

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB1291**

Kolodin Floor Amendment

1. Allows an adult with a disability who is 18 years or older to enter into a supported decision-making agreement with an adult supporter who is 18 years or older in which the adult authorizes the supporter to do any of the following:
  - a) Provide supported decision-making, including assisting the adult in understanding the options, responsibilities and consequences of the adult's life decisions, without making those decisions on behalf of the adult;
  - b) Assist the adult in accessing, collecting and obtaining any information that is relevant to a life decision, including medical, psychological, financial, educational or treatment records;
  - c) Assist the adult in understanding the information listed above; and
  - d) Assist the adult in communicating the adult's decisions to appropriate persons.
2. States that a supporter is not a surrogate decision-maker for the adult and does not have the authority to sign legal documents on behalf of the adult or bind the adult in a legal agreement.
3. Requires a supported decision-making agreement to explain the rights, roles, duties and limitations and obligations of both the adult and the supporter who are entering into the agreement.
4. Subjects a supporter who intimidates or deceives the adult to gain the supported decision-making agreement or any authority provided in the supported decision-making agreement to criminal prosecution and civil penalties as otherwise provided by law.
5. Prohibits a supporter from receiving compensation as a result of the supporter's duties under a supported-decision making agreement.
6. Requires a supported-decision making agreement to be signed by the adult and the supporter in the presence of two or more subscribing witnesses who are 18 years or older or a notary public.
7. States that a supported decision-making agreement extends until:
  - a) Terminated in writing by either party;
  - b) The adult becomes incapacitated; or

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- c) A guardian is appointed.
- 8. Establishes a supported decision-making agreement form.
- 9. Defines relevant terms.
- 10. Adds a supported decision-making agreement to the existing definition of a *governing instrument* for purposes of Title 14.
- 11. Includes a delayed effective date of January 1, 2024 for certain sections of the bill.
- 12. Makes technical changes.

ADDITIONAL COW  
KOLODIN FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1291  
(Reference to House engrossed Senate bill)

1 Page 1, between lines 25 and 26, insert:

2 "Sec. 2. Section 14-1201, Arizona Revised Statutes, as amended by  
3 Laws 2023, Chapter 32, section 1, is amended to read:

4 14-1201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Agent" includes an attorney-in-fact under a durable or  
7 nondurable power of attorney, a person who is authorized to make decisions  
8 concerning another person's health care and a person who is authorized to  
9 make decisions for another person under a natural death act.

10 2. "Application" means a written request to the registrar for an  
11 order of informal probate or appointment under chapter 3, article 3 of this  
12 title.

13 3. "Basis for compensation" means an hourly rate, a fixed fee or a  
14 contingency fee agreement and reimbursable costs.

15 4. "Beneficiary", as it relates to a trust beneficiary, includes a  
16 person who has any present or future interest, vested or contingent, and  
17 includes the owner of an interest by assignment or other transfer. As it  
18 relates to a charitable trust, beneficiary includes any person entitled to  
19 enforce the trust. As it relates to a beneficiary of a beneficiary  
20 designation, beneficiary refers to a beneficiary of an insurance or annuity  
21 policy, an account with pay on death designation, a security registered in  
22 beneficiary form or a pension, profit sharing, retirement or similar  
23 benefit plan, or any other nonprobate transfer at death. As it relates to  
24 a beneficiary designated in a governing instrument, beneficiary includes a  
25 grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a  
26 beneficiary designation, a donee, appointee or taker in default of a power

1 of appointment and a person in whose favor a power of attorney or a power  
2 held in any person, fiduciary or representative capacity is exercised.

3 5. "Beneficiary designation" refers to a governing instrument naming  
4 a beneficiary of an insurance or annuity policy, of an account with pay on  
5 death designation, of a security registered in beneficiary form or of a  
6 pension, profit sharing, retirement or similar benefit plan, or any other  
7 nonprobate transfer at death.

8 6. "Certified paper original" means a tangible medium that contains  
9 both the text of an electronic will and any self-proving affidavit  
10 concerning the electronic will and that is accompanied by an affidavit that  
11 is executed pursuant to section 14-2523.

12 7. "Child" includes a person who is entitled to take as a child  
13 under this title by intestate succession from the parent whose relationship  
14 is involved. Child excludes a person who is only a stepchild, a foster  
15 child, a grandchild or a more remote descendant.

