

Michigan Developmental Disabilities Council
Supported
Decision-Making
in Michigan



Parents of individuals with Intellectual and Developmental Disabilities (I/DD) often ask, “How will they make important decisions when they reach adulthood, especially after I am gone?” This question comes up as parents age and young people approach adulthood. It is a time when families often consider guardianship. This decision is made more difficult by lack of information.

Supported Decision-Making is a tool people can use to make decisions with support from family, friends and other allies. It starts with acknowledging that people with I/DD have the right to make their own decisions. Supported Decision-Making allows people with I/DD to receive the support they need and want to understand the situations and choices they face, while maintaining their rights. Supported Decision-Making mirrors how all adults make decisions. Autonomy means making ones own choices, learning to solve problems, and experiencing the consequences of making those choices.

“You are free to choose what you want to make of your life. It’s called free agency or free will, and it’s your birthright.”
~Sean Covey





“Supported Decision-Making has given me a lot of freedom to control my own life.”

~Andre Robinson
Peer Mentor, Detroit, MI

Guardianship Takes Away a Person’s Civil Rights

Guardianship is a legal relationship established by the court in which a person is given all, or some authority over another person. It is a legal step that removes some or all decision making power from an adult and gives it to a guardian. Having a guardian impacts the person’s rights to:

- Residence and travel
- Choice of friends
- Health care and medical decisions
- Access to personal finances
- Right to contract
- Possess a driver’s license
- Own property
- Marriage
- Dating and romance

It is essential that parents know that the best protection for their son or daughter is a caring, involved family and a network of community connections. With these two things in place, aided by appropriate estate planning, parents can truly achieve some peace of mind as both they and their sons or daughters age.

Myths Vs. Reality

Myths:

- Guardianship protects the person.
- Guardianship prevents bad things from happening.
- Guardianship ensures good things will happen.

Reality:

- When people have guardians, they can still be abused by friends, family members or strangers.
- Just like anyone else, they can be hit by a car, choose the wrong foods, destination, or friends.
- Guardianship doesn’t guarantee needed services or supports.



National Core Indicators (2016-17)

Adults with developmental disabilities served:



Michigan: 76% have a guardian

Nationally: 53% have a guardian



How can family members stay involved after their relative becomes an adult

- **Continue an open line of communication.**
- **With the person's permission, review records.**
- **File a complaint on the person's behalf.**
- **Continue to attend planning meetings, at the invitation of the person.**



“This country is supposed to be about freedom, yet thinking we are protecting people with disabilities, we routinely remove their rights!”

~Bonnie Gonzalez
Peer Mentor, Muskegon, MI

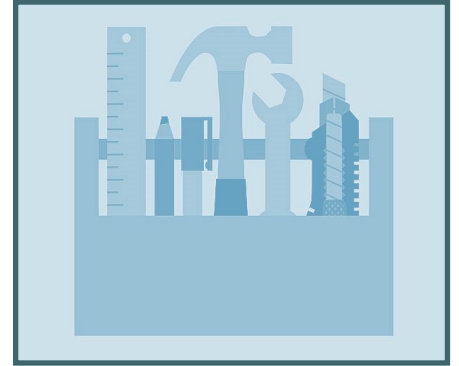
Actions Students Can Take Before Turning 18

- **Learn about Supported Decision-Making**
- **Include training about decision-making and self-determination in IEP's.**
- **Ask for resources on student led IEP's.**
- **Actively participate in IEP meetings.**
- **Sign a release form to keep parents and other allies involved.**



The PRACTICAL Tool

The American Bar Association (ABA) developed the PRACTICAL Tool to help individuals, families, and lawyers. The tool was created in collaboration with ABA entities, the Commission on Law and Aging, Commission on Disability Rights, Section on Civil Rights, Section on Real Property Trust and Estate Law, and the National Resource Center for Supported



Presume: Don't automatically assume that guardianship is needed, presume competence

Reason: Clearly identify the reasons for concern

Ask: Is a triggering concern caused by a temporary or reversible condition

Community: Determine if concerns can be addressed by connecting the person to family or community resources

Team: Ask the person if they already have a team for decision making

Identify: Identify areas of strength and limitations in decision making

Challenges: Screen for and address any potential challenges presented by supporters

Appoint: Appoint a legal support or surrogate consistent with the person's beliefs and values

Limit: Limit any guardianship petition or order to only what is necessary



Tools Used With Supported Decision-Making

Advocacy

Being a strong self-advocate is important. People can and should communicate their choices in whatever way possible, about the supports they need and want. This will help them to steer their life in the direction they want it to go.

Person Centered-Planning

Person-centered planning is a way for people to plan their lives. It builds on their strengths and honors their preferences and abilities. It is required by law for people who receive behavioral health care services under by the Mental Health Code.

Circles of Support

People can choose to surround themselves with a circle of allies, made up of family, friends, teachers, employers, caregivers, co-workers, community members and organizations, sometimes paid staff, and others they want to help them get the life they want.

Assistive Technology

Assistive technology supports decision-making. It helps people to retain autonomy and live more independently. Communication devices, medication devices, global positioning systems, virtual assistants, and remote monitoring all support people to live the life of their choosing.

Power of Attorney

A power of attorney is a legal instrument that gives one adult legal authority to act on behalf of another adult. A person may cancel the authority given to another at any time.

Supported Decision-Making Agreements

The best protection for people is a caring, involved family and a network of friends, allies, and community partners supporting the individuals. Individuals can have formal and informal supported decision-making arrangements. People choose the supporters they want.

Financial Options

Trusts, ABLE Accounts, electronic banking, direct deposit and bill paying, pour over bank accounts, joint checking and savings/account alerts, representative payee and financial power of attorney are some of the many ways people can be supported to manage their money and maintain benefits.

**For more Information about
Supported Decision-Making
initiatives in Michigan, contact the
Michigan Developmental Disabilities
Council at 517-335-3158 or
michigan.gov/ddcouncil**

Supported by:



Endorsed by:



Our Community Includes Everyone

