

TOP 7 THINGS TO KNOW ABOUT SUPPORTED DECISION-MAKING

1. What is Supported Decision-Making (SDM)?

Supported Decision-Making is a way to support and accommodate the decision-making process. Just as there are supports like wheelchairs to help someone get around, we can support someone who might need help in making choices on their own. In SDM, the person chooses supporters to help with the decision-making process, but the person makes the final decision. The supporters and the types of support needed are often written down into a supported decision-making agreement.

2. Who can use Supported Decision-Making?

Supported Decision-Making can be used by anyone, in any area of life. The concept of supported decision-making can be used any time someone needs help making decisions. Within guardianship, it can be a way for the person to learn decision-making skills, which could lead to greater self-determination. It can be used by anyone, with any disability or condition, including persons with mental health issues, chronic illness, or conditions of aging.

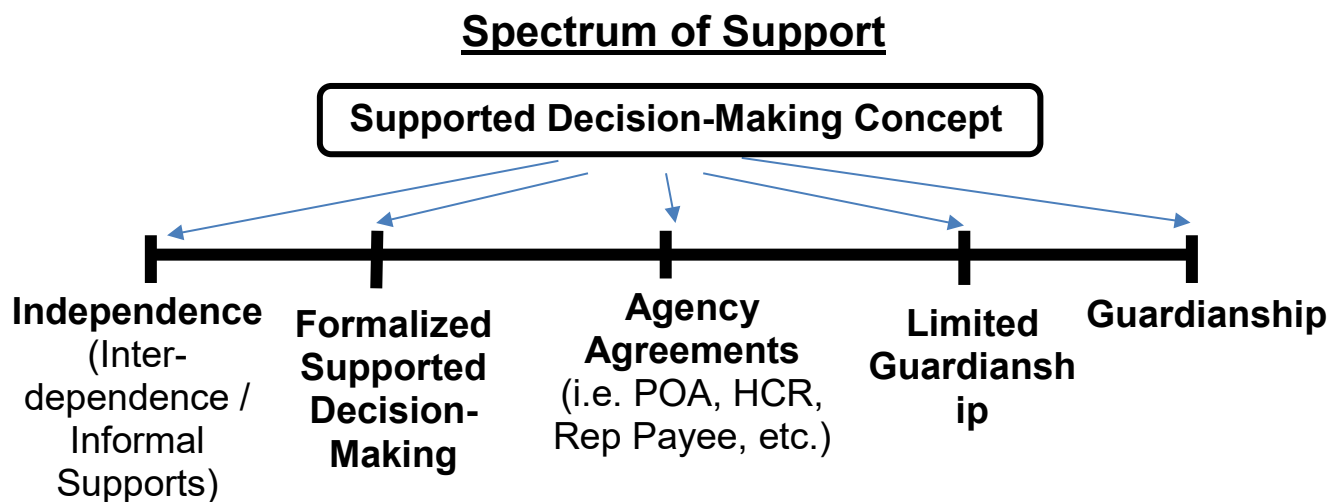
Because we often assume people with disabilities or conditions of aging won't make good decisions or don't know how to make decisions, we don't give them opportunities to do so. Instead, people should be given opportunities to build decision-making



skills in a meaningful way so they can have the same dignity of risk and opportunity to learn that we all enjoy.

3. What options are available to help someone with decisions?

Guardianship is not the only option – there are many ways to support someone in decision-making that promotes the person’s independence and self-determination to the greatest extent possible. Many of these options can be used in combination and can change over time depending on a person’s needs. Even the concept of supported decision-making can be used throughout any of these arrangements.



4. How is SDM different from other legal documents like Powers of Attorney?

In Supported Decision-Making, the person makes the final decision. Powers of Attorney (POAs), depending on how they are drafted, generally allows a person to give decision-making



authority to someone else in certain situations or at certain times. In SDM, the person retains decision-making authority. There is a tendency, even with the most carefully drafted POA, to assume that the attorney in fact has been granted decision-making authority. SDM, on the other hand, is an entirely different type of assistance. It does not grant anyone decision-making authority, but rather structures the decision-making supports a person needs in order to make their own decisions.

5. What protections are there to make sure people are safe from abuse, neglect, or exploitation?

Supporting independence and self-determination can help decrease the likelihood of experiencing abuse, neglect, or exploitation. Studies have shown people are less likely to experience abuse, neglect or exploitation when they have their voices heard. The consequences of not being allowed to make decisions, or of having one's decisions ignored, has been associated with increased likelihood of depression, anxiety, loneliness, and may worsen psychological symptoms. It is better to teach someone how to identify toxic, abusive, or exploitive behavior than to rely on someone always being available to do that for them.

There is no guarantee of safety under any arrangement, including guardianship. But that is not a reason to limit the options available for people to live their best lives. Protection from future uncertain harm must be carefully balanced so as not to unnecessarily infringe on someone's civil rights.

6. Do Supported Decision-Making Agreements need to be on a special form?

No, Supported Decision-Making Agreements do not need to be on a special form. SDM agreements put the decision-making



supports in writing so that the person and whomever they have chosen as their supporters understand how the relationship will work. SDM agreements can also be used to show third parties like doctors or service providers, who may be questioning the person's ability to make decisions, that they are able to make their own decisions, even if they are using accommodations in the decision-making process.

7. Does a Court need to approve a supported decision-making agreement?

No, a court does not have to oversee a supported decision-making agreement. In general, only guardianships need to be approved by a court. SDM agreements don't need to be filed in court in order to be effective. As SDM becomes more common, judges considering guardianship petitions will become more aware of the many alternatives available and may consider less restrictive alternative like SDM if they are appropriate.

For more information visit Indiana Disability Rights website on Supported Decision-Making at: on.in.gov/INSDM

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