16 8. "Claims", in respect to estates of decedents and protected  
17 persons, includes liabilities of the decedent or the protected person,  
18 whether arising in contract, in tort or otherwise, and liabilities of the  
19 estate that arise at or after the death of the decedent or after the  
20 appointment of a conservator, including funeral expenses and expenses of  
21 administration. Claims do not include estate or inheritance taxes or  
22 demands or disputes regarding title of a decedent or a protected person to  
23 specific assets alleged to be included in the estate.

24 9. "Community property" means that property of a husband and wife  
25 that is acquired during the marriage and that is community property as  
26 prescribed in section 25-211.

27 10. "Conservator" means a person who is appointed by a court to  
28 manage the estate of a protected person.

29 11. "Court" means the superior court.

30 12. "Dependent child" means a minor child whom the decedent was  
31 obligated to support or an adult child who was in fact being supported by  
32 the decedent at the time of the decedent's death.

1           13. "Descendant" means all of the decedent's descendants of all  
2 generations, with the relationship of parent and child at each generation.

3           14. "Devise", when used as a noun, means a testamentary disposition  
4 of real or personal property and, when used as a verb, means to dispose of  
5 real or personal property by will.

6           15. "Devisee" means a person designated in a will to receive a  
7 devise. For the purposes of chapter 3 of this title, in the case of a  
8 devise to an existing trust or trustee, or to a trustee on trust described  
9 by will, the trust or trustee is the devisee and the beneficiaries are not  
10 devisees.

11           16. "Disability" means cause for a protective order as described in  
12 section 14-5401.

13           17. "Distributee" means any person who has received property of a  
14 decedent from that person's personal representative other than as a  
15 creditor or purchaser. Distributee includes a testamentary trustee only to  
16 the extent of distributed assets or increment that remains in that person's  
17 hands. A beneficiary of a testamentary trust to whom the trustee has  
18 distributed property received from a personal representative is a  
19 distributee of the personal representative. For the purposes of this  
20 paragraph, "testamentary trustee" includes a trustee to whom assets are  
21 transferred by will, to the extent of the devised assets.

22           18. "Electronic" means having electrical, digital, magnetic,  
23 optical, electromagnetic or similar capabilities.

24           19. "Electronic record" means a record that is created, generated,  
25 sent, communicated, received or stored by electronic means.

26           20. "Electronic signature" means an electronic method or process  
27 that does both of the following:

28           (a) Is attached to or logically associated with an electronic record  
29 and that is executed or adopted by a person with the intent to sign the  
30 electronic record.

31           (b) Uses a security procedure that allows a determination that the  
32 electronic signature was all of the following:

33           (i) Unique to the person using it.

(ii) Capable of verification.

(iii) Under the sole control of the person making the electronic signature.

(iv) Linked to the electronic record to which the electronic signature relates in a manner so that if the electronic record is changed the electronic signature is invalidated.

21. "Electronic will" means a testamentary instrument that is executed and maintained on an electronic medium and that is executed in compliance with section 14-2518.

22. "Electronically present" means two or more individuals who are in a different physical location and who are communicating by means of technology that enables all individuals to see and hear each other in real time to the same extent as if the individuals were physically present in the same location.

23. "Estate" includes the property of the decedent, trust or other person whose affairs are subject to this title as originally constituted and as it exists from time to time during administration. As it relates to a spouse, the estate includes only the separate property and the share of the community property belonging to the decedent or person whose affairs are subject to this title.

24. "Exempt property" means that property of a decedent's estate that is described in section 14-2403.

25. "Fiduciary" includes a personal representative, guardian, conservator and trustee.

26. "Foreign personal representative" means a personal representative who is appointed by another jurisdiction.

27. "Formal proceedings" means proceedings that are conducted before a judge with notice to interested persons.

28. "Governing instrument" means a deed, will, trust, insurance or annuity policy, account with pay on death designation, security registered in beneficiary form, pension, profit sharing, retirement or similar benefit plan, instrument creating or exercising a power of appointment or ~~a~~ power

1 of attorney OR SUPPORTED DECISION-MAKING AGREEMENT or a dispositive,  
2 appointive or nominative instrument of any similar type.

3 29. "Guardian" means a person who has qualified as a guardian of a  
4 minor or incapacitated person pursuant to testamentary or court appointment  
5 but excludes a person who is merely a guardian ad litem.

