

Michigan Developmental Disabilities Council

Supported Decision-Making in Michigan



Parents of individuals with Intellectual and Developmental Disabilities (I/DD) often ask, “What will happen to my son or daughter when I am gone?” As young people approach adulthood, families often question whether or not to pursue guardianship. This decision is made more difficult by lack of information. Supported Decision-Making is an approach that encourages individuals with I/DD to make their own life decisions with support from family, friends and trusted individuals.

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. Practicing self-determination means making your own choices, learning to solve problems, and experiencing the consequences of making 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” Author, ~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 Persons Civil Rights

Guardianship is a legal relationship established by the court in which a person is given authority over another person. It is a legal step that removes some or all decision-making from an adult and assigns it to a guardian.

Having a guardian impacts the individual's rights to:

- Residence and travel
- Freedom of association
- Health care and medical decisions
- Access to personal finances
- Right to contract
- Possess a driver's license
- Own property
- Marriage
- Reproduction

It is essential that parents know that the best protection for their child and their child's future 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 the parent and child's future.

Myths Vs. Reality

Myths:

- Guardianship provides protection for the individual.
- Guardianship can prevent bad things from happening.
- Guardianship can ensure 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.
- A guardianship document is not the only way to “fix” things, or seek recourse.

National Core Indicators (2016-17)

Adults with developmental disabilities served:

Michigan: 76% have a guardian

Nationally: 53% have a guardian



How parents can stay involved after their family member becomes an adult

- Continue an open line of communication with their family member.
- With the individuals permission, review records.
- File a complaint on behalf of the family member.
- Continue to attend meetings, at the invitation of the person receiving services.



"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

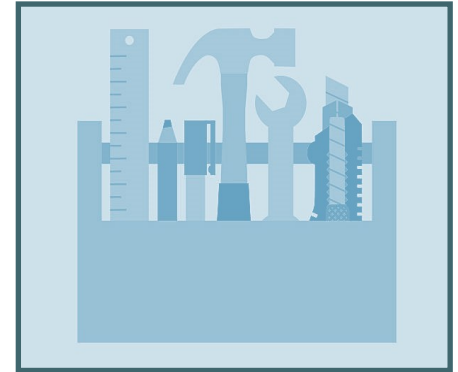
- Learn more about self-determination.
- Ask that training about self-determination be written into your IEP.
- Ask for resources on student led IEP's.
- Actively Participate in your IEP meetings.
- Make a written request to keep your parents or trusted person involved.



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 Decision-Making.



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, 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 choices, 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 can help people make decision-making easier, retain autonomy and live more independently. Communication devices, medication management devices, GPS technology, virtual assistants, and remote monitoring can 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 for another adult. A power of attorney is “durable” if it specifically provides that it will remain in force, even if a person is substantially incapacitated. 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

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Our Community Includes Everyone

