



My Voice Counts



Supported Decision Making
An Alternative to Guardianship



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Balancing Supports and Protection

Guardianship



Supported Decision Making

Guardianship

- **Guardianship**

A guardian is someone who can help a person with making life decisions or make decisions for them. They are appointed by a judge to make these decisions. There are two types of guardianship: full and partial



A partial (limited) guardian can make decisions, with or without input or permission from the person in SOME areas of their lives

A full guardian can make decisions, with or without the person's opinion or permission in ALL areas of their lives



Supported Decision Making

Is a recognized alternative to Guardianship through which people with disabilities use their friends, family members and professionals to help them understand the situations and choices they face so they can make their own decisions.



Source: Blanck & Martinis, 2015

Importance of Supported Decision Making

- People retain their Constitutional Rights
- People have control over decisions that effect their lives
- People receive assistance from trusted supporters to make decisions when needed





**Every Person, With or Without Disabilities,
Make Decisions about Their Lives Everyday!**



Supported Decision Making is All About....

In 2009, Texas was the first state to support a pilot project run by the ARC of San Angelo that was created by Texas's Department of Aging and Disability Services

Volunteers were trained to support people with intellectual and developmental disabilities in making decisions about their own lives

The 3 year project was based on the principals of self determination and assisted individuals with decision making

History of Supported Decision Making

SOURCE: Disability Rights Texas

“Justice for Jenny”



The first court case in the United States to order the use of Supported Decision Making instead of a full guardianship for a person with a disability

History of Supported Decision Making

SOURCE: Disability Rights Texas

Principals of Support Decision Making

The law presumes that all adults, with or without disabilities have the capacity for making decisions

Decision making is a learned skill

People with disabilities need the opportunity and support to gain experience with making good informed decisions

There are legal ways to protect the well being of a person with disabilities without Guardianship



Benefits of Supporting a Person To Be More Self Determined

- Healthier
- More independent
- More well adjusted
- Better able to recognize and resist abuse



Source: Khemka, Hickson & Reynolds, 2005; O'Connor & Vallerand, 1994, Wehmeyer & Schwartz, 1998

Effects of NOT Supporting a Person To Become Self Determined

- Feeling of helplessness, hopelessness, and self critical
- Experience low self esteem
- Passive or not willing to speak up
- Feelings of inadequacy and incompetence
- Decrease in their ability to function



Source: Winick, 1995



Supported Decision Making starts with the self advocate talking to their friends, family members and the people they trust about their ability to make good decisions with support.



Step One: Identify the supportive people in their life. Who would they choose to help them and are they willing?

Step Two: Identify the areas of their life they will need support with and think about the ways their support team can assist.

Step Three: Create an agreement with their supported team. Depending on the situation, additional legal forms may need to be explored to help protect their money, health and personal belongings

How it Works.....



Choosing Supporters

Typically, supporters are people close to the person like family members and/or friends



A supporter will need to be at least 18 years old

A supporter is someone the person trusts

A supporter is someone who will listen to the person's voice and the things they want in their life

A supporter may have knowledge or expertise in a specific area like health, education, employment or finances

Strengths and Challenges

A person could seek assistance from their SDM Team to help identify their areas of support or they can choose their own areas.

"Life Areas"

- ✓ Being and Staying Safe
- ✓ Daily Living
- ✓ Health
 - Physical
 - Mental
- ✓ Education and/or Training
- ✓ Money/Financial
- ✓ Home, Work and Friends
- ✓ Transportation
- ✓ Free Time/Social
- ✓ Dating and Partners
- ✓ Caring for a Child
- ✓ Pet Care



Developing an Agreement



The agreement is a tool in which a person with a disability is giving their supporters the "AUTHORIZATION" to assist them

It is a volunteer agreement

This is an agreement not a contract



If appropriate, written permission is given to specific supporters to share information, to manage money or to attend meetings or doctor appointments. (for example)

Legal Protections (Alternatives to Guardianship)

Awareness of Legal Forms and Resources



Money

Financial Power of Attorney
Representative Payees
Joint Bank Accounts
Trusts

Health

Utah Advance Health Care Directive
Advance Directive, Utah State Declaration for My Mental Health Treatment
Health Power of Attorney
HIPA Release of Information Forms

Education

Authorization to Disclose Educational Information

Personal Assets

Utah Last Will and Testament
Trusts



We strongly encourage the person and their SDM team to seek outside assistance with any legal documents.

Let Us Show YOU...

MEET SARAH



THIS IS JOHN
SARAH'S BROTHER

Sarah is 18 years old and currently lives at home with her mother. She was born and raised in a little town in Alabama. Sarah loves animals and volunteers at her local animal shelter in her town. In the future, she would love to get a job helping her furry friends find good and safe homes. She is also interested in someday living in her own apartment or maybe even getting married. She's not sure yet!

