2023 SESSION

23-0739
04/10

HOUSE BILL ***162***

AN ACT relative to supported decision-making.

SPONSORS: Rep. Moynihan, Hills. 12; Rep. Cordelli, Carroll 1; Rep. Boyd, Hills. 12; Rep. Hatter, Hills. 12; Sen. Avard, Dist 12

COMMITTEE: Judiciary

ANALYSIS

This bill requires that a supported decision-making agreement contain a description of the types of decisions for which the supporter is authorized to assist.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [in brackets and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0739
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to supported decision-making.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Supported Decision-Making; Form and Content of Valid Agreement. RSA 464-D:7, III(b) is repealed and reenacted to read as follows:
(b) The agreement contains a description of the types of decisions for which the supporter is authorized to assist.
2 Effective Date. This act shall take effect 60 days after its passage.

Rep. Lynn, Rock. 17
January 24, 2023
2023-0116h
07/10

Amendment to HB 162

Amend the bill by replacing section 1 with the following:

1 Supported Decision-Making; Form and Content of Valid Agreement. Amend RSA 464-D:7, II and the introductory paragraph of RSA 464-D:7, IV to read as follows:

II. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in writing and contains the elements of the form contained in RSA 464-D:16.

(b) [Repealed.]

(c) The agreement is dated.

[(d)] *(c)* The agreement is signed in the presence of 2 adult witnesses, who witness or notarize before a notary public, justice of the peace, or commissioner of deeds.

[(e)] *(d)* Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph [II(d)] *II(c)* may not be any of the following:

2023-0116h

AMENDED ANALYSIS

This bill makes technical corrections to the supported decision-making law in RSA 464-D:7.

CONSENT CALENDAR

January 30, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 162,

AN ACT relative to supported decision making. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Bob Lynn

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 162**
Title:	**relative to supported decision making.**
Date:	**January 30, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0116h**

STATEMENT OF INTENT

This bill corrects a technical error in the supported decision making statute, RSA 464-D:7, III and IV, as originally enacted. As the statute now stands, it contains a subparagraph that literally states: "omitted." The bill recrafts the statute to eliminate this language. The amendment accomplishes the rewording in a simpler way than the original bill by eliminating the "omitted" language and renumbering the remaining subparagraphs. The bill makes no substantive changes to existing law.

Vote 20-0.

Rep. Bob Lynn
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 162, relative to supported decision making. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. This bill corrects a technical error in the supported decision making statute, RSA 464-D:7, III and IV, as originally enacted. As the statute now stands, it contains a subparagraph that literally states: "omitted." The bill recrafts the statute to eliminate this language. The amendment accomplishes the rewording in a simpler way than the original bill by eliminating the "omitted" language and renumbering the remaining subparagraphs. The bill makes no substantive changes to existing law. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 162

BILL TITLE: **relative to supported decision making.**

DATE: **January 18, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **10:37am**

Time Adjourned: **10:59am**

Committee Members: Reps. Lynn, Kuttab, Alexander, JR, Andrus, Testerman, Stapleton, Tripp, Greeson, K.Perez, M.Smith, Horrigan, DiLorenzo, M. Paige, Devine, Lanza, Manos and Turer

Bill Sponsors:

Rep. Mooney	**Rep. Cordelli**	**Rep. B. Boyd**
Rep. Notter	**Sen. Avard**	

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Maureen Mooney- Prine Sponsor
- Supports bill
- Clarifies 464-D:7(b) part of Omnibus bill originally 2021
- Adds that agreement must contain description of types of decisions authorized. Okay ed with just remembering.

Bob Bevill
- As a parent of Special Needs children, supports.
- Wants it enumerated exactly what they can and can't do. Shouldn't be all inclusive.

Rep. Lynn
- Would like to amend - to say what may not assist with too.

Bob Bevill
- Feels form is controlling that's why wanted amended.

Rep. Tripp
- Question: Would you like us to check form too?
  Answer: Yes

Karen Rosenburg - DRC-NH
- Onerous to list what can't do
- Alternative to guardianship assist to make decisions, not to make for them, thinks bill unnecessary.

Respectfully submitted,

Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB162 on 2023-01-18

Support: 3 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Support	No	No	
Boyd, Hon. Bill	MERRIMACK, NH william.w.boyd.iii@gmail.com	An Elected Official	Myself	Support	No	No	
Bevill, Robert	Merrimack, NH bob@bevill.com	A Member of the Public	Myself	Support	No	No	

HB 162

TITLE XLIV
GUARDIANS AND CONSERVATORS

CHAPTER 464-D
SUPPORTED DECISION-MAKING

Section 464-D:7

464-D:7 Form and Content of Valid Agreement. –

I. In order to be valid under this chapter, a supported decision-making agreement shall include all of the following:

(a) Designation of at least one supporter.

(b) A description of the types of decisions for which the supporter is authorized to assist.

(c) A description of the types of decisions, if any, for which the supporter may not assist.

II. A supported decision-making agreement may include any of the following:

(a) Designation of more than one supporter.

(b) Provision for an alternate supporter to act in place of a supporter in circumstances specified in the agreement.

(c) Authorization for a supporter to share information with any other person, including another supporter.

III. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in a writing that contains the elements of the form contained in RSA 464-D:16.

(b) [Omitted.]

(c) The agreement is dated.

(d) The agreement is signed in the presence of 2 adult witnesses, or before a notary public, justice of the peace, or commissioner of deeds.

(e) Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph III(d) may not be any of the following:

(a) A supporter named in the agreement.

(b) An employee or agent of a supporter named in the agreement.

(c) A paid provider of services to the principal, unless the person is an immediate family member.

(d) Any person who does not understand the type of communication the principal uses, unless an individual who understands the principal's means of communication is present to assist during the execution of the supported decision-making agreement.

V. A supported decision-making agreement shall contain a separate declaration signed by each supporter named in the agreement indicating all of the following:

(a) The supporter's relationship to the principal.

(b) The supporter's willingness to act as a supporter.

(c) The supporter's acknowledgment of the role of a supporter under this chapter.

Source. 2021, 206:2, Pt. VI, Sec. 15, eff. Oct. 9, 2021.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 162

BILL TITLE: relative to supported decision making.

DATE: January 30, 2023

LOB ROOM: 206-208

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Lynn	Seconded by Rep. Wallace	AM Vote: 20-0 VV

Amendment # 2023-0175h

Moved by Rep. Lynn	Seconded by Rep. Wallace	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: HB162 Motion: OTPA AM #: 2023-0179h Exec Session Date: 30Jan23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman	✓		
Wallace, Scott Vice Chairman	✓		
Alexander, Joe H.	✓		
Andrus, Louise	✓		
Testerman, Dave	✓		
Stapleton, Walter A.	✓		
Tripp, Richard P.	✓		
Greeson, Jeffrey	✓		
Kuttab, Katelyn Clerk	✓		
~~Perez, Kristine~~ Seidel, Sheila	✓		
Smith, Marjorie K.	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
~~Kenney, Cam E.~~ Schultz, Kristina	✓		
~~Paige, Mark~~ Rung, Rosemarie	✓		
McBeath, Rebecca Susan	✓		
Devine, Shelley	✓		
Lanza, Judi	✓		
Manos, Zoe R	✓		
Turer, Eric S	✓		
TOTAL VOTE:	20	—	—