



TRANSITION  
UNIVERSITY

# Supported Decision Making

Amy Hurst

[amyh@utahparentcenter.org](mailto:amyh@utahparentcenter.org)

Utah Parent Center

[www.utahparentcenter.org](http://www.utahparentcenter.org)

801.272.1051



Utah Parent Center



Utah Developmental  
Disabilities Council.



# Supported Decision Making

## Topics Covered

- Supported Decision Making
  - Power of Attorney
  - Health Care Supports
  - Financial Supports
- Guardianship
  - Limited Guardianship
  - Plenary (Full) Guardianship
  - Other Legal Solutions



## Turning 18, Options for Families

### Supported Decision Making

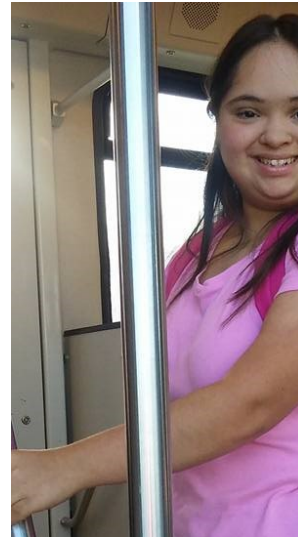
- Teaches independence and self-advocacy
- Allows the right to try and fail/succeed (dignity of risk)
- There are many formal and informal supports you can use

### Guardianship

- Can apply for full or partial to meet the specific needs of young adult
- Legally recognized
- Protects those that need it most

## Guardianship & Supported Decision Making working together

If you apply for and get guardianship, you still use supported decision making to allow your young adult to make as many decisions as possible with your help.



## What is Supported Decision Making?

Supported decision-making is often defined as supports and services that help an adult with a disability make his or her own decisions by relying on trusted friends, family members, professionals, and others.

Blanck, Peter. and Martinis, Jonathan. 2015. "The Right to Make Choices: The National Resource Center for Supported Decision-Making," Inclusion.

## Things to watch out for:

- Third parties might not accept the decisions of the individual and/or their support system
- Everyone needs to watch out for and guard against exploitation



Focus • Strengths

On My • Interests

Future • Needs



## What is Self Determination?

abilities

attitudes

choice

opportunities

skills

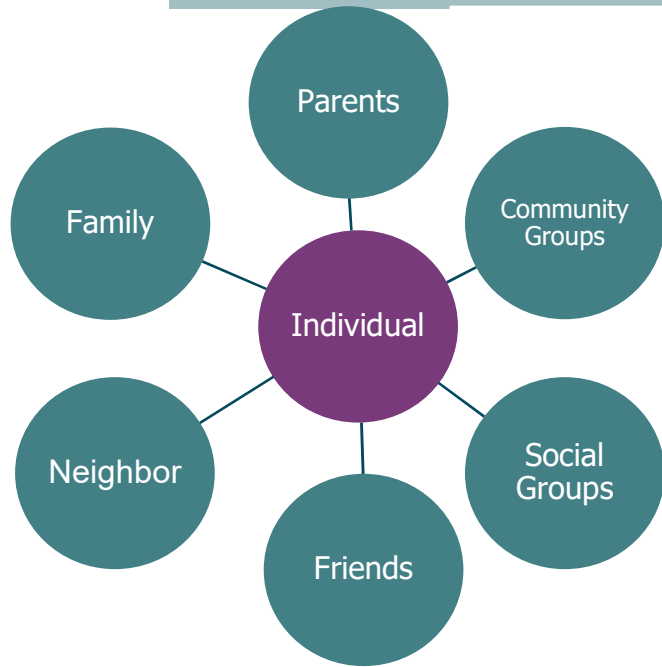
to direct my own life with support

## The Role of the Family/Supporter

- Support self advocacy
- Practice making decisions
- Discuss types of decisions and how they could impact the individual
- Discuss how values, preferences and needs influence decisions
- Build skills needed to succeed



