessness that amended the measure by:

- (1) Defining "personal information";
- (2) Inserting written consent from a qualified adult to release protected medical information or educational records;
- (3) Inserting that a supported decision-making agreement shall include a description of how the supportive community may work together;

- (4) Inserting that a supportive decision-making agreement shall describe how any perceived or actual conflicts between the supportive community members shall be mitigated; and
- (5) Inserting language described in section 346-224(a) clarifying persons, in their professional or official duties, who rely on the supported decision-making agreement and who knows or has reason to believe the qualified adult is a vulnerable adult and has incurred abuse or in danger of abuse if immediate action is not taken, shall report the alleged abuse to DHS in accordance with section 346-224.

Thank you for the opportunity to provide comments on this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 25, 2025

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

House Bill 320 HD1– Relating to Supported Decision-Making Agreements

The Disability and Communication Access Board (DCAB) supports House Bill 320 HD1 – Relating to Supported Decision-Making Agreements. This bill would allow qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

Supported decision-making agreements have been established in various other states and provide a meaningful alternative to guardianship. They provide individuals with the tools and support to make their own decisions without restrictive legal oversight. By establishing a clear legal framework, this bill ensures that people with disabilities can access services without the barriers that often come with guardianship.

We appreciate the protections that the changes made in HD1 provide for individuals entering supported decision-making agreements. These protections help ensure that individuals receive the support they need while maintaining their autonomy and decision-making rights.

House Bill 320 HD1 promotes self-determination and preserves individual rights. DCAB supports this measure to provide consistent, accessible options for those who need decision-making support.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

HB-320-HD-1

Submitted on: 2/25/2025 11:16:55 AM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julia Althoff	State Council on Developmental Disabilities	Support	Remotely Via Zoom

Comments:

I will be providing oral testimony on behalf of Daintry Bartoldus and State Council on Developmental Disabilities

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualī'i, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

February 24, 2025

TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
HB 320, HD 1, RELATING TO SUPPORTED DECISION-MAKING
AGREEMENTS SERVICES
House Committee on Judiciary & Hawaiian Affairs
Tuesday, February 25, 2025
2:00 p.m.
Conference Room 325
Via Videoconference

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of HB 320, HD 1, Relating to Supported Decision-Making Agreements Services. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 320, HD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 320, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:slr



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMAMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 25, 2025

The Honorable Representative David Tarna Chair
House Committee on Judiciary and Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Tarnas, and Committee Members:

SUBJECT: HB320 HD1 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

The Hawaii State Council on Developmental Disabilities, on behalf of the Guardianship Conservatorship Working Group **Offering Comments HB320 HD1**, which allows qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

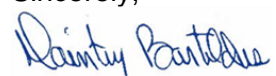
The Council is providing testimony as the facilitator of a working group created by Representative Tarnas in response to the 2023 Legislative Session's HB1440. Our group began by reviewing the UGCOPAA and its applicability to Hawai'i and shifted our focus to identifying current issues or gaps in our guardianship and conservatorship laws. Our group began meeting in July 2023, and our meetings are continually ongoing. The members of our group are below.

The working group comprises representatives from various key entities, including the Family court, the Hawaii Judiciary's Probate Committee, the Department of the Attorney General, the Department of Human Services- Adult Protective and Community Services Branch, the Uniform Law Commission, AARP Hawaii, the Caregiver Foundation, the Office of the Public Guardian, the Hawaii Disability Rights Center, Ombudsman John McDermott, Parents of Individuals with Developmental Disabilities, and the Richardson Law School's Elder Law Clinic.

Our working group has explored the benefits and impact of Supported Decision-Making (SDM) in Hawai'i. One significant challenge faced by our Guardianship and Conservatorship courts is the heavy caseload, leading to prolonged hearing times and associated difficulties. Implementing SDM in Hawai'i could help alleviate this burden by reducing the number of individuals requiring Guardianship or Conservatorship.

Thank you for the opportunity to submit testimony **offering comments of HB320 HD1**

Sincerely,

A handwritten signature in blue ink, appearing to read "Daintry Bartoldus". The signature is fluid and cursive, with the first name "Daintry" and last name "Bartoldus" clearly distinguishable.