Sarah's Supporters



Sarah's Life Areas



✓ Education and/or Training

✓ Health/Physical



✓ Other: Electronically Connecting To Her Brother

Agreement

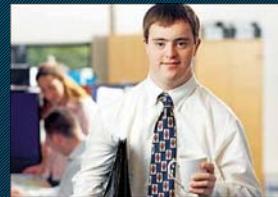


SARAH'S SUPPORTED DECISION MAKING AGREEMENT

Supported Decision Making Agreements in Utah

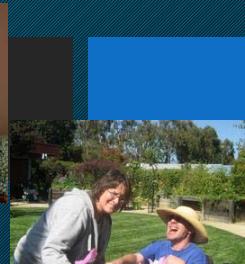


Currently in the State of Utah,
alternatives to guardianship and/or
support decision making agreements
are not required by the courts to be
explored before granting
guardianship.



SDM Sample Agreements

Texas Council for Developmental Disabilities:
www.tcdd.texas.gov/.../Supported-Decision-Making-Agreement-Oct15.pdf



Maine SDM Coalition: www.SupportMyDecision.com Designation of Supported
Decision-Making Team Form (tools)

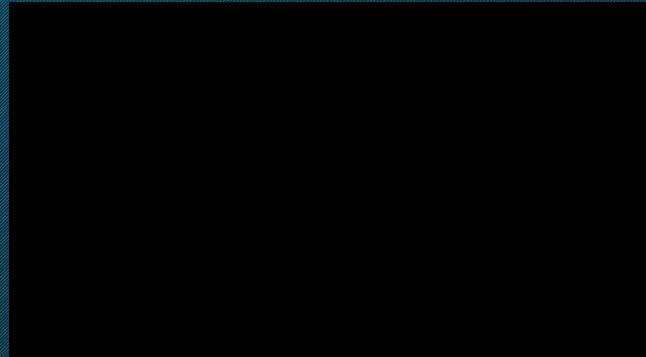


American Civil Liberties Union/Support Decision Making:
www.aclu.org/issues/disability-rights/supported-decision-making

Yukon Health and Human Services:
www.gov.yk.ca/forms/forms/5000/yg5255_e.pdf

District of Columbia Schools Educational Supported Decision Making Form:
<https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Supported%20Decision%20Making%20Form.pdf>

Supported Decision Making in Action: Timberley and Tonya's Story



Supported Decision Making vs Guardianship

Supported Decision Making

The person works with a team of trusted supporters in order to make life decisions

The person decides who will be part of their support team

The person is responsible for deciding the areas of support and the types of supports they will need

The person accepts the responsibilities and consequences of their decisions



Guardianship

A guardian has the right to make decisions for the person

A judge decides who will be the guardian



A guardian can decide about the types of supports the person needs

A guardian accepts the responsibilities and consequences of their decisions



RESOURCES

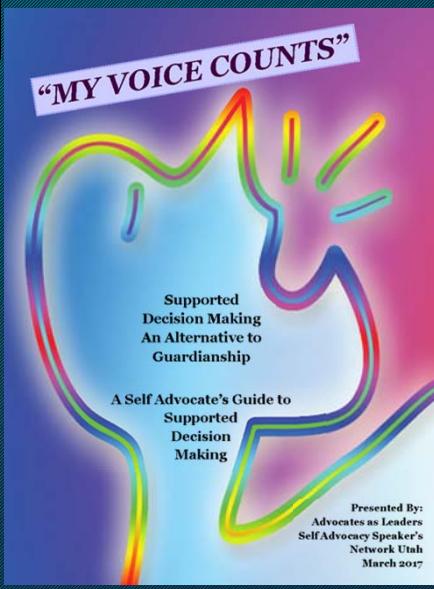
- National Resource Center for Supported Decision Making
<http://www.supporteddecisionmaking.org/states>
- Supported Decision Making Teams: Setting The Wheels in Motion By S. Francisco and J. Martinis
<http://www.supporteddecisionmaking.org/sites/default/files/Supported-Decision-Making-Teams-Setting-the-Wheels-in-Motion.pdf>
- American Civil Liberties Union/Support Decision Making
www.aclu.org/issues/disability-rights/supported-decision-making
- Autistic Self Advocacy Network: The Right to Make Choices: International Laws and Decision Making by People with Disabilities
<http://autisticadvocacy.org/wp-content/uploads/2016/02/Easy-Read-OSF-For-Families-v3.pdf>



INTRODUCING

A Self Advocate's Guide to Supported Decision Making

Researched and Developed By:
Advocates as Leaders
Self Advocacy Speaker's Network
March 2017



www.utahddcouncil.org

This guide will give you ideas in 5 different areas of Supported Decision Making

1. Understanding Supported Decision Making as an Alternative to Guardianship
2. How to choose the right people to be a part of your Support Team
3. How to organize your ideas about what you would like to do and what you might need
4. How to create your own Supported Decision Agreement
5. Awareness of legal forms and resources that you might be helpful in your life.

Contact Information



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Different Abilities Make Us ALL Unique

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