6 30. "Guardian ad litem" includes a person who is appointed pursuant  
7 to section 14-1408.

8 31. "Heirs", except as controlled by section 14-2711, means persons,  
9 including the surviving spouse and the state, who are entitled under the  
10 statutes of intestate succession to the property of a decedent.

11 32. "Incapacitated person" has the same meaning prescribed in  
12 section 14-5101.

13 33. "Informal proceedings" means those proceedings conducted without  
14 notice to interested persons by an officer of the court acting as a  
15 registrar for probate of a will or appointment of a personal  
16 representative.

17 34. "Interested person" includes any trustee, heir, devisee, child,  
18 spouse, creditor, beneficiary, person holding a power of appointment and  
19 other person who has a property right in or claim against a trust estate or  
20 the estate of a decedent, ward or protected person. Interested person also  
21 includes a person who has priority for appointment as personal  
22 representative and other fiduciaries representing interested persons.  
23 Interested person, as the term relates to particular persons, may vary from  
24 time to time and must be determined according to the particular purposes  
25 of, and matter involved in, any proceeding.

26 35. "Issue" of a person means descendant as defined in this section.

27 36. "Joint tenants with the right of survivorship" and "community  
28 property with the right of survivorship" includes co-owners of property  
29 held under circumstances that entitle one or more to the whole of the  
30 property on the death of the other or others but excludes forms of  
31 co-ownership registration in which the underlying ownership of each party  
32 is in proportion to that party's contribution.

33 37. "Lease" includes any oil, gas or other mineral lease.

1           38. "Letters" includes letters testamentary, letters of  
2 guardianship, letters of administration and letters of conservatorship.

3           39. "Minor" means a person who is under eighteen years of age.

4           40. "Mortgage" means any conveyance, agreement or arrangement in  
5 which property is encumbered or used as security. Mortgage does not  
6 include leases or easements.

7           41. "Nonresident decedent" means a decedent who was domiciled in  
8 another jurisdiction at the time of the decedent's death.

9           42. "Organization" means a corporation, limited liability company,  
10 business trust, estate, trust, partnership, joint venture, association,  
11 government or governmental subdivision or agency or any other legal or  
12 commercial entity.

13           43. "Original will" means either an original paper will or a  
14 certified paper original of an electronic will.

15           44. "Paper will" means a testamentary instrument that is executed  
16 and maintained on a tangible medium and that is executed in compliance with  
17 section 14-2502 or 14-2503.

18           45. "Parent" includes any person entitled to take, or who would be  
19 entitled to take if the child died without a will, as a parent under this  
20 title by intestate succession from the child whose relationship is in  
21 question and excludes any person who is only a stepparent, foster parent or  
22 grandparent.

23           46. "Payor" means a trustee, insurer, business entity, employer,  
24 government, governmental agency or subdivision or any other person who is  
25 authorized or obligated by law or a governing instrument to make payments.

26           47. "Person" means an individual or an organization.

27           48. "Personal representative" includes an executor, an  
28 administrator, a successor personal representative, a special administrator  
29 and persons who perform substantially the same function under the law  
30 governing their status. A general personal representative excludes a  
31 special administrator.

32           49. "Petition" means a written request to the court for an order  
33 after notice.



- 1           50. "Proceeding" includes action at law and suit in equity.
- 2           51. "Property" has the same meaning prescribed in section 14-10103.
- 3           52. "Protected person" has the same meaning prescribed in section  
4 14-5101.
- 5           53. "Protective proceeding" has the same meaning prescribed in  
6 section 14-5101.
- 7           54. "Qualified custodian" means a person who fulfills the  
8 requirements of section 14-2520.
- 9           55. "Registrar" means the official of the court who is designated to  
10 perform the functions of registrar as provided in section 14-1307.
- 11           56. "Security" includes any note, stock, treasury stock, bond,  
12 debenture, evidence of indebtedness, certificate of interest or  
13 participation in an oil, gas or mining title or lease or in payments out of  
14 production under that title or lease, collateral trust certificate,  
15 transferable share or voting trust certificate and, in general, includes  
16 any interest or instrument commonly known as a security, or any certificate  
17 of interest or participation, any temporary or interim certificate, receipt  
18 or certificate of deposit for, or any warrant or right to subscribe to or  
19 purchase, any of these securities.
- 20           57. "Separate property" means that property of a husband or wife  
21 that is the spouse's separate property as defined in section 25-213.
- 22           58. "Settlement", in reference to a decedent's estate, includes the  
23 full process of administration, distribution and closing.
- 24           59. "Special administrator" means a personal representative as  
25 described by sections 14-3614 through 14-3618.
- 26           60. "State" has the same meaning prescribed in section 14-10103.
- 27           61. "Successor personal representative" means a personal  
28 representative, other than a special administrator, who is appointed to  
29 succeed a previously appointed personal representative.
- 30           62. "Successors" means persons, other than creditors, who are  
31 entitled to property of a decedent under a will or this title.
- 32           63. "Supervised administration" refers to the proceedings described  
33 in chapter 3, article 5 of this title.