Daintry Bartoldus
Executive Administrator



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 25, 2025

The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary and Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative David Tarnas, and Committee Members:

SUBJECT: HB320 HD1 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS HB320 HD1**, which allows qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or more members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination. Effective 7/1/3000. (HD1)

This critical legislation affirms the autonomy, dignity, and self-determination of individuals with disabilities who may require support in decision-making but do not need restrictive guardianship or conservatorship. For far too long, individuals with Intellectual and Developmental Disabilities (I/DD) and other disabilities have had limited options for decision-making support, often being placed under restrictive guardianship arrangements that unnecessarily strip away their basic rights and dignity. Guardianship often deprives individuals of the ability to make key life decisions, ranging from medical choices to financial matters and personal relationships. This system undermines their independence and fosters exclusion rather than empowerment.

The legal profession and the judiciary have a sacrosanct duty to uphold justice, protect human rights, and preserve human dignity. Disability alone does not equate to incapacity, and granting guardianship on this basis is a profound violation of human dignity and equality. Just as we no longer assume institutionalization based on a disability, we must no longer assume the need for guardianship solely because someone has a disability. Supported Decision-Making is the least restrictive alternative in decision-making.

The Council remains committed to collaborating with all stakeholders to develop the strongest possible measure while ensuring the inclusion of appropriate safeguards. Productive discussions on these safeguards have taken place, and we urge the legislator to advance this measure. While the Council acknowledges concerns regarding the exclusion of individuals who "provide paid support services to the qualified adult" from serving as supported decision-makers, we do not see this as a

reason to halt progress. We are confident that consensus can be reached among subject matter experts as the measure moves forward.

Thank you for the opportunity to submit testimony in **strong support of HB320 HD1**

Sincerely,

A handwritten signature in blue ink, appearing to read "Daintry Bartoldus". The signature is fluid and cursive, with the first name "Daintry" being more prominent than the last name "Bartoldus".

Daintry Bartoldus
Executive Administrator

HB-320-HD-1

Submitted on: 2/21/2025 5:05:43 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

This is a high priority Bill for us and it mirrors a growing trend across the country. It affirms the autonomy, dignity, and self-determination of individuals with disabilities who may require support in decision-making but do not need restrictive guardianship or conservatorship. For far too long, individuals with Intellectual and Developmental Disabilities (I/DD) and other disabilities have had limited options for decision-making support, often being placed under restrictive guardianship arrangements that unnecessarily strip away their basic rights and dignity. Guardianship often deprives individuals of the ability to make key life decisions, ranging from medical choices to financial matters and personal relationships. This system undermines their independence and fosters exclusion rather than empowerment.

Supported Decision-Making (SDM) offers a meaningful alternative that respects individual rights while ensuring access to guidance and assistance when needed. Further, the current guardianship system encompasses so many individuals that we believe this will be a “win-win” situation for all as it will help the Court system “unburden” itself and free up resources.

HB-320-HD-1

Submitted on: 2/24/2025 8:35:16 AM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hawaii Self Advocacy Advisory Council	Hawaii Self-Advocacy Advisory Council	Support	Written Testimony Only

Comments:

The Hawaii Self-Advocacy Advisory Council supports HB320 HD1.



February 24, 2025

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Representatives Della Au Belatti, Elle Cochran, Mark J. Hashem, Kirstin Kahaloa, Amy A. Perruso, Gregg Takayama, Chris Todd, Diamond Garcia, and Garner M. Shimizu, Committee Members

RE: HB 320 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS – SUPPORT

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

I am submitting this letter in support of HB 320 on behalf of Easterseals Hawaii. Easterseals Hawaii served 2,025 Hawaii community members with intellectual and developmental disabilities (I/DD) in 2024. Our purpose is to create a more equitable world where people with I/DD can choose their own path.

Many individuals with disabilities benefit from the support of their friends, family, and other community members when making vital decisions about topics such as medical, financial, and occupational choices. Such support and consultation help disabled individuals make informed and confident choices, just as they help nondisabled individuals. This bill would enhance independence and quality of life for individuals with I/DD by creating awareness about supported decision-making (SDM) agreements and enshrining them into law without requiring guardianship, thereby allowing SDM agreements to be accepted by institutions. It would also protect the disabled individual's agency by specifying that their supportive community may advise them but should not make decisions on their behalf. This achieves a balance that permits disabled individuals to receive assistance from trusted partners without relinquishing autonomy, thereby maximizing opportunities for people to choose their own path.

