

Greetings from the New Mexico Office of Guardianship!

We are reaching out to you because the New Mexico Office of Guardianship has received an application to appoint a guardian for you. But recent changes in New Mexico law may provide a less-restrictive option to guardianship for you. On April 7, 2025, Governor Michelle Lujan Grisham signed into law Senate Bill 535, formalizing a meaningful alternative to guardianship for New Mexicans with disabilities called Supported Decision-Making (“SDM”). The purpose of this letter is to provide information about SDM as an alternative to court-appointed guardianship, and to invite you to an informational meeting to learn more about your options.

What is SDM?

SDM is an alternative to guardianship that allows people with disabilities, including intellectual or developmental disabilities (“I/DD”), to retain their decision-making rights by choosing people to help them make choices about their lives. The person using SDM is called the “decision-maker.” The decision-maker selects trusted people in their life, such as friends, family members, or professionals, to serve as volunteer “supporters.” These supporters agree to help the decision-maker understand, consider, and communicate choices, and give them the tools to make the final decisions.

How is SDM different from guardianship?

Guardianship is a legal process whereby a state court determines that a person lacks the capacity to make some or all personal or financial decisions for themselves. When a court makes this determination, a guardian is appointed to make decisions for that person. The person with a guardian is called a “Protected Person.”

When a guardian is appointed, the guardian has the authority to make decisions instead of the Protected Person. Guardians can make decisions over medical, psychiatric, behavioral, and many other aspects of the Protected Person’s care as authorized by the court.

SDM is not like guardianship. With guardianship, the guardian makes the decisions *instead of* the Protected Person. With Supported Decision-Making, you get advice and help from your supporters to weigh the pros and cons and understand your options, but **you** make the final decision. The decision-maker and supporters sign a Supported Decision-Making Agreement that explains the areas where the supporters will help, and the decisions the decision-maker will make with their support.

What Are Some Things Supporters Help With?

Supporters can play multiple roles. Supporters can help gather information. For example, a supporter can help gather information about classes if the individual wants to pursue education. Supporters can help explain complex concepts, like medical treatments and procedures. Supporters can help gather information on where to live or work. Supporters can help gather important documentation like applying for public assistance. Supporters can also communicate with a landlord or a social services provider for you, and make sure your choices are respected.

How Can I Create a Supported Decision-Making Agreement?

You can create a Supported Decision-Making Agreement by choosing your supporter(s) and signing an agreement that says what decisions the supporter(s) will help you with. In the Agreement, you can choose what types of decisions you would like help with. The Agreement must be in writing. You and your supporter must sign the Agreement in front of two witnesses or a notary. The Agreement lasts as long as you want it to, and you can change or end the Agreement at any time.

None of us make the right decisions all the time. We all have the dignity of risk and the right to learn from our mistakes. Our supporters are there to help pick up the pieces when this happens.

“Too often people with disabilities do not have a voice when making decisions, which prevents them from learning necessary skills and gaining free will,” says Vashad Frink, a disability rights advocate and Supported Decision-Making Ambassador. “The Supported Decision-Making Act will help ensure people with disabilities like me have the same rights and respect as everyone else.”

Where Can I Learn More?

If you are interested in Supported Decision-Making and hearing about other alternatives to guardianship, please join us for an informational meeting on Friday, November 14, 2025, at 1:00 pm at NM Office of Guardianship’s office at this address:

625 Silver Avenue SW
Suite 100A
Albuquerque, New Mexico 87102

To RSVP, or if you have any questions about alternatives to guardianship, please contact us by email to Sabrina.Vigil@ddc.nm.gov, or by phone at (505) 250-6718.