1           64. "Survive" means that a person has neither predeceased an event,  
2 including the death of another person, nor is deemed to have predeceased an  
3 event under section 14-2104 or 14-2702.

4           65. "Tangible medium" means a medium on which information may be  
5 inscribed by writing, typing, printing or similar means and that is  
6 perceivable by reading directly from the medium on which the information is  
7 inscribed.

8           66. "Testacy proceeding" means a proceeding to establish a will or  
9 determine intestacy.

10          67. "Testator" includes a person of either sex.

11          68. "Trust" includes an express trust, private or charitable, with  
12 any additions, wherever and however created. Trust also includes a trust  
13 created or determined by judgment or decree under which the trust is to be  
14 administered in the manner of an express trust. Trust excludes other  
15 constructive trusts and excludes resulting trusts, conservatorship,  
16 personal representatives, trust accounts, custodial arrangements pursuant  
17 to chapter 7, article 7 of this title, business trusts providing for  
18 certificates to be issued to beneficiaries, common trust funds, voting  
19 trusts, security arrangements, liquidation trusts and trusts for the  
20 primary purpose of paying debts, dividends, interest, salaries, wages,  
21 profits, pensions or employee benefits of any kind, trusts created by a  
22 city or town for the payment of medical insurance, health care benefits or  
23 expenses, long-term or short-term disability, self insurance reserves and  
24 similar programs administered by a city or town, legal defense trusts and  
25 any arrangement under which a person is nominee or escrowee for another.

26          69. "Trustee" includes an original, additional or successor trustee,  
27 whether or not appointed or confirmed by the court.

28          70. "Ward" has the same meaning prescribed in section 14-5101.

29          71. "Will" includes a codicil and any testamentary instrument that  
30 merely appoints an executor, revokes or revises another will, nominates a  
31 guardian or expressly excludes or limits the right of an individual or  
32 class to succeed to property of the decedent passing by intestate  
33 succession. A will may be a paper will or an electronic will."

1 Renumber to conform

2 Page 4, line 12, after "THE" insert "ALLEGED INCAPACITATED"; strike "ALLEGEDLY IN  
3 NEED OF PROTECTION"

4 Page 13, after line 17, insert:

5 "Sec. 13. Title 14, chapter 5, Arizona Revised Statutes, is amended  
6 by adding article 9, to read:

7 ARTICLE 9. SUPPORTED DECISION-MAKING AGREEMENTS

8 14-5721. Definitions

9 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 1. "ADULT" MEANS AN INDIVIDUAL WITH A DISABILITY WHO IS AT LEAST  
11 EIGHTEEN YEARS OF AGE.

12 2. "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT  
13 SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, AS DEFINED IN  
14 SECTION 41-1492.

15 3. "INTERESTED PERSON" MEANS ANY PERSON WHO IS INTERESTED IN THE  
16 AFFAIRS OR WELFARE OF AN ADULT WHO HAS ENTERED INTO A SUPPORTED  
17 DECISION-MAKING AGREEMENT.

18 4. "INTIMIDATE" INCLUDES THREATENING TO DEPRIVE AN ADULT OF FOOD,  
19 NUTRITION, SHELTER OR NECESSARY MEDICATION OR MEDICAL TREATMENT.

