

GREEN SHEET REDIGEST

HB 361

2020 Regular Session

Davis

CIVIL/LAW: Provides relative to supported decision-making agreements as a less restrictive means to interdiction

DIGEST

Present law provides for the procedures and requirements for a petition for interdiction.

Proposed law enacts an additional requirement of certification of consideration of less restrictive means prior to seeking interdiction.

Proposed law provides definitions for "adult", "guardian", "supported decision-making", "supported decision-making agreement", and "supporter".

Proposed law provides for a supportive decision-making agreement between an adult and a supporter, whereby the supporter advises the adult on issues outlined within the agreement without impeding the self-determination of the adult.

Proposed law provides that supportive decision-making agreements are recognized as less restrictive means in regards to the management of adults.

Proposed law provides that the authority of the supporter is granted by the supported decision-making agreement.

Proposed law provides for the various requirements and prohibitions of actions taken by the supporter.

Proposed law provides for the requirements, revocation, and term of a supported decision-making agreement.

Proposed law authorizes a supporter to assist with obtaining personal information that is relevant to decisions authorized under the agreement.

(Adds C.C.P. Art. 4541(A)(11) and R.S. 13:4261.101-4261.302)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the definitions of "disability" and "presumption of capacity", amend the definitions of "adult" and "supporter", and add a definition for "guardian".
2. Replace the phrase "adults with disability" with the term "adults".
3. Provide for reporting of abuse, neglect, and exploitation to any adult protection agency or any local or state law enforcement agency.
4. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Provide that proposed law may also be known as the "Dustin Gary Act".

2. Remove provisions that supporters who act in good faith and third parties who rely in good faith on the supported decision-making agreement are not subject to civil or criminal liability or to discipline for unprofessional conduct.