



Supported Decision-Making Family Fact Sheet

What is Supported Decision-Making (SDM)?

We all make decisions differently and we all use different kinds of support at some point during the decision-making process. For example, when looking to buy a house, did you talk to a realtor? Did you talk to a friend about the house before you made your final decision? Or maybe you have had to make a medical decision. Did you talk with a doctor before making your decision? Did you speak with a trusted family member about the decision? These are some examples of informal supported decision-making. These are all important decisions so it makes sense that you would ask a professional or a trusted friend for help in the decision-making process. However, when a person with a disability has difficulty making decisions independently, people may assume that he or she is unable to make any decision and use that as a reason to seek guardianship. People may also think that the only way to protect a person with a disability or to help participate in their life is to get a guardianship. This is not true. There are many options available to help someone with a disability, to support them in living their life, while maintaining the least restrictive intrusion into their independence. One tool that is available is Supported Decision-Making.

Supported Decision-Making (SDM) is a way people with disabilities can use available supports to make their own choices and direct their own lives. It is also a way to exercise and improve decision-making skills. SDM is flexible and can change as the needs of the person change in order to provide more opportunities for independence.

In SDM, the person with a disability chooses a group of people (“supporters”) who help the person make decisions. The person with a disability, however, makes the final decision. The relationship between the person and his or her supporters can be written in a Supported Decision-Making Agreement. The agreement can then be used to show other people (like schools, doctors, or service providers), who can be involved in the decision-making process. It also helps to make sure that the person’s supporters are all on the same page about how to best support them.

What is a Supported Decision-Making Agreement?

A Supported Decision-Making Agreement has information to help guide the relationship between the person and his or her supporters. SDM agreements allow the person to:

- specify the areas where help is needed or desired (e.g., employment, finances, community living, health);
- determine who will serve as a supporter; and
- decide how the person wants help to be given.



Supporters sign a consent and the agreement is typically notarized. SDM agreements do not require involvement with or oversight by a court and can be changed by the person at any time. In Indiana, there is no legal requirement for a formalized SDM agreement or for an agreement to be on a particular form.

How is Supported Decision-Making different than Guardianship?

Guardianship is a legal proceeding to appoint a person to take care of someone who the court has determined is not capable of taking care of themselves. It is legal substituted decision-making. Under guardianship, the guardian makes all the important decisions, like where the person should live, what medical treatment they will have. The guardian might make other decisions, too, like who the person hangs out with or whether they can have a job. In SDM, the person with a disability retains the ultimate right to make decisions and have those decisions legally recognized. SDM is also different from general agency agreements like power of attorney where someone else is given the legal authority to make decisions in certain areas or at certain times. The principles of SDM can also be used in existing guardianships as a way to practice decision-making skills that may lead to greater independence.

Who Can Use Supported Decision-Making?

- Anyone! The principles of SDM can be helpful for anyone needing to make a decision. Even people who currently are under guardianship can benefit from SDM principles because decision-making is a learnable skill.
- People who want to maintain independence but need a little assistance.
- People who are not legally incapacitated.

Resources

- WINGS/ABA (www.americanbar.org/groups/law_aging/resources/wings-court-stakeholder-partnerships.html)
- Indiana Adult Guardianship Office (www.in.gov/judiciary/iocs/3425.htm)
- Indiana Disability Rights (www.indianadisabilityrights.org)
- Arc of Indiana (www.arcind.org/future-planning/guardianship/)
- National Resource Center for Supported Decision-Making (www.supporteddecisionmaking.org)