*** § 82.10 Form of agreement.**

(a) A supported decision-making agreement may be in any form consistent with the requirements set forth in this article.

(b) A supported decision-making agreement must:

1. be in writing;

2. be dated;

3. designate the decision-maker, and at least one supporter;

4. list the categories of decisions with which a supporter is authorized to assist the decision-maker;

5. list the kinds of support that each supporter may give for each area in which they are designated as a supporter;

6. contain an attestation that the supporters agree to honor the right of the decision-maker to make their own decisions in the ways and areas specified in the agreement, respect the decision-maker's decisions, and, further, that they will not make decisions for the decision-maker;

7. state that the decision-maker may change, amend, or revoke the supported decision-making agreement at any time for any reason, subject to the requirements of section 82.06 of this article;

8. be signed by all designated supporters; and

9. be executed or endorsed by the decision-maker in the presence of at least two adult witnesses who are not also designated as supporters, or with the attestation of a notary public.

(c) A supported decision-making agreement may:

1. appoint more than one supporter;

2. authorize a supporter to obtain personal information as described in subdivision (e) of section 82.05 of this article;

3. authorize a supporter to share information with any other supporter or others named in the agreement; or

4. detail any other limitations on the scope of a supporter's role that the decision-maker deems important.

(d) In order to be subject to the provisions of section 82.11 and subdivisions (b) through (d) of section 82.12 of this article, a supported decision-making agreement must also:

1. be signed by a facilitator or educator;

2. include a statement that the supported decision-making agreement was made in accordance with a recognized facilitation and/or education process; and

3. include an attached attestation by the decision-maker that a particular decision has been made in accordance with the support described in the supported decision-making agreement.

* NB Effective 90 days from the date that the regulations issued in accordance with § 1 of chapter 481 of 2022 appear in the New York State Register or the date such regulations are adopted, whichever is later.