



Senator Michele Reynolds - 3rd District

Sponsor Testimony for SB 35

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary committee, thank you for the opportunity to present sponsor testimony on Senate Bill 35.

Senate Bill 35 establishes supported decision-making as a less restrictive alternative to guardianship for adults with developmental disabilities in Ohio. This process allows individuals with developmental disabilities to retain their decision-making authority while receiving support from chosen trusted advisors who can help them understand, make, and communicate their decisions. The fundamental principle underlying this bill is that all adults with developmental disabilities should be presumed capable of making their own decisions and managing their affairs, unless determined otherwise by a court.

This legislation addresses a significant need in our current system. Many adults with developmental disabilities find that full guardianship is more restrictive than necessary, while complete independence may not provide adequate support. Research has shown that individuals with disabilities who maintain greater control over their lives experience better outcomes in employment, community integration, and overall quality of life. When people are empowered to make their own choices with appropriate support, they develop better decision-making skills and greater self-confidence.

Supported decision-making aligns with modern disability rights principles that emphasize presumed competence, reasonable accommodation, and the least

restrictive alternative. This approach recognizes that disability exists on a spectrum, and our legal frameworks should reflect this reality. Many adults with developmental disabilities can make sound decisions when provided with proper support and accommodation. Twenty-three states have already enacted similar legislation, demonstrating the growing recognition of supported decision-making as a valuable alternative to guardianship.

SB 35 creates a flexible framework that accommodates both formal and informal supported decision-making arrangements. Under formal plans, individuals can document their chosen supporters and have these arrangements properly witnessed. These plans require voluntary participation and informed consent, while establishing fiduciary duties for supporters and maintaining essential privacy protections for medical, educational, and financial information. Importantly, individuals retain the right to modify or terminate these arrangements at any time.

The bill also recognizes the value of informal arrangements, allowing natural support networks to continue providing assistance. These existing relationships, which often work well for many families, will now have legal recognition and protection. This dual approach ensures that individuals and families can choose the arrangement that best fits their specific needs and circumstances.

To protect all parties involved, the legislation includes several important safeguards. Supporters must disclose any conflicts of interest and are protected from liability when acting in good faith. The individual's right to act independently is preserved, and all existing privacy protections remain intact. The Department of Developmental Disabilities will develop model supported decision-making plans and create educational materials to help individuals, families, and professionals understand and implement these arrangements effectively.

This carefully balanced approach provides the flexibility needed to accommodate different situations while maintaining appropriate protections. Most importantly, it empowers Ohioans with developmental disabilities to make their own choices while ensuring they have access to the support they need to make informed decisions about their lives.

I appreciate your consideration of this important legislation and would be happy to answer any questions.