20 5. "SUPPORTED DECISION-MAKING" MEANS A PROCESS OF SUPPORTING AND  
21 ACCOMMODATING AN ADULT TO ENABLE THE ADULT TO MAKE LIFE DECISIONS,  
22 INCLUDING DECISIONS RELATED TO WHERE THE ADULT WANTS TO LIVE, THE SERVICES,  
23 SUPPORT AND MEDICAL CARE THE ADULT WANTS TO RECEIVE, WHOM THE ADULT WANTS  
24 TO LIVE WITH AND WHERE THE ADULT WANTS TO WORK, WITHOUT IMPEDING THE  
25 ADULT'S SELF-DETERMINATION.

26 6. "SUPPORTED DECISION-MAKING AGREEMENT" MEANS AN AGREEMENT BETWEEN  
27 AN ADULT AND A SUPPORTER THAT IS ENTERED INTO PURSUANT TO THIS ARTICLE.

28 7. "SUPPORTER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE  
29 AND WHO ENTERS INTO A SUPPORTED DECISION-MAKING AGREEMENT WITH AN ADULT.

30 14-5722. Supported decision-making agreements; scope; rights  
31 and obligations; intimidation; deception; petition;  
32 termination; form

1           A. AN ADULT, WITHOUT UNDUE INFLUENCE OR COERCION, MAY VOLUNTARILY  
2 ENTER INTO A SUPPORTED DECISION-MAKING AGREEMENT WITH A SUPPORTER UNDER  
3 WHICH THE ADULT AUTHORIZES THE SUPPORTER TO DO ANY OR ALL OF THE FOLLOWING:

4           1. PROVIDE SUPPORTED DECISION-MAKING, INCLUDING ASSISTING THE ADULT  
5 IN UNDERSTANDING THE OPTIONS, RESPONSIBILITIES AND CONSEQUENCES OF THE  
6 ADULT'S LIFE DECISIONS, WITHOUT MAKING THOSE DECISIONS ON BEHALF OF THE  
7 ADULT.

8           2. ASSIST THE ADULT IN ACCESSING, COLLECTING AND OBTAINING FROM ANY  
9 PERSON INFORMATION THAT IS RELEVANT TO A GIVEN LIFE DECISION, INCLUDING  
10 MEDICAL, PSYCHOLOGICAL, FINANCIAL, EDUCATION OR TREATMENT RECORDS.

11           3. ASSIST THE ADULT IN UNDERSTANDING THE INFORMATION DESCRIBED IN  
12 PARAGRAPH 2 OF THIS SUBSECTION.

13           4. ASSIST THE ADULT IN COMMUNICATING THE ADULT'S DECISIONS TO  
14 APPROPRIATE PERSONS.

15           B. A SUPPORTER IS NOT A SURROGATE DECISION-MAKER FOR THE ADULT AND  
16 DOES NOT HAVE THE AUTHORITY TO SIGN LEGAL DOCUMENTS ON BEHALF OF THE ADULT  
17 OR BIND THE ADULT TO A LEGAL AGREEMENT.

18           C. THE SUPPORTED DECISION-MAKING AGREEMENT SHALL SET FORTH THE  
19 RIGHTS, ROLES, DUTIES, LIMITATIONS AND OBLIGATIONS OF BOTH THE ADULT AND  
20 THE SUPPORTER WHO ARE ENTERING INTO THE AGREEMENT.

21           D. IF THE SUPPORTER INTIMIDATES OR DECEIVES THE ADULT IN PROCURING  
22 THE SUPPORTED DECISION-MAKING AGREEMENT OR ANY AUTHORITY PROVIDED IN THE  
23 SUPPORTED DECISION-MAKING AGREEMENT, THE SUPPORTER MAY BE SUBJECT TO  
24 CRIMINAL PROSECUTION AND CIVIL PENALTIES AS OTHERWISE PROVIDED BY LAW.

25           E. THE SUPPORTER MAY NOT RECEIVE COMPENSATION AS A RESULT OF THE  
26 SUPPORTER'S DUTIES UNDER A SUPPORTED DECISION-MAKING AGREEMENT. THE  
27 SUPPORTER SHALL ACT WITHOUT SELF-INTEREST AND SHALL AVOID CONFLICTS OF  
28 INTEREST.

