
OLR Bill Analysis

sHB 5485

AN ACT CONCERNING SUPPORTED DECISION-MAKING.

SUMMARY

This bill authorizes adults (“decision-makers”) to voluntarily enter into agreements with other adults (“supporters”) for supported decision-making, which is a process of helping decision-makers (generally people with disabilities and older adults) understand the nature and consequences of personal and financial decisions and communicate them.

Under the bill, entities within the state must recognize the right of a decision-maker to receive help from a supporter under a supported decision-making agreement. This includes businesses, government agencies, organizations, medical providers, educational institutions, and entities the decision-maker interacts with to obtain goods and services.

The bill authorizes a decision-maker or supporter to terminate an agreement at any time. If a supporter terminates an agreement, the termination applies only to the supporter’s role and the agreement otherwise remains in effect for the decision-maker and any other supporters named in the agreement.

Additionally, the bill sets allowable and prohibited actions for supporters and generally grants immunity from civil and criminal liability and professional discipline to non-parties for following a supporter’s direction or implementing or enforcing an agreement.

Lastly, the bill requires the Department of Aging and Disability Services (ADS), within available appropriations, to establish the Supported Decision-Making Education and Assistance Program to:

1. provide information to older adults and adults with disabilities,

- families, and others interested in supported decision-making agreements;
2. facilitate forming, executing, and terminating these agreements; and
 3. provide resources for a decision-maker who believes a supporter is acting outside of an agreement's scope.

Under the bill, the ADS commissioner must report to the Human Services Committee by January 1, 2027, on the program's status and how many people it helped.

EFFECTIVE DATE: October 1, 2026

SUPPORTED DECISION-MAKING AGREEMENTS

Under the bill, supported decision-making agreements are written agreements entered into by a decision-maker and one or more supporters that (1) are dated; (2) decision-makers enter into voluntarily (without undue influence or coercion) and understanding the agreement's nature and effect; (3) are signed by decision-makers, one or more supporters, and two identified adult witnesses; and (4) describe the types of decisions that a supporter may help a decision-maker to make.

SUPPORTERS

Responsibilities

The bill generally authorizes supporters to do the following (unless the agreement states otherwise):

1. help a decision-maker understand information, options, responsibilities, and consequences of the decision-maker's decisions, including those related to their affairs or supportive services;
2. help the decision-maker access, obtain, and understand any information relevant to a decision (for example, protected health information under the Health Insurance Portability and

Accountability Act (HIPAA), educational records protected under the Family Educational Rights and Privacy Act (FERPA), and any related regulations);

3. help the decision-maker find, get, and make appointments;
4. help the decision-maker monitor information about the decision-maker's affairs or services;
5. learn the decision-maker's wishes and decisions and, when requested, help communicate them to other people; and
6. advocate to ensure that the decision-maker's wishes and decisions are implemented.

Prohibited Acts

Under the bill, supporters are prohibited from:

1. exerting undue influence on a decision-maker or making decisions on their behalf;
2. obtaining, without the decision-maker's consent, information that is not reasonably related to matters the supporter is authorized to help the decision-maker with under their agreement; or
3. violating state or federal information privacy laws, including HIPAA, FERPA, and any related regulations.

NON-PARTIES TO AGREEMENTS

Under the bill, a person who is not a party to a supported decision-making agreement (for example, a health care or financial services provider) may do the following:

1. rely on a supported decision-making agreement without actual knowledge that the agreement is not void, invalid, or terminated, and
2. rely on the presumption that a signature on an agreement is

genuine without any actual knowledge.

The bill also gives immunity from civil or criminal liability or discipline for unprofessional conduct to any person implementing or enforcing a declaration in a supported decision-making agreement or following the direction of a supporter named in the agreement.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 23 Nay 0 (03/19/2026)