

Agency Guide for Crafting Supported Decision-Making Agreements

TIPS AND TRICKS TO PRODUCING A LAWYER-READY
DOCUMENT IN 10 HOURS OR LESS

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Human Development
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Governor's Council on
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Goal of this Guide

This guide is meant to help and guide agency staff to plan for and conduct meaningful discussions that can quickly lead to the development of an individualized supported decision-making agreement for any person seeking support in making a decision.

A Note on Language

This guide will use the word “decider” to refer to the individual seeking support through the use of a supported decision-making agreement. In the legal document, they will be referred to as the principal and in additional resources, you will see other names such as person seeking support, person making decisions, or client, just to name a few.

Disclaimer

This document contains legal information but is not intended to be legal advice.

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Process Overview

Creating a supported decision-making agreement will take a lot of discussions based around the decider and their plans. You may need to help the decider determine and define areas they want support in. Also, you will need to collect detailed descriptions of how and when each supporter will help the decider in making decisions. The following outline and graphic are quick references of the process.

It will be common to move back and forth between each phase.

- Choose
 - Help determine areas of desired supports
 - Finances, medical, employment, relationships, housing, education, legal, etc....
 - Help identify current natural supports and chosen supporters
 - Friends, family members, co-workers, teacher, direct service provider, etc...
- Discuss
 - This is the time to have discussions with the decider and their supporters for each area of support to clearly define choices for decision-making and roles of supporters.
- Crafting the Document
 - This will be concise statements resulting from the discussions describing
 - Specified supporters for each area
 - Areas of desired support, detailing what it looks like and when it will be given
- Review & Signing
 - Completed by Alaska's Disability Law Center or other legal service provider
 - Having all individuals sign in front of a public notary
 - Celebrate the individual and continue to promote self-advocacy
 - 6-month follow-up on implementation or need for changes



Choosing

- Supports wanted
- Supporters



Crafting the Document

- Who helps for which decision
- When will they help
- How will they help
- What will it look like in practice