## Natural Supports

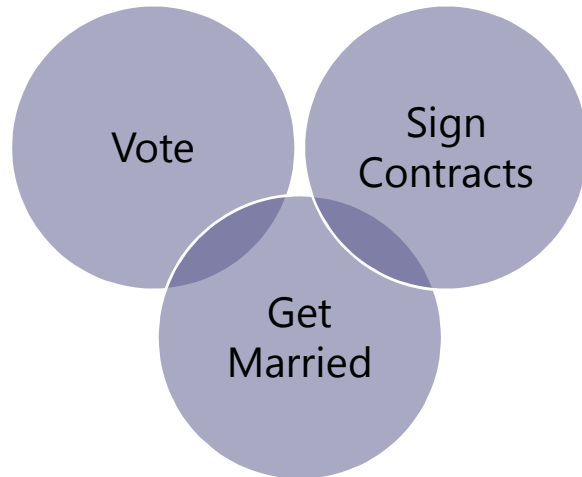


## Eligibility & Paid Supports



## With Supported Decision Making...

- The individual is the driving force over their life
- Create a network of trusted family and friends for support
- Practice making good choices
- Learn from successes and mistakes alike



## Ways to Support



- ❖ Power of Attorney
- ❖ Health Care Supports
- ❖ Financial Supports

# Power of Attorney

A Power of Attorney is a legal document that allows one person (the agent) to act on behalf of another (the principal). The Power of Attorney states what powers the agent has.



## Power of Attorney Benefits

- You can choose the agent
- Free or low cost
- Don't need a court or judge
- Authority is outlined in the document
- Form is easy to access and use





## Limitations of Power of Attorneys

- The Principal has to have the capacity to understand what they are signing
- If the document is challenged you might have to go to court to enforce it
- The principal can choose anyone to be the agent, creating the possibility of being taken advantage of

## Health Care Supports

- HIPPA Release Form
- Living Will
- Advanced Health Care Directives
- Medical Power of Attorney

## Advance Health Care Directive

- Outlines circumstances where another can make medical decisions for the individual
- Includes written instructions on the individual's desires should they be unable to make decisions

## Health Care Power of Attorney

- You can assign an agent to make healthcare decisions for the principal under specific circumstances outlined in the agreement
- Can be put into place before anything happens so you are protected in case of an emergency

## Formal Financial Supports

- Trusts
- Social Security Income (SSI) Representative Payee
- Financial Power of Attorney

## Special Needs Trust

- A legal agreement with a designated trustee
- The trustee manages the adult's assets
- Still can keep government benefits
- Requires a lawyer
- Money is set aside for the benefit of the individual, but they don't own the money and therefore won't lose SSI and other benefits.

## Social Security Representative Payee

- Allows a third party to manage SSI payments for an individual
- You do not have to be the guardian to be the payee
- Pays monthly bills and other needs

## Financial Power of Attorney

- Outlines what the agent can do to support the individual financially
- Defines when it is in effect, can be immediately or under certain circumstances

## Strategies for Financial Management

- Joint Bank Account
- Direct Deposits, Electronic Deposits and or Electronic Bill Payments
- Limited Amounts on Credit/Debit Cards
- Spending Limits
- ABLE Accounts

## ABLE Accounts

- The account owner is the beneficiary
- Income earned by the account will not be taxed
- Deposits must be made using post-taxed dollars
- Helps with living expenses
- Typically, only the beneficiary of the ABLE account contributes funds to the account. Funds contributed by other's may be required to be paid back to Medicaid if they remain in the account upon the beneficiaries death.

## Advantages

Studies have shown those with disabilities that make their own decisions have:

- Greater self-determination
- More independence
- Are better integrated into their communities
- Healthier
- Better able to recognize and resist abuse

-Black & Martinis 2015, Dinnerstein 2012, Salzman 2001, Whitlatch 2018