Easterseals Hawaii supports HB 320 and respectfully requests your "aye" vote.

Mahalo for the opportunity to submit this letter.

A handwritten signature in black ink, appearing to read "Rachel Liebert Lewis".

Rachel Liebert Lewis
Director, Public Policy and Advocacy
Easterseals Hawaii
PublicPolicyAndAdvocacy@eshawaii.org



S E A C
Special Education Advisory Council
1010 Richards Street Honolulu, HI 96813
Phone: 586-8126 Fax: 586-8129
email: spin@doh.hawaii.gov
February 25, 2025

**Special Education
Advisory Council**

Ms. Martha Guinan, *Chair*
Ms. Susan Wood, *Vice Chair*

Ms. Kathie Awaya
Ms. Virginia Beringer
Mr. Will Carlson
Ms. Annette Cooper
Mr. Mark Disher
Ms. Nancy Gorman
Ms. Mai Hall
Ms. Melissa Johnson
Ms. Tina King
Ms. Dale Matsuura
Ms. Cheryl Matthews
Dr. Paul Meng
Ms. Siena Molina
Ms. Trish Moniz
Mr. Chris Pelayo
Ms. Kiele Pennington
Ms. Kau'i Rezendes
Ms. Rosie Rowe
Dr. Scott Shimabukuro
Mr. Herbert Taitingfong
Mr. Steven Vannatta
Ms. Lisa Vegas
Ms. Jasmine Williams

Ms. Helen Kaniho, *liaison to
the Superintendent*
Ms. Wendy Nakasone-Kalani,
*liaison to the military
community*

Amanda Kaahanui, Staff
Susan Rocco, Staff

Representative David A. Tarnas, Chair
Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol
Honolulu, HI 96813

**RE: HB 320, HD 1 - RELATING TO SUPPORTIVE DECISION-
MAKING AGREEMENTS**

Dear Chair Tarnas and members of the Committee,

The Special Education Advisory Council (SEAC) is in strong support of HB 320, HD 1 which allows adults with a disability and other eligible adults to enter into supported decision-making agreements with one or more members of a supportive community, and specifies the terms of a supported decision-making agreement.

Supported decision-making is in keeping with SEAC's values of community inclusion and self-determination for students with disabilities. It allows for the use of one or more trusted "supporters" to help an adult student or person with a disability 18 years or older understand, analyze, and if needed, communicate choices around issues like finances, housing, health care, transportation, employment and social inclusion.

While individuals can informally include their friends, family and others in making informed choices, these choices are not always recognized (for example, by health care providers or financial institutions), particularly when the individual has difficulty communicating his or her choice. Having a formal Supported Decision-Making (SDM) Agreement recognized in state statutes will help to ensure that the individual's choices are known, considered and honored to the fullest extent possible.

Supported decision-making provides a less restrictive alternative to guardianship, but it does not replace guardianship for those who need it. Rather it offers the option for individuals with disabilities to retain the right to make decisions for themselves.

Respectfully,

Martha Guinan, Chair

*Mandated by the **Individuals with Disabilities Education Act***

HB-320-HD-1

Submitted on: 2/25/2025 9:07:43 AM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Kilgore	Full Life	Support	Written Testimony Only

Comments:

Full Life strongly supports HB320, allowing adults with disabilities to enter into supported decision-making agreements. This is an important option for those who do not require more restrictive guardianship or conservatorship. Supported decision-making agreements give people with intellectual and developmental disabilities and other disabilities the autonomy, the right to self-determination, and the support needed to make decisions impacting their own lives.

Mahalo for the opportunity to submit testimony in support of HB320.

Sincerely,

Jim Kilgore

Executive Director, Full Life

HB-320-HD-1

Submitted on: 2/21/2025 7:44:18 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zahava Zaidoff	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair, and members of the Committee,

I stand in strong support of this bill to ensure that those with disabilities are allowed to operate with self determination with regards to who they want supporting them and how they want decisions made,

As a disabled person myself, a disabilities advocate and trainer, and a caregiver for disabled family members, I feel like my voice is imperative to this conversation. We may learn differently or process information differently, but we do learn and we process. Many of us do have wants and desires and preferences.

Human beings require support to make decisions; able bodied and disabled folks.

