



April 18, 2017

SENATE RESOLUTION No. 44

DIGEST OF RESOLUTION

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of supported decision making as an alternative option to adult guardianship in probate courts.

Koch

March 21, 2017, read first time and referred to Committee on Judiciary.
April 17, 2017, reported favorably — Do Pass.

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SENATE RESOLUTION No. 44

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

1 *A SENATE RESOLUTION urging the legislative council*
2 *to assign to the appropriate study committee the topic of*
3 *supported decision making as an alternative option to adult*
4 *guardianship in probate courts.*

5 *Whereas, Adult guardianship is the default court order to*
6 *protect adults with developmental disabilities;*

7 *Whereas, A court order for adult guardianship removes all*
8 *legal authority of an adult to control their own lives;*

9 *Whereas, Students with intellectual and other*
10 *developmental disabilities receive individual education plans*
11 *to foster their learning and development in school;*

12 *Whereas, Schools are required to inform parents of the fact*
13 *they need to preemptively seek guardianship of their child*
14 *before they reach the age of majority in order to retain the*
15 *right to remain involved in their child's individual education*
16 *plan after they reach the age of 18;*

17 *Whereas, Once a court orders guardianship of an adult*
18 *with intellectual and other developmental disabilities it is*
19 *extraordinarily difficult to dissolve that guardianship order;*
20 *and*

21 *Whereas, An alternative to adult guardianship that allows*
22 *adults with intellectual and other developmental disabilities*

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1 *capable of maintaining control of their own lives, which*
2 *allows them to retain decision making authority with the aid*
3 *of trained advisors within a supported decision making*
4 *model, would further development and quality of life for*
5 *many individuals: Therefore,*

6 *Be it resolved by the Senate*
7 *of the General Assembly of the State of Indiana:*

8 SECTION 1. That the legislative council is urged to assign to the
9 appropriate study committee the topic of implementation of a supported
10 decision making model in Indiana probate courts in lieu of defaulting
11 to guardianship orders where unnecessary.

12 SECTION 2. That the legislative council should additionally urge the
13 appropriate committee to include the Indiana Adult Guardianship State
14 Task Force, the National Resource Center for Supported Decision-
15 Making, the Arc of Indiana, the Indiana Judicial Conference, and the
16 Indiana State Bar Association during the study.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Resolution No. 44, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.

(Reference is to SR 44 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0

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