

Supported Decision-Making

Five Key Messages

1. Decision-making should be addressed early and discussed at least yearly, with a focus on building self-determination skills.

- Whether a person needs a representative to help with major decisions is a discussion that needs to happen early and be revisited as circumstances change.
- Individuals and families should understand all options, including the pros and cons, while promoting independence and developing skills for self-direction.
- Self-determination and self-advocacy are the goals for all. Skills include choice/decision making, goal setting, problem-solving, and self-awareness.
- When representation is needed, supported decision-making should be the first option before more restrictive strategies, like guardianship, power of attorney, or a representative for matters pertaining to health care.
- Supported decision-making allows a person with a disability to keep their rights and make their own decisions about finances, health care, housing, and other life choices with the help of trusted people, such as friends, family, or professionals, who help the person understand, make, and communicate their choices.

2. There is a broad spectrum of support.

- There are many alternatives to guardianship that do not require an individual to relinquish critical rights.
- The least restrictive option is when the person makes their own decisions. Other options take some level of autonomy away from the individual.
- The continuum of support from least to most supportive may include informal support, supported decision-making, health care power of attorney (also known as a health care representative), power of attorney, and finally guardianship.
- Indiana law requires that a petition for guardianship discuss what less restrictive alternative options have been considered before guardianship.

3. Assessing support for decision-making is a collaborative process.

- Discussing support for decision-making requires a collaborative approach, led by the person, outlining their strengths, needs, and available resources.
- The individual should include those people they trust to help in the discussion and ultimately in how they will be supported.
- Any decision about alternative representation must consider protection of rights/independence/dignity of risk and why they are so important.
- Guardianship requires that a court appoint the guardian. With supported decision-making, however, the person has the authority and the autonomy to decide who will help based on what supports they want. The supported individual can also make changes as they deem necessary.

4. Guardianship is the most restrictive option.

- Guardianship is a legal process by which the court assigns someone else (for example: one or more individuals, a non-profit organization) the authority to make decisions for a person with a disability.
- Guardianship can be full or limited, depending on the type of decision-making power the guardian has.
- Guardianship can affect the person's right to choose where to live, work, receive medical care, marry and more.
- Guardianship orders remove rights generally available to other members of society.

5. Supported decision-making agreements can be helpful.

- Written supported decision-making agreements are not required but are helpful to outline how the person chooses to be supported and by whom.
- The individual can change the agreement at any time. Those changes can include who trusted individuals are and what decisions they will advise the individual about.
- While it can be extremely difficult for a protected person to get guardianship changed or terminated, they can routinely amend or terminate other decision-making arrangements.

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