29           F. A SUPPORTED DECISION-MAKING AGREEMENT MUST BE SIGNED BY THE ADULT  
30 AND THE SUPPORTER IN THE PRESENCE OF TWO OR MORE SUBSCRIBING WITNESSES, WHO  
31 MUST BE AT LEAST EIGHTEEN YEARS OF AGE, OR A NOTARY PUBLIC, AND THE  
32 SIGNATURE PROCESS IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

1           1. BY WITNESSING THE AGREEMENT, EACH WITNESS OR NOTARY AFFIRMS THAT  
2           THE WITNESS OR NOTARY WAS PRESENT WHEN THE PERSON DATED AND SIGNED OR  
3           MARKED THE AGREEMENT, EXCEPT AS PROVIDED UNDER PARAGRAPH 2 OF THIS  
4           SUBSECTION, AND THAT THE PERSON APPEARED TO BE OF SOUND MIND AND FREE FROM  
5           DURESS AT THE TIME OF EXECUTION OF THE AGREEMENT.

6           2. IF A PERSON IS PHYSICALLY UNABLE TO SIGN OR MARK THE AGREEMENT,  
7           THE WITNESS OR NOTARY SHALL VERIFY ON THE DOCUMENT THAT THE PERSON DIRECTLY  
8           INDICATED TO THE NOTARY OR WITNESS THAT THE AGREEMENT EXPRESSED THE  
9           PERSON'S WISHES AND THAT THE PERSON INTENDED TO ADOPT THE AGREEMENT AT THAT  
10          TIME.

11          G. A SUPPORTED DECISION-MAKING AGREEMENT EXTENDS UNTIL:

12          1. TERMINATED IN WRITING BY EITHER PARTY OR BY THE TERMS OF THE  
13          SUPPORTED DECISION-MAKING AGREEMENT.

14          2. AT ANY TIME THE ADULT BECOMES AN INCAPACITATED PERSON AS DEFINED  
15          IN SECTION 14-5101.

16          3. ON THE APPOINTMENT OF A GUARDIAN PURSUANT TO ARTICLE 3 OF THIS  
17          CHAPTER.

18          H. THE SUPPORTED DECISION-MAKING AGREEMENT SHALL BE IN SUBSTANTIALLY  
19          THE FOLLOWING FORM:

20                       SUPPORTED DECISION-MAKING AGREEMENT

21           THIS AGREEMENT IS GOVERNED BY THE ARIZONA SUPPORTED  
22           DECISION-MAKING AGREEMENT STATUTE SECTION 14-5722, ARIZONA  
23           REVISED STATUTES. FOR THE PURPOSES OF THIS AGREEMENT,  
24           "DECISION-MAKER" MEANS AN ADULT WITH A DISABILITY WHO EXECUTES  
25           AN AGREEMENT FOR THE PURPOSE OF DESIGNATING AN INDIVIDUAL TO  
26           SERVE AS THE DECISION-MAKER'S SUPPORTER WHEN THE DECISION-MAKER  
27           MAKES CERTAIN DECISIONS THAT ARE LISTED IN THE AGREEMENT.

28                       PURPOSE OF AGREEMENT

29           THE PURPOSE OF THE SUPPORTED DECISION-MAKING AGREEMENT IS  
30           TO SUPPORT AND ACCOMMODATE A DECISION-MAKER TO MAKE INFORMED  
31           DECISIONS AND CHOICES ABOUT CERTAIN ASPECTS OF THE ADULT'S  
32           DAILY LIFE.

33                       ROLE OF SUPPORTER

1 TO ASSIST A DECISION-MAKER, A SUPPORTER MAY:

2 1. ASSIST THE DECISION-MAKER WITH GETTING INFORMATION TO  
3 BE ABLE TO UNDERSTAND AVAILABLE CHOICES.

4 2. ASSIST THE DECISION-MAKER IN UNDERSTANDING CHOICES SO  
5 THE DECISION-MAKER CAN MAKE THE BEST PERSONAL DECISIONS.

6 3. ASSIST THE DECISION-MAKER IN COMMUNICATING DECISIONS  
7 TO THE RIGHT PEOPLE AND ORGANIZATIONS.

8 REVOCATION OR TERMINATION OF AGREEMENT

9 A. THE DECISION-MAKER OR THE SUPPORTER MAY REVOKE THIS  
10 AGREEMENT AT ANY TIME.

11 B. THIS AGREEMENT TERMINATES AS A MATTER OF LAW AT ANY  
12 TIME THE DECISION-MAKER BECOMES AN INCAPACITATED PERSON AS  
13 DEFINED IN SECTION 14-5101, ARIZONA REVISED STATUTES.

