



Adult Representation Services

March 20, 2025

The Honorable Rep. Mohamud Noor
Co-Chair, House Human Services Finance and Policy Committee
5th Floor Centennial Office Building
Saint Paul, MN 55155

The Honorable Rep. Joe Schomacker
Co-Chair, House Human Services Finance and Policy Committee
2nd Floor Centennial Office Building
Saint Paul, MN 55155

Re: In support of SF2310/HF2060

Dear Chairs Noor, Schomacker and Committee Members:

I write in support of SF2310/HF2060, which extends the availability of existing funding for supported decision making (“SDM”) in Minnesota. I appreciate the forward thinking of the committee in appropriating money in 2023 for a supported decision making grant program. Through this grant, we had had measurable successes for clients and we hope to build on these successes and increase awareness for these important services.

Hennepin County Adult Representation Services is the only county-funded law firm in the State of Minnesota that provides independent advocacy to clients experiencing poverty in civil matters where they are entitled to an attorney. I am a senior attorney at ARS specializing in Guardianship representation for respondents and also lead our initiative on supported decision making.

Supported decision making is a person-centered approach that focuses on the individual’s needs and preferences, ensuring that they are at the center of their decisions. It empowers individuals to actively participate in their care, rather than having decisions made for them. Supporters (trusted individuals like family, friends, or advocates) assist the person with understanding information, communicating their needs and making choices, but do not make decisions for them.

Supported decision making is an important alternative to guardianship. The alternatives can include basic legal documents such as health care directives and powers of attorney. Supported decision making is about support, not control. It is an alternative to guardianship that allows individuals to retain their decision-making capacity while receiving necessary support. The benefits of supported decision making are increased autonomy and self-determination; improved communication; better patient outcomes; reduced risk of unnecessary guardianships.

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Guardianship is a more drastic tool which completely removes civil liberties from an individual and re-assigns them to another individual or entity. The Guardianship process has historically been the default when a provider believes that a patient lacks the capacity to make a particular medical decision in a hospital setting. Sometimes people languish in the hospital waiting for the court process to establish guardianship over the person and appoint a surrogate decision maker even though there are less restrictive options available.

Unfortunately, our office sees many new guardianship petitions that are unnecessary because supportive decision making services were not accessible. Funding for supported decision allows organizations such as ARS to offer both outreach/education and individual legal representation. Outreach to professionals is especially valuable as many families seek guardianship at the recommendation of a trusted professional. These professionals unintentionally create pipelines to guardianship from schools, hospitals, clinics, county offices, etc. ARS is working to connect with professionals in hospitals, clinics, and schools to provide them tools to guide families.

We strongly encourage you to support SF 2310/HF 2060 and continue to fund this important program into the next biennium. This ongoing funding ensures that some of the most vulnerable in our community receive the advocacy they need.

Thank you for your commitment to autonomy and independence for Minnesotans with disabilities across the life span.

Very truly yours,

ADULT REPRESENTATION SERVICES



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