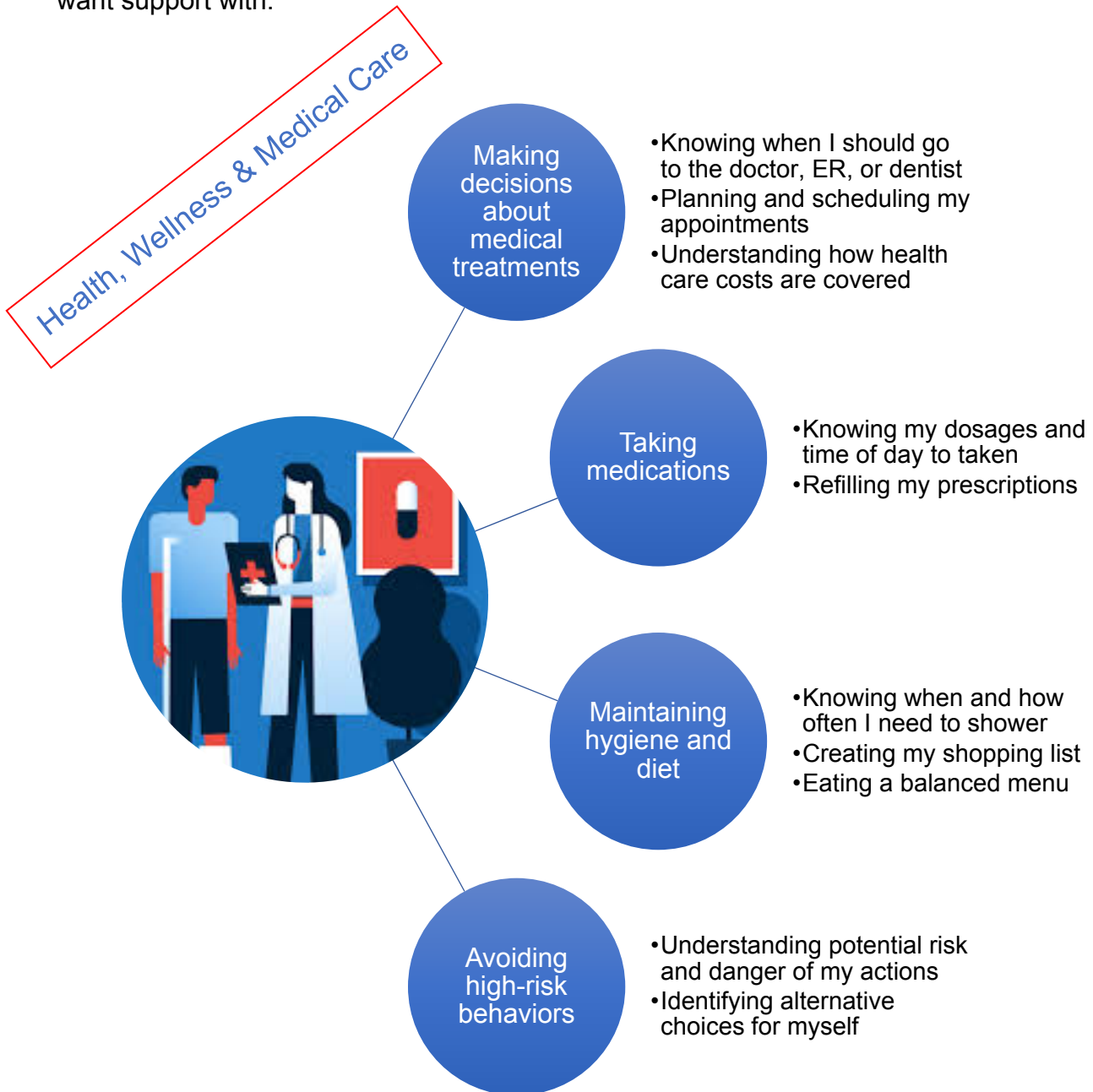
Finalizing

- Legal Review
- Signing Celebration
- 6 month follow-up

Discussions will be happening throughout the process

Defining Areas of Wanted Support

People make hundreds of decisions every day. It will be important to help the decider focus on the areas that they want help making decisions. Use the following table as topics and examples to help the individual think about the areas of decision-making they want support with:



- Paying my rent and bills on time
- Keeping track of my money and using a budget
- Making big decisions
 - Opening a bank account
 - Signing a lease
 - Selling stocks



Budgeting, Bills & Banking



- Making sure no one is taking my money
 - Stealing
 - Scams
- Making sure no one else is using my money for themselves



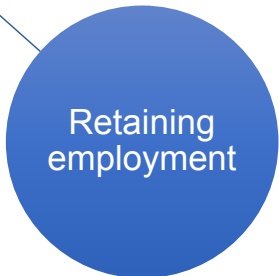
Employment



- Choosing if I want to work
- Understanding my work options
- Choosing how much to work



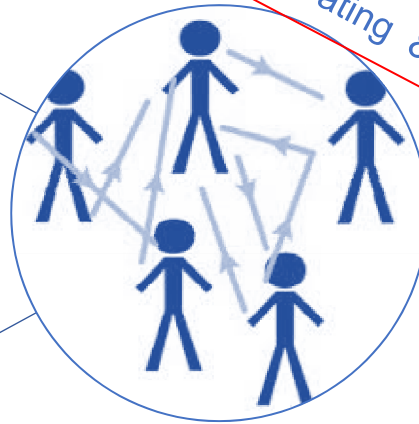
- Choosing classes or training I need to get the job I want
- Applying for a job
- Knowing what accommodations I need at work and how to request them



- Understanding the employee handbook
- Establishing reliable commuting habits

- Telling people what I want and don't want
- Having people understand what I am saying
- Understanding and getting help if I am being treated badly

Being treated respectfully by friends, family, and co-workers



Friendship, Dating & Sexuality

- Choosing if I want to date, and who I want to date
- Making choices about sex
- Making choices about marriage or divorce
- Making choices about starting a family

Making decisions about sexual relationships

Community, Home & Home life



Living independently

- Choosing where I live
- Choosing who I live with

Clean and safe living conditions

- Keeping my room or home clean
- Contacting my landlord for repairs
- Having a plan and being prepared for emergencies

Accessing community resources

- Choosing what I do and who I see in my free time
- Finding support services and hiring and firing my support staff

Education & Training

- Choosing the college or training I attend
- Choosing the classes I will take
- Enrolling in classes
- Knowing what accommodations I need at school and how to get them

Self
Advocating



Legal Questions



Understand-
ing legal
documents

- Talking to an attorney if I need one
- Signing contracts and formal agreements
 - Housing
 - Auto
 - Leases
 - Power of attorney

Understand-
ing legal
outcomes of
behaviors

- Helping me understand my legal rights
- Helping me understand my legal responsibilities
- Helping me with end of life decisions and planning

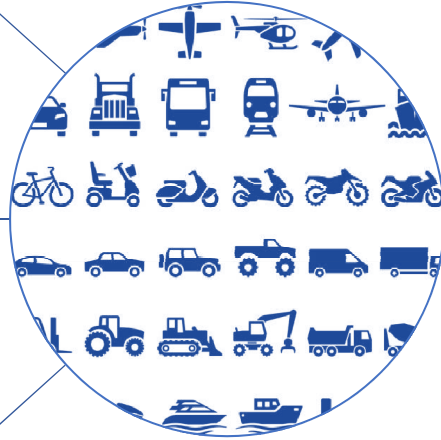
Transportation

- Do I want a car or four-wheeler?
- Should I use public transportation?
- Will I need a driver's license or car insurance?