14 C. THIS AGREEMENT TERMINATES AS A MATTER OF LAW ON THE  
15 APPOINTMENT OF A GUARDIAN FOR ANY REASON OR PURPOSE PURSUANT TO  
16 TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES.

17 D. IF EITHER THE DECISION-MAKER OR SUPPORTER HAS  
18 QUESTIONS ABOUT THE AGREEMENT, THE DECISION-MAKER OR SUPPORTER  
19 SHOULD SPEAK WITH A LAWYER BEFORE SIGNING THIS SUPPORTED  
20 DECISION-MAKING AGREEMENT.

21 IMPORTANT INFORMATION FOR SUPPORTERS ABOUT  
22 THE LIMITS TO THIS AGREEMENT

23 A. YOU MAY NOT MAKE A DECISION FOR OR ON BEHALF OF THE  
24 DECISION-MAKER.

25 B. NEITHER YOU NOR ANY ORGANIZATION FOR WHOM YOU ARE  
26 EMPLOYED OR SERVE AS A VOLUNTEER MAY RECEIVE ANY FINANCIAL  
27 SUPPORT, REMUNERATION OR COMPENSATION, EITHER DIRECTLY OR  
28 INDIRECTLY, FOR OR RELATED TO YOUR SERVICES AND ROLE AS A  
29 SUPPORTER TO THE DECISION-MAKER.

30 C. WHEN YOU AGREE TO PROVIDE SUPPORT TO AN ADULT UNDER  
31 THIS SUPPORTED DECISION-MAKING AGREEMENT, YOU HAVE A DUTY TO  
32 AND YOU SHALL:

33 1. ACT IN GOOD FAITH.

1                   2. ACT WITH LOYALTY TO THE DECISION-MAKER.

2                   3. ACT WITHOUT SELF-INTEREST.

3                   4. AVOID CONFLICTS OF INTEREST.

4                   5. STOP SERVING AS A SUPPORTER AT ANY TIME THAT YOU  
5 QUESTION THE CAPACITY OF THE DECISION-MAKER TO CONTINUE MAKING  
6 DECISIONS EVEN WITH YOUR SUPPORT.

7                   D. STOP SERVING AS A SUPPORTER AT ANY TIME THAT THE  
8 SUPPORTED DECISION-MAKING AGREEMENT IS REVOKED BY THE  
9 DECISION-MAKER OR YOU, OR THE AGREEMENT ENDS AS A MATTER OF  
10 LAW.

11                  E. RESPECT THE DECISION-MAKER'S RELATIONSHIPS WITH  
12 FRIENDS AND FAMILY MEMBERS AND NOT ATTEMPT TO ISOLATE OR  
13 ALIENATE THE DECISION-MAKER FROM THOSE FRIENDS AND FAMILY  
14 MEMBERS.

15                                   APPOINTMENT OF SUPPORTER

16 I \_\_\_\_\_, (NAME OF ADULT, (THE  
17 "DECISION-MAKER")), AM OF SOUND MIND AND ENTER INTO THIS  
18 AGREEMENT VOLUNTARILY.

19 MY DISABILITIES ARE: (DESCRIBE BRIEFLY)

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_.

23 I CHOOSE \_\_\_\_\_  
24 TO BE MY SUPPORTER.

25 SUPPORTER'S ADDRESS: \_\_\_\_\_

26 SUPPORTER'S TELEPHONE NUMBER: \_\_\_\_\_

27 SUPPORTER'S EMAIL ADDRESS: \_\_\_\_\_

28                                   SUPPORTER'S ROLE AND LIMITATIONS ON THAT ROLE

29 MY SUPPORTER MAY HELP ME WITH LIFE DECISIONS ABOUT EACH OF THE  
30 FOLLOWING WHICH I HAVE MARKED WITH AN "X" (CHECK THOSE THAT  
31 APPLY):

