



Supported Decision-Making Position Statement

“Giving people the help, they need and want to understand the situations and choices they face so they can make their own decisions”

Every adult has the right to make life decisions, to direct his/her life and to be treated with dignity, as an autonomous adult. All adults need and get advice and counsel when making different life decisions. Many options, other than guardianship, are available to provide counsel, guidance and assistance with making decisions. Person Centered Planning and Self-Determination require that adults with disabilities are respected and honored to make life decisions with the support and counsel they need and to remain as independent and autonomous as possible. Multiple avenues are available to support individuals to make decisions and direct his/her own life:

1. Person Centered Planning and Self Determination
 - a. It is a process for an individual to plan for and direct his/her life.
 - b. It strengthens the supports around a person, providing both the counsel and the framework for preserving the person’s autonomy and decision-making, thereby rendering guardianship unnecessary; and
 - c. It documents who the person has authorized to assist them in making life decisions (such as authorizations to share information, representation agreements, powers of attorney).

2. Families, friends and allies (or Circle of Support)
 - a. Provide more protection for an individual with disabilities than guardianship can provide through their guidance, counsel and expertise.
 - b. The supports negate the need for evaluation of an individual’s competence, as the family, friends and allies provide competent guidance and counsel to the individual.

3. Formal Systems of support

- a. Young adults engaged in school, and their families, can use the Individualized Education Program to educate and provide experiences supporting autonomy, decision-making, and self-determination.
- b. Assistance, education and advocacy are provided by a variety of Advocacy organizations.
- c. Community Mental Health programs are obligated to support and help implement the principles and practices of Self Determination.

4. Safeguards to maintain decision-making authority and civil rights protections

- a. Guardianship is a restriction on a person's freedom to make their own decisions. As such, it should be considered only as a last resort.
- b. Guardianship should only be considered when no other alternatives are available to help a person protect their health, safety, and overall wellness.
- c. Family members should receive information and support about alternatives to guardianship to help them assist people with disabilities in planning for decisions about health care, money, education, housing, relationships or other areas.
- d. A court should only grant a guardianship after a full and fair court hearing that includes the person with a disability.
- e. A guardianship should be narrowly tailored to address only the individuals needs and expressed wishes of each person.
- f. Guardians should support and nurture each person's independent decision-making ability to the maximum extent possible.
- g. Guardianships should be reviewed regularly to ensure that they are still necessary. A guardianship should be terminated when a person regains their capacity to make decisions or when alternatives to guardianship are identified.