By laying out a specific process for the Supported Decision Making agreements, you are standing up for us. You are taking away the ability of others to make decisions for us. You are validating our value. You are making it law that should we desire to make our decisions, but require some support in doing so, that we will have that. You are telling our families and our direct support professionals that we have choice. You are letting us know that our self determination matters. You are creating a process and codifying it into law so that we can not be ignored.

The world may not always value us and what we can bring to the table, but you can ensure that becomes less of the norm in Hawai'i, the land of Aloha.

No one should be able to bypass talking with us and taking what we want into account.

Nothing about us, without us.

Mahalo Nui Loa for standing up for our rights.

Respectfully,

Zahava Zaidoff

HB-320-HD-1

Submitted on: 2/22/2025 5:49:53 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sierra Whiteside	Individual	Support	Written Testimony Only

Comments:

Relating to Supported Decision-Making Agreements

My name is Sierra Whiteside, and I am a self-advocate with a developmental disability. I am submitting this testimony in strong support of H.B. 320, which establishes the legal framework for Supported Decision-Making (SDM) Agreements in Hawai'i. As someone who has faced challenges in making decisions while still wanting to remain independent, I know firsthand how important it is to have support without losing my rights

.

The Need for Supported Decision-Making Agreements

People with developmental disabilities, like me, want to make our own choices. We do not need someone else to take over our lives. Unfortunately, many of us are placed under guardianship, which takes away our basic rights and dignity. Guardianship means someone else makes all the decisions for us—even when we are capable of making our own choices with the right support. This is unacceptable.

Supported Decision-Making (SDM) is a better option because it allows me to get help when I need it while still keeping control over my life. I can choose people I trust—like my family, friends, or mentors—to help me understand my choices. They give me advice and explain things, but in the end, I am the one who makes the decision.

Why a Formal Supported Decision-Making Agreement is Necessary

A formal SDM Agreement is important because places like doctors' offices and banks, do not always recognize verbal agreements. Without a formal document, they might ignore my decisions. The agreement spells out what my supporters can and cannot do. They are there to help, not take over my decisions. It holds them accountable, so they do not take advantage of

me. Having a formal agreement also proves that I am capable. It shows that I can make my own decisions and advocate for myself in medical, financial, and everyday life situations.

Conclusion

H.B. 320 is about freedom, dignity, and independence for people with developmental disabilities. We deserve the right to make our own decisions, just like everyone else. Supported Decision-Making gives us the tools to do that without losing our rights. By passing this bill, Hawai‘i will set an example for inclusion and respect for people with disabilities.

For these reasons, I strongly urge you to pass H.B. 320 and stand with self-advocates who want to take charge of our own lives.

Mahalo for your time and consideration.

Sincerely,
Sierra Whiteside

Relating to Supported Decision-Making Agreements

My name is Sierra Whiteside, and I am a self-advocate with a developmental disability. I am submitting this testimony in strong support of H.B. 320, which establishes the legal framework for Supported Decision-Making (SDM) Agreements in Hawai‘i. As someone who has faced challenges in making decisions while still wanting to remain independent, I know firsthand how important it is to have support without losing my rights

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Sincerely,
Sierra Whiteside

2.25.2025

To: Committee on Judiciary and Hawaiian Affairs

Representative David Tarnas, Chair, Representative Mahina Poepoe, Vice Chair and Committee Members:

Support of Bill HB320 (HSCR683) HD1: Relating to Supported Decision Making

I am writing in **support of HB320 (HSCR683) HD1** that supports Supported Decision Making. I work as a Case Coordinator supporting adults with Intellectual and Developmental Disabilities (ID/DD) in the Home and Community Based Services Waiver program in Hawaii. In my role I work with individuals and their families advocating community integration and inclusion within the community. 50% of the adults in our program are legally their own self-guardian. While the benefit of guardianship has been discussed with participants and families during the annual Individual Service Plan meetings, there are a variety of reasons why families have not proceeded with securing guardianship. One barrier identified were options to consider with guardianship.

I am a member of the Kauai Chapter of the Hawaii Developmental Disability Council and support participants who are active in Self-Advocacy Advisory Council activities. Several participants that attend the program that I work with have developed an interest in learning more about options for Supported Decision Making. Passage of this bill along with HB648 HD1 to fund a pilot project supporting Guardianship and Conservatorship activities could assist adults with ID/DD explore option of benefit to them.

