

What is Supported Decision Making?

How Do We Do It?

Supported Decision Making

Supported Decision Making (SDM) is based on the belief that everyone has the right to lead fulfilling lives, make their own choices, and receive person-centered support to do so.

In SDM **every person**—even people who need help in one, some, or many areas of life—**can get the help they need to make the best decisions for themselves, without the need for guardianship.**

SDM helps balance:

- What is important **to the person** (clothing, hairstyle choices, friendships, how person spends their time)
- What is important **for the person** (food, clothing, shelter, medical care, safety)

SDM preserves the right to make decisions, which can lead to:

- Stronger relationships with supporters.
- Positive life outcomes like having a job and living where the person wants.
- More independence and life satisfaction.

In Minnesota, guardianship law requires trying **Supported Decision Making** and other options before guardianship is considered.

What Does Supported Decision Making Look Like?

SDM looks different for each person. **It depends on their needs and preferences.** SDM is when other people, *such as trusted friends, family members, and professionals:*

- Help explain choices and consequences so the person understands their options.
- Help communicate the person's decision to others, if the person wants that help.
- Provide education, support, advocacy, coaching, guidance, and assistance to help them understand their situation so they can make decisions needed for:
 - Health care
 - Services
 - Where they live
 - Whether they have a job
 - Friendships
 - Dating
 - Hobbies
 - And more

The person is always the final decision maker, even if they receive help to understand the situation, their choices, and to make or communicate the decision.

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How Do I Support a Person to Make a Decision?

Anyone can use SDM. Families, friends, professionals, or others that the person trusts can **help the person understand information so they can get what they want and need.**

Support can look like:

- **Health care professionals explaining complicated medical conditions and treatment options clearly and simply. This can help the person understand** the risks and benefits of the decision and other choices so the person can consent or decline consent for health care decisions.
- **County case managers or MN Choices Assessors explain home and community-based services in plain language** so the person can choose to live where they want and can receive necessary supports and services.
- **Family, friends, or other supporters help the person understand what the professionals are saying**, so the person better understands their options and the consequences of their choices, allowing them to get the care and support that they want and need.

Adjusting Our Thinking as Supporters

Supporters may need to think differently about what it means to live with a disability. Safety is very important—but so are a person's choices, happiness, and quality of life. We might need to think more about our own biases:

- Everyone has the right to make choices—even ones we would not choose ourselves.
- A person's diagnosis, disability, or need for extra support or a person not being fully independent **does not mean they need a guardian.**
- Do we have higher expectations for people with disabilities than we do for ourselves when it comes to making healthy choices?

When a Person's Choices are "Bad"

When the person makes a choice that we think is "bad" or that we don't agree with, we may think we have to step in to stop them. **Unless a decision is genuinely dangerous or life-threatening:**

- First, find out why the choice matters to them.
- Respect the person's right to make choices.
- Instead of first trying to stop them, talk about your concerns with them.

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Examples of decisions we may think are bad include:

- Trying alcohol or cannabis.
- Creating an online dating profile.
- Eating junk food instead of a full meal.
- Getting a job that challenges their abilities and experiences.

These are common **human** choices. We all want the freedom to make our own decisions, even if others don't agree with them (except when the decision violate the rights of others or are dangerous). This is an example of "Dignity of Risk," which means people have the right to take reasonable risks and learn from their experiences.

This doesn't mean every decision must be supported. It *does* mean we help people **understand consequences**, not take control away.

Talking Through the Decisions

We should always start by listening and finding out more about the person's wishes or choices. When the supporter and the person are both feeling calm, talk through the choices and other options:

- Why is the decision important to the person?
- Is the real reason behind a choice due to an unmet need or desire that others are not aware of? For example:
 - A plan to meet up with someone they met online could be an expression of loneliness or feeling unappreciated.
 - A plan to "just go home" without any support or help may be about feeling out of control and scared of their mortality.
 - Sometimes a person doesn't intend to act on what they are saying but are just "dreaming out loud" or testing others' reactions.
- What don't they like about what others want for them?
- Do they have another idea about how to accomplish what others want for them?
- Can we help them understand the impact of this choice on their other wishes, goals, and opportunities for their life?
- Is there a creative solution that addresses safety concerns and that meets the person's wishes and goals?

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Look for the Real Reason Behind a Decision

Consider possible explanations behind a choice when the person:

- Appears to be making a decision that is not in their own best interest.
- Refuses to make a decision.
- Won't agree to something that we think is very important for their well-being.

A “bad” decision, refusal, or lack of cooperation by the person or their family supporters might be because of something else going on in that situation and not always a result of impaired thinking or bad intent. For example:

- **Limited understanding of systems:** The person or their family may not understand systems and rules about government benefit programs, or they may have the wrong information about consequences of accepting these benefits.
- **Limited health knowledge:** The person or their family may not understand basic health conditions or consequences of lifestyle choices, and they may try to hide this from providers.
- **Financial challenges (poverty):** The person may need to choose between paying for groceries, medications, or housing. The person may not be able to get to a grocery store in their neighborhood or afford grocery delivery fees. They may be embarrassed to tell professionals that they are choosing to pay their rent instead of buying medications.
- **Family priorities:** The person may choose to support their adult children or other household members rather than use their money for their own care and basic needs.
- **Cultural considerations:** In some cultures, the needs of the community are more important than the needs of the individual. Also in some cultures, people may ask or expect family, elders, or spiritual leaders to make their medical decisions.
- **Trauma and lack of trust in systems:** Past personal, family, or community experiences can impact a person's willingness to listen to or to trust social service, medical, or other professionals.