32 YES \_\_\_\_ NO \_\_\_\_ OBTAINING FOOD, CLOTHING AND A PLACE TO LIVE.

33 YES \_\_\_\_ NO \_\_\_\_ MY PHYSICAL HEALTH AND HEALTH SERVICES.

YES \_\_\_ NO \_\_\_ MY MENTAL HEALTH AND MENTAL HEALTH SERVICES.  
YES \_\_\_ NO \_\_\_ MANAGING MY MONEY OR PROPERTY.  
YES \_\_\_ NO \_\_\_ GETTING AN EDUCATION OR OTHER TRAINING.  
YES \_\_\_ NO \_\_\_ CHOOSING AND MAINTAINING MY SERVICES AND  
SUPPORTS.  
YES \_\_\_ NO \_\_\_ FINDING A JOB.  
YES \_\_\_ NO \_\_\_ OTHER: \_\_\_\_\_ (SPECIFY)  
YES \_\_\_ NO \_\_\_ MY SUPPORTERS MAY SEE MY PRIVATE HEALTH  
INFORMATION UNDER THE HEALTH INSURANCE PORTABILITY AND  
ACCOUNTABILITY ACT OF 1996 (P.L. 104-191) IF I FIRST CHOOSE TO  
PROVIDE A SIGNED RELEASE.  
YES \_\_\_ NO \_\_\_ MY SUPPORTERS MAY SEE MY EDUCATIONAL RECORDS  
UNDER THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (20  
UNITED STATES CODE SECTION 1232g) IF I FIRST CHOOSE TO PROVIDE  
A SIGNED RELEASE.

THIS AGREEMENT IS EFFECTIVE WHEN SIGNED AND WILL CONTINUE  
UNTIL \_\_\_\_\_ (DATE) OR UNTIL MY SUPPORTER OR I END THE  
AGREEMENT OR THE AGREEMENT ENDS BY OPERATION OF LAW, INCLUDING  
THE APPOINTMENT OF A GUARDIAN FOR ME.

DECISION-MAKER'S SIGNATURE

SIGNED THIS \_\_\_\_\_ (DAY) OF \_\_\_\_\_ (MONTH),  
\_\_\_\_\_ (YEAR)

\_\_\_\_\_  
(SIGNATURE OF DECISION-MAKER) (PRINTED NAME OF DECISION-MAKER)

CONSENT OF SUPPORTER

I (NAME OF SUPPORTER), \_\_\_\_\_  
CONSENT TO ACT AS A SUPPORTER UNDER THIS AGREEMENT.

\_\_\_\_\_  
(SIGNATURE OF SUPPORTER) (PRINTED NAME OF SUPPORTER)

THIS AGREEMENT MUST BE SIGNED IN FRONT OF TWO

WITNESSES OR A NOTARY PUBLIC

\_\_\_\_\_  
(WITNESS 1 SIGNATURE) (PRINTED NAME OF WITNESS 1)



1 \_\_\_\_\_  
2 (WITNESS 2 SIGNATURE) (PRINTED NAME OF WITNESS 2)  
3 OR  
4 NOTARY PUBLIC  
5 STATE OF \_\_\_\_\_  
6 COUNTY OF \_\_\_\_\_  
7 THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_(DATE) BY  
8 \_\_\_\_\_  
9 (NAME OF DECISION-MAKER) (NAME OF SUPPORTER)  
10 \_\_\_\_\_  
11 (SIGNATURE OF NOTARY) (PRINTED NAME OF NOTARY)  
12 (SEAL, IF ANY, OF NOTARY)  
13 MY COMMISSION EXPIRES: \_\_\_\_\_  
14 WARNING: PROTECTION FOR THE DECISION-MAKER WITH A DISABILITY  
15 IF A PERSON WHO RECEIVES A COPY OF THIS SUPPORTED  
16 DECISION-MAKING AGREEMENT OR WHO IS AWARE OF THE EXISTENCE OF  
17 THIS AGREEMENT HAS CAUSE TO BELIEVE THAT THE DECISION-MAKER IS  
18 BEING ABUSED, NEGLECTED OR EXPLOITED BY THE SUPPORTER, THE  
19 PERSON SHALL REPORT THE ALLEGED ABUSE, NEGLECT OR EXPLOITATION  
20 TO THE DEPARTMENT OF ECONOMIC SECURITY'S ONLINE REPORTING  
21 SYSTEM BY CALLING THE ADULT PROTECTIVE SERVICES, ADULT ABUSE  
22 HOTLINE OR BY CALLING THE LOCAL POLICE DEPARTMENT."  
23 Amend title to conform

ALEXANDER KOLODIN

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05/12/2023  
03:09 PM  
H: JL/ra