Mahalo

Anne Hvizdak, BSDH, CDHC
669 Aewa St. #375
Eleele, HI (Kauai) 96705
Hvizdak11@gmail.com

HB-320-HD-1

Submitted on: 2/23/2025 8:56:56 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacquelyn Lagoc	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members.

My name is Jacquelyn Lagoc. I'm a 24/7 caregiver, an advocate & single mother for my medically fragile son Jaxston Draï Lagoc.

Thank you for this opportunity to provide testimony in support of HB320.

We reside on the west side of Kaua'i and my son who's a student (9th Grade) that goes to Waimea High School and we will be attending an event to the State Capitol with the Kaua'i team on March 5th.

HB320 is very IMPORTANT:

- Leading the best practice for alternatives to Guardianship for me and other families with similar disabilities.
- To enable notarized SDM agreements to be accepted by Hawaii's financial and health institutions.
- Provide individuals with necessary support to gather information and express their decisions effectively.
- Include safeguards to prevent abuse or misuse of SDM.

I SUPPORT HB320.

Thank you for allowing me to speak on behalf of my medically fragile son.

HB-320-HD-1

Submitted on: 2/24/2025 9:35:18 AM

Testimony for JHA on 2/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	Remotely Via Zoom

Comments:

I am in strong strong support of this measure beacuse poeple with disabilty can make there own decision wih parents and caregiver can make a final say please pass this bill thank you,

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2025

The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary and Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Tarnas, and Committee members:

HB320 HD1 Testimony in support

I am in strong support of HB320 HD 1 which allows qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or more members of a supportive community.

My name is Deziree Tacub and I am in support of HB320 HD1 because I have a developmental disability and I was forced to have a guardian with the court. I think supported decision making would be a better choice for me. I could choose the person who can help support me in the decisions I need to make. I would have a better relationship with the person I choose and feel confident that they are supporting me to make the choices that I want.

Thank you for allowing me to testify in support of HB320 HD1.

House Committee on Judiciary & Hawaiian Affairs (JHA)

Subject: Testimony in **Support** of House Bill 320 (Companion SB776) / Relating to Supported Decision-Making Agreements

Hearing Date: Tuesday, February 25, 2025 2:00 pm ; Testifying via Zoom

Aloha and Good Afternoon, Chair Tarnas, Vice Chair Peopoe, and Committee Members on Judiciary and Hawaiian Affairs. My name is Faith Alejandro, and I am a resident of Ewa Beach and a current social work student at UH Manoa. I want to express my strong **support for House Bill 320**, which relates to supported decision-making agreements among qualified adults, adults with disabilities, adults with mental illness, and adults sixty-five years of age or older. I agree with the intent of this bill to allow one or more members of the individuals' supportive community to assist or help a qualified adult to consider the advantages and disadvantages of a decision and understand the possible outcomes.

Working in the DOE Special Education department at a high school for almost four years, I see the benefits of this bill as it supports the empowerment of individuals with disabilities and mental illness and allows for a qualified adult to make a voluntary, informed, and educated decision relating to decisions/agreements that involve or affect them. Many of the documents that qualified adults come across - including but not limited to employment opportunities, healthcare plans, personal finances, social decisions, etc.- are not always reader-appropriate or suitable for all audiences to understand. As a community, we should not only consider what services or options are made for the public but also the barriers to accessibility, attainability, and understandability of those services among the public, especially for qualified adults, as indicated within House Bill 320.

Additionally, this bill is imperative for adults with disabilities, aging adults, and adults with mental illness because it indicates that the qualified adult still makes the final decision and that the supportive community members whom the qualified adult chooses should not coerce or manipulate the qualified adult throughout the decision-making process. This further supports the goal as a community to promote autonomy (where applicable and appropriate) and individual choice, which are often lacking within these communities.

I believe in the famous disability rights quote, "Nothing about us without us." This bill can make a difference in bringing a qualified adult back into the conversations that affect or involve them. I hope that my students who have autism, mental illness, or the Kupuna in my community may be supported and maintained as the decision-maker (where applicable and appropriate) regarding decisions that affect or involve them.

Mahalo, and thank you, Chair Tarnas and Vice-chair Poepoe, for your presence and time to hear my support for House Bill 320.