Deciding how I get around

- Understanding my options to travel in my community
- Understanding routes and time tables
- Purchasing passes
- Understanding my rights on airlines

Understanding public transit



- Needing help to prepare for the test
- Understanding and requesting accommodations from the DMV

Driver's license

Recreation & Fun



Having choice in my free time activities

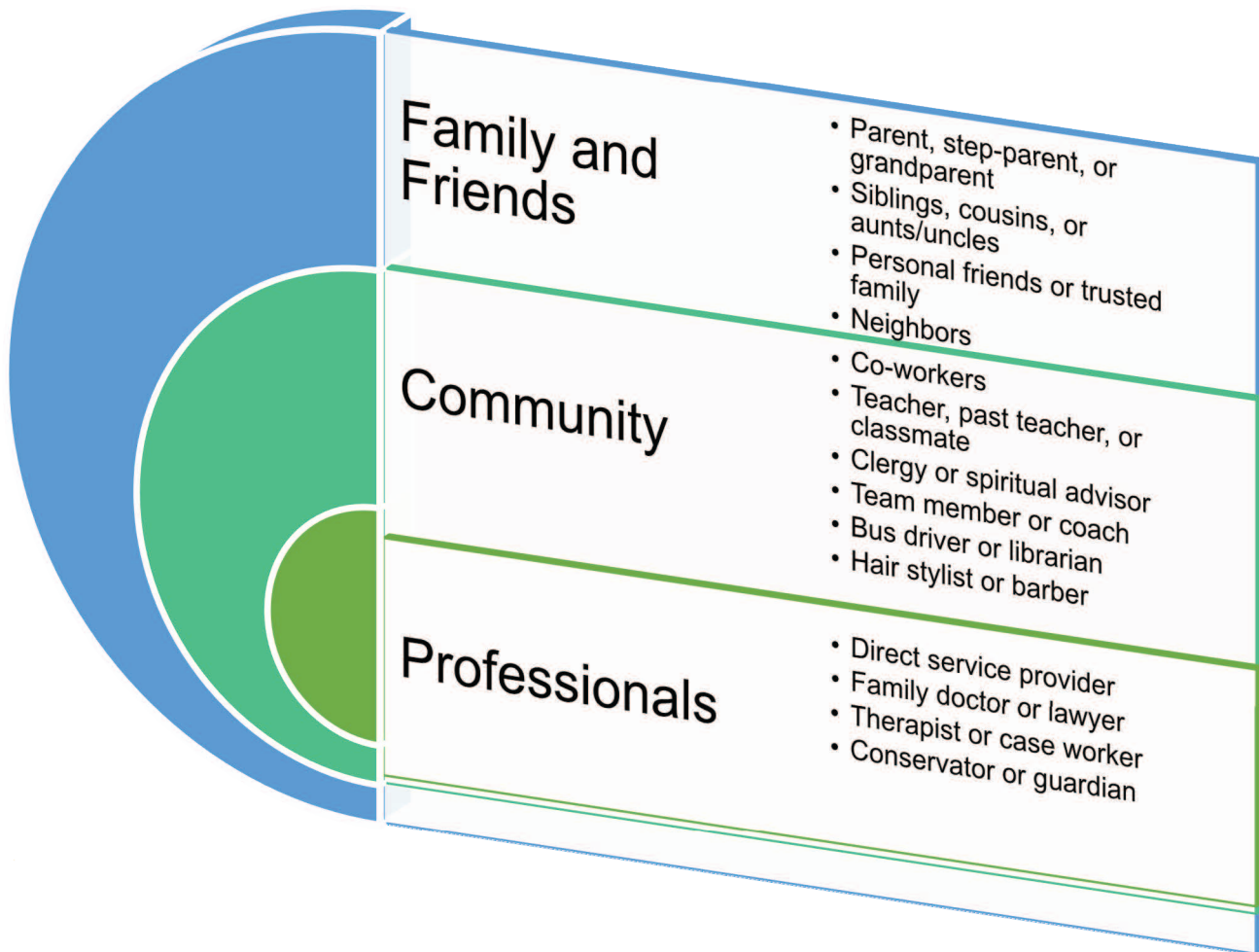
- Exploring options that are available to me in my area
- Scheduling time to make it to practices or events
- Enrolling in art, music, or dance classes
- Joining clubs or teams

Understanding my accommodations

- Knowing how to find the programs or activities that best suit my needs
- Advocating for what I need to participate

Supporters

A supporter is a person named in a supported decision-making agreement to help make decisions. A supporter promises to provide certain types of assistance, if the decider desires it, such as obtaining medical records or financial information to help the individual make informed decisions or helping to communicate those decisions to others. Deciders should focus on who will be a supporter and define who will support decisions in each area. The following are some brain storming suggestions.