It is important for professionals evaluating the decision making capacity of a person to understand other possible reasons for what looks like a “bad” decision or refusal of needed care and services.

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Common Tools to Assist a Person

There are many ways to help a person with disabilities get what they want and need without court intervention such as guardianship and conservatorship.

Communication Approaches

- Use plain language when explaining decisions and consequences.
- Use visuals or pictures, if it helps them understand.
- Provide information in the person's native language and in their preferred communication method (e.g. written or verbal).
- Choose a time of day when the person feels their best.
- Include trusted supporters to help reduce anxiety and explain things in ways the person understands.

Release of Information

A Release of Information allows a trusted supporter to talk to providers (such as doctors, social workers, or pharmacists) on the behalf of a person who might struggle to understand or is overwhelmed when talking to providers.

- Get a Release of Information form **from each provider** the supporter will be talking to.
- Help the person understand what it means, if needed.
- Have the person sign the form and return to the providers.
- Sometimes this permission can be given verbally over the phone if the person and their supporter are in the same room when they talk to the provider on the phone, or in a conference call.

Authorized Representative

When the person is applying for benefits such as Medical Assistance or a Medical Assistance Waiver program, their supporter can ask to be designated as an Authorized Representative and act on the person's behalf. Along with Releases of Information, the Authorized Representative can get financial information from Social Security, banks, investment firms, etc., to help complete applications for benefits that help pay for needed care and services.

Health Care Agent

While a person may not be able to understand their medical condition(s) or make difficult medical decisions, they may still be able to appoint a legal decision maker, called a Health Care Agent, who can make health care decisions for them through a Health Care Directive. Ideally, the Health Care Agent will continue to involve the person in all health care decision making as much as possible.

Making decisions for a person is not considered supported decision making, however, if the person needing help asks for or agrees to this kind of assistance, their decision to choose and appoint a Health Care Agent aligns with the principle of supported decision making.

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Financial Management

If managing money is difficult for a person, there are options to ensure needed care and services are paid for:

- The person may be able to appoint a trustworthy person, called an Attorney-in-Fact (they don't need to be an attorney) through completing a Power of Attorney form.
 - Gives permission to the Attorney-in-Fact to access the person's money and pay their bills.
 - This is a complicated decision with some risk, so an attorney should be involved to prepare and notarize the paperwork.
- The person, or someone else on their behalf, can request that the Social Security Administration appoint someone they trust as a Representative Payee to help manage Social Security payments.

Additionally, there are less formal ways of helping a person such as:

- Being appointed by the person as an authorized signer on bank accounts.
- Setting up auto-payment of bills and direct deposit of income.
- Monitoring the person's financial activity through online banking with the person's permission.
- Helping with the organization of paperwork and paying bills.

Supported Decision Making Agreement

This written form is available to people who want to write down who will be helping them and how they will be helping. ***A written form is not a required to do supported decision making in Minnesota.*** Supported decision making encompasses all the ways we might help a person understand their situation and the choices they face, so they can make decisions.

Technology

Technology can be very helpful in ensuring a person's needs are met, reducing risk, and supporting more independence in the person's daily life. Communication boards help a person who doesn't use words to tell others what they want and need. Standard smart phone tools and apps offer countless ways to support a person. Some examples of tools available on a standard smart phone:

- Alarms can remind people to take medications, renew prescriptions, or leave for work, medical, or other appointments.
- GPS and family tracking applications can reduce worries about a person getting lost.
- Maps and public transportation (including ridesharing) apps can help a person move about in their community without getting lost.
- Parental controls can be set up for online safety for a person who doesn't understand or recognize predatory behavior.

New technologies designed specifically for people with disabilities are often being released to help with planning days, managing money, budgeting, and so much more; the possibilities are nearly endless.

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Summary

There is no one way, and no right way, to “do” supported decision making. The options are as varied as are human beings, and what works for one person may not work for another. Several key things to remember:

- People do not need to have written supported decision making agreements. But they can if they want to! Written agreements do not need to be filed anywhere; rather, they are a written understanding between the person and their supporter(s).
- Supported decision making is anything we do to help a person understand their situation and the choices they face, and as long as the person is the one who is ultimately making the decision (even if they received a lot of help to do so).
- When a supporter begins to make decisions for a person, instead of with the person, that is no longer supported decision making.
- It is often possible to find the balance between what is important to the person and what is important *for* the person: supported decision making is an effective way to do this.
- People who use supported decision making tend to have better outcomes, are less isolated, more likely to accept help and have a higher quality of life.
- SDM preserves relationships and helps people learn to be better decision makers.

“To deny the right to make choices in an effort to protect the person with disabilities from risk is to diminish their human dignity” -Robert Perske

For More Information

For an individualized consultation about your situation, contact:

The Guardianship Information Line:

☎ **952-945-4174 or 844-333-1748**

✉ **cesdm@voamn.org**

Visit our website for many more resources:

🌐 **www.voamnwi.org/cesdm**
or scan the QR code

