



April 14, 2021

Honorable Senator Sharon Carson Chair
Senate Judiciary Committee
North Main Street
Concord, New Hampshire 03301

Dear Madam Chair and Committee members,

My name is Kenneth Norton and I am the Executive Director of NAMI NH, the National Alliance on Mental Illness. I am a licensed Independent Clinical Social Worker in the State of New Hampshire with extensive experience in working in community mental health. During the 17 years I worked in Community Mental Health, many of the clients on my caseloads had guardians who I frequently interfaced with and I also participated in numerous guardianship hearings. On behalf of NAMI NH, I am here to testify in support of HB 540. My testimony is specifically related to individuals with severe mental illness.

For some individuals with severe mental illness who also experience significant functional impairment, guardianship is an important safeguard, albeit one which necessarily restricts their civil liberties. The legal standards and court process for guardianship includes protections and legal representation for the individual for whom guardianship is proposed. Despite these protections and the confidential proceedings of probate court guardianship hearings, the process of having a guardian appointed can be incredibly demoralizing and even traumatizing to the individual involved and their self esteem/perception of themselves and their own sense of agency and may inadvertently decrease rather than increase their independence.

In the event guardianship petitions fail to be granted, it can result in individuals whose acute symptoms may impair their judgement and decision-making capacity being very vulnerable. It can also leave family and loved ones of the individual feeling hopeless and helpless.

HB 540 provides for supported decision making as an alternative to guardianship for some individuals. Supported decision making is a strength based model which promotes thoughtful and informed decisions. It encourages the engagement of family, friends and natural support systems which can sometimes can become distanced or even estranged as a result of mental illness. Supported decision making will offer an important option that has the potential to increase the capacity of an individual for to manage their own affairs and is much more consistent with a model of promoting individual responsibility, recovery and independence than a traditional guardianship model. While traditional guardianship will continue to be a necessary consideration in some circumstances, NAMI NH encourages you to vote HB 540 as ought to pass. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Kenneth Norton".

Kenneth Norton, LICSW
Executive Director

Find Help, Find Hope.

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