

Supported Decision-Making

Everyone needs help with making decisions! Some people with disabilities need more or different types of supports to make decisions. Supported Decision-Making (SDM) is getting help, when you need it, from people you trust so you can make your own decisions. SDM is an alternative to guardianship. SDM helps people keep their rights and have more control over their own lives. SDM will look different for everyone. It is individualized!



Maryland law allows adults to use Supported Decision-Making to get support to understand, consider, and make decisions about healthcare, finances, living, and employment. Other people (for example doctors and bankers) must allow these adults to use SDM to make their choices with support.



Definition

Supported decision-making is when a person with a disability exercises their right to make decisions for themselves, while accessing a support network and tools of their choosing.



Principles

Everyone has the right to make choices, people can get assistance without giving up the right to make choices, people will often need help in understanding, making, and communicating their choices. This is the least restrictive option and increases autonomy and independence.



Agreement

The person with the disability chooses which individual they would like to help with making different types of decisions. It is a written plan and can change over time. There is not a specific form required in MD and no court process involved. Areas for support that are common are: health, finances, education, employment, social life, and housing.



Bottom line...

When people use SDM to make their own decisions, instead of having a guardian make decisions for them, they can have more control over their lives and more *self-determination*. That's important because studies show that, when people with disabilities have more self-determination, they can have better lives: they are more likely to work, earn more money, live independently, be more involved in their community and be safer. Another study found that people with disabilities who used SDM were more independent, self-confident, were better at making decisions and made better decisions.



What does a supporter do?

- Agree to help the person understand, consider, and communicate decisions
- Support the preferences of the adult
- Act in good faith and follow the agreement
- DO NOT make the decisions for the person



Tools for Support

- Use plain language materials
- Extra time to discuss choices
- Lists of pros and cons
- Role play activities
- Supporter takes notes
- Person-centered planning

How do you start the SDM process?

1. Help the individual think about the areas they would like support in and make a list of strengths, needs, and interests
2. Explore how the person uses support now and what has worked well
3. Find supporters and coordinate support
4. Put it in writing



What good is having a right if you are not allowed to use it?



A word about guardianship...

Guardianship is a legal process where a judge takes away a person's right to make some or all decisions. That doesn't mean guardianship is wrong. If people truly can't make decisions or direct their lives, guardianship can be a good thing. However, if people can make decisions by themselves or when they get help, putting them in guardianship can hurt them. In addition to SDM, some other alternatives to guardianship are representative payee, power of attorney, special needs trust, ABLE accounts, and advanced medical directives.

FAQs

Guardianship

Supported Decision-Making

What is the role of the court?

In a formal legal process before court, a judge determines guardianship is necessary and appoints a guardian. All future changes have to go through the court. If there is a problem with a guardian, or if the guardian dies, the court must approve any changes or appointment of new guardians.

There is no formal legal process. The person with a disability can change supporters they use anytime they want without a court process. They can easily add supporters and get the insights of many people. There are certain rules in Maryland to be followed by the supporters and for the agreement.

Who makes the decisions?

The guardian has the right to make final decisions about the person's life. The court outlines terms of the guardianship through an official order. The court is the ultimate guardian.

The person with a disability uses support, but ultimately makes the final choices about their own life.

What are the protections for safety?

Typically, only one guardian makes all the decisions. Guardianship does not prevent people from being hurt, abused, getting into trouble or being arrested.

There will usually be multiple supporters in different areas. Having more than one supporter provides a check against abuse or manipulation by any one supporter.

How are the person's needs addressed?

The guardian makes personal decisions for the individual including provisions for healthcare, food, clothing, and where they live.

The strengths and needs of a person are discussed with supporters. The person's abilities are based on what they can do both alone and with supports.

Resources and Tools for Supported Decision Making

[The Supported Decision-Making Brainstorming Guide](#)

[The Missouri Stoplight Tool](#)

[Setting the Wheels in Motion Guide](#)

[National Resource Center for Supported Decision-Making \(sample forms\)](#)

[ACLU How to Make a Supported Decision-Making Agreement](#)

[Center on Youth Voice, Youth Choice](#)

[Sample Supported Decision-Making Agreement](#): These materials were developed

by the Cross-Disability Supported Decision-Making Coalition. This is a sample form. If you have questions about your rights, please contact an attorney.

a. [Alternate Supporter Supplement](#)

b. [Additional Supporter Supplement](#)

[Life Course Tools: Supported Decision Making](#)

