

May 16, 2022

TO: Senator John Manion  
Assemblymember Aileen Gunther  
Assemblymember Jessica Gonzalez-Rojas  
Assemblymember Daniel O'Donnell  
Assemblymember Marjorie Byrnes

FROM: Dr. Ruth K. Finkelstein, Executive Director, Brookdale Center for Healthy Aging, Hunter College

CC: Eileen M. Haynes, Acting General Counsel and Deputy Commissioner., NYS Office of Mental Hygiene  
Kristin Booth Glen, Director, Supported Decision-Making New York

RE: Support for Legislative Proposal OPWDD#03-22 (Senate Bill S7107B)

Please accept this memorandum as an expression of our support for the legislative proposal cited above, which would add Article 82 to the Mental Hygiene Law, identifying supported decision-making as a less restrictive alternative to guardianship and creating the framework to legally recognize Supported Decision-Making Agreements.

The Brookdale Center for Healthy Aging is a research and policy center dedicated to the study of aging and is located at Hunter College, City University of New York (CUNY). Our work aims to change the future of aging by supporting innovative research and developing policies and practices for New York that will become models used around the world. Through this work, we strive to create opportunities for everyone to age as well as anyone can.

Supported Decision-making is a fundamentally different model to support people who need assistance in making decisions for themselves. In sharp contrast to the alternatives, supported decision-making does not impede people's right to self-determination, but instead creates a process of education and facilitation toward the creation of Supported Decision-Making Agreements between trusted supporters and people with intellectual, developmental, psychosocial or cognitive disabilities.

If this legislation passes, this model, refined and piloted by Supported Decision-Making New York here at Hunter College, will first be implemented by the NYS Office for People with Disabilities, but has clear applicability for other populations, including in the Office of Child and Family Services, Mental Health, and Aging Services. In each instance, the addition of Supported Decision-Making will promote person centered care in the least restrictive setting.

Obviously, Supported Decision-Making has potential to be an important alternative to guardianship for older adults who lack the ability to guide their lives independently. The number of New Yorkers age 85 and older jumped by more than 130,000 people since 2000, a 43 percent increase. This is the steepest population growth of any age group in the state. At least one in five of the oldest New Yorkers will

develop some disability that will limit their ability to live independently. We look forward to adding Supported Decision-Making as an option that would promote autonomy.

For more information, please feel free to contact me at [rf1132@hunter.cuny.edu](mailto:rf1132@hunter.cuny.edu).

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