May your choices reflect your hopes, not your fears.

-Nelson Mandela

SUPPORTED DECISION MAKING (SDM) AS AN ALTERNATE TO GUARDIANSHIP

2018 MFOFC SDM Pilot:

Focusing on supported decision-making as an alternative to guardianship for transition-age youth.

The Center for Public Representation (CPR) has partnered with Massachusetts Families Organizing for Change (MFOFC), Advocates, Multicultural Services, the Northeast Arc and Nonotuck Resource Associates to expand supported decision-making across Massachusetts, through individual pilot projects in 2018.
Guardianship

• Early times: Prevent people with disabilities from becoming a “public burden”. Need a “Curator” to make decisions for them.
• Today: Estimated 1.5 million adults in United States are under guardianship, maybe as many as 3 million.
• IN the the number of guardianships has tripled.

(Reynolds, 2002; Schmidt, 1995; Uekert & Van Duizend, 2011)

“The typical ward has fewer rights than the typical convicted felon “

(U.S. House of Representatives Select Committee on Aging Chairman Claude Pepper, 1987)
Inc capacitated:

Massachusetts law defines incapacitated person as: an individual who for reasons other than advanced age or minority, has a clinically diagnosed condition that results in an inability to receive and evaluate information or make or communicate decisions to such an extent that the individual lacks the ability to meet essential requirements for physical health, safety, or self-care, even with appropriate technological assistance.


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Guardianship
The Positives

- Offers some protections and safeguards against abuse
- Provides a standard for decision-making
- No ambiguity about who is the decider
- Someone to act in an emergency
- Provides 3rd parties (doctors, lawyers, employers) certainty about the validity of decisions and actions

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Alternatives to Guardianship

• Health care proxies
• Durable powers of attorney
• Trusts
• Special education authority delegation
• Representative payee
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**Supported Decision-Making**

**Supported decision-making (SDM) promotes:**

- Self-determination
- Control
- Autonomy
- Independence

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**Supported Decision-Making Recognized Internationally**

Canada, Israel, Ireland, Latvia, Hungary, Bulgaria, Australia, Czech Republic, Croatia, Georgia, India, Peru, Argentina, Costa Rica, Columbia, Sweden

Illustration courtesy of CPR
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How Does SDM Work?

• Individuals with a disability receive necessary supports to make a decision on issues – big or small – affecting their lives

• Individuals choose one or more trusted people to assist them to make decisions – friends, family members, relatives

• Relationship between individual, supporter is built on trust and commitment

• SDM recognizes that will and preferences are the core of decision making abilities

• SDM is consistent with concepts that people may be competent in some areas even if not in others

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Person-Centered Practices that align with SDM Practices

- Social Inclusion
- Person centered planning
- Upholding human rights
- Self-determination
- Circles of support/intentional networks
- Targeted individualized support
- Least Restrictive practices
- Use of natural supports
SDM Agreement

Document in which the person identifies:
• supporter(s)
• areas of decision-making requiring assistance
SDM Agreement

Document in which the person identifies:
• Areas of decision-making that DO NOT require assistance
• Other specific details unique to the individual’s wishes

Areas I don’t want Supporter #1 to assist me with:

________________________________________________________________________
________________________________________________________________________

Network Supporter #2
Name: __________________________ Date of birth: __________________________
Address: __________________________
Telephone: __________________________ Email: __________________________
Relationship: __________________________

Areas of Assistance for Supporter #2: Check all that apply:
☐ Finances
☐ Healthcare
☐ Living Arrangements
☐ Relationships
☐ Social Employment
☐ Legal Matters
☐ Other (please specify): __________________________

Areas I don’t want Supporter #2 to assist me with:

________________________________________________________________________
________________________________________________________________________

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Decision Supporter Role

• Supporters and individual with a disability discuss possible decisions and the ramifications of those choices/decisions.
• Individual with a disability reaches his/her own decision.
• Supporters honor/respect individual’s decision. No requirement to agree with a person’s preference or decision.
• Where necessary, supporters help to communicate the individual’s decision to involved community members.
• Respect, hard though it may be, person’s right to make a “bad” decision
• Honor the “dignity of risk” – the person has the opportunity to try new things, to test limits, to discover capabilities
• Acknowledge the risk of falling, of failing ...and the courage to persevere, to keep trying
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Learn More Stories of SDM from the first Pilot:
www.supporteddecisions.org
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Questions/ Comments?

Contact: Sandra Hellar
508-999-4436