Who Can **NOT** be Supporters

- A minor (must be an adult)
- Employer or employee, unless immediate family member
- Provider of paid support services directly to person, unless immediate family member
- Anyone with a restraining order against them which protects the person wanting the supported decision-making agreement (SDMA)

Discussions

As a professional, it will be your job to keep discussions focused on the choices of the decider. It is easy for conversations to be about how supporters think the SDMA should work. You will need to inform supporters of their roles and keep conversations focused on what the decider wants. The following tips and tricks should be considered to create time and opportunity for the decider to describe supporter's roles. This part of the process spans the creation of the agreement.

Educating Supporters

- Note directions in agreements and define personal boundaries as related to the SDMA
- Focus on how to support, not substitute
 - Communicate decider's choice vs. "answering for them"
 - Information, perspective, consequences/outcomes vs. influence or persuade
- Understanding of supporting decision-making and not supplanting judgment
- Supporters CAN'T...
- Claim legal authority for making decisions
- Sign, consent, or act on behalf of decider
- Coerce, unduly influence, force actions or decisions
- Obtain information that isn't related to support described in the agreement
- Share private information unless authorized

Professional

- Facilitate and create space for decider to direct their meeting
 - Pre-meeting is best practices for determining structure and content
 - Have decider describe the areas they want the supporter's help and what kind of help they want
- Review and reinforce
 - Supporter obligations and commitment
- Offer additional information and resources

DECIDER

Initial Conversation

- Background Information
- Long term/short term goals for themselves
 - How are their decisions made now?
 - What do they like about that?
- What do they want to change?
- What do they NOT want help making decisions about?
- Who are their current supporters?
- Who do they want to have as supporters?
- What do they want each supporter to help with?
- How do they want to access that help?
- Think about details of communication with supporters
- Ask about supporters talking about choices when decider is not present
- Ask about meeting preference; with supporters individually or all together
- Get signed authorizations to get records, and to contact supporters, ask about powers of attorney or other documents

Tips for Quality Conversation

- Always bring it back to the decider
- What do they want
- Try not to apply your view of what "priority decisions" are
- Use interview techniques that encourage sharing of information:
 - Open-ended questions. "Tell me what you like about your life right now..."
 - "Are there other things that you want to include in your life?"
 - "How do you want that to happen?"
- In-person meetings are best, video

Crafting the Document

Now you are ready to tie it all together using clear and detailed language. The following is an outline providing a framework to guide the creation. Every agreement will be unique so you may not need to use every part or you might need to expand in some areas to cover all of the detailed required.

Introductory Page

- This is the biography of the client (approximately 1-2 pages)
- Briefly introduces the areas of desired support for making decisions

Areas of Wanted Support

Begin each section by listing the supporter with the following:

- Name, date of birth, address, telephone number, email, and relationship to the client

Clearly state specific decisions the supporter will help with

- *My supporter will help me with my taxes.*
- *My supporter will help me make decisions about my teeth.*
- *My supporter will help me make decisions on where I live.*

Clearly state how each supporter is to help

- *Supporter one will help me access all of my tax documents, supporter two will help me determine who to take my taxes to.*
- *Supporter one will help me decide if I need to go to the dentist, supporter two will help me find and make an appointment at the dentist, either supporter will attend the dentist visit to help make decisions on the spot.*
- *Supporter one will help me find the location I want to live in, supporter two will help me with the paperwork for signing a rental agreement.*

Clearly state when a support is to be used

- *I want my supporters to help remind me that it is tax time and I need help.*
- *I only want supporter one to offer advice without asking for it, supporter two will only provide help when I ask for it.*
- *I will ask supporter one to let me know what they think of the area I live in and I want supporter two to regularly check on my place and talk with my landlord*

Additional Resources

Alaska's SDMA resource: The Governor's Council on Disabilities & Special Education

<http://dhss.alaska.gov/gcdse/Pages/projects/SDMA/default.aspx>

National Resource Center for Supported Decision-Making

www.supporteddecisionmaking.org

National Center for Supported Decision-Making Guide

<http://supporteddecisionmaking.org/sites/default/files/Supported-Decision-Making-Teams-Setting-the-Wheels-in-Motion.pdf>

ACLU Library

<https://www.aclu.org/other/supported-decision-making-resource-library>

ACLU guide

[http://www.supporteddecisionmaking.org/sites/default/files/when do i want support.pdf](http://www.supporteddecisionmaking.org/sites/default/files/when_do_i_want_support.pdf)

ASAN guides

<http://autisticadvocacy.org/wp-content/uploads/2016/02/Easy-Read-OSF-2-Supported-Decision-Making-v3.pdf>

AARP Guide

http://protecttheirmoneytx.org/sites/default/files/pdfs/supporters_under_a_supported_decision-making_agreement.pdf

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