

SUPPORTED DECISION MAKING

FOR A SUPPORT PERSON (FAMILY OR FRIEND)

An alternative to guardianship that gives individuals with disabilities the support they may need in making important life decisions.

Many options, other than guardianship, are available to provide counsel, guidance and assistance with making decisions. The principles of Informed Choice, Person Centered Planning and Self-Determination dictate that adults with disabilities are respected and supported in making their own life decisions. Individuals who can make life decisions with support from others around them should be enabled to do so.

Supported Decision Making is recognized as a less restrictive alternative to guardianship; whereby, trusted supporter(s) are afforded the legal status to be with the adult, participate in discussions, help gather and evaluate information, consider and communicate decisions so individuals with Intellectual/Developmental Disabilities understand the situations and choices they face and can make their own decisions without the need for a guardian.

Terms to Know

- Agreement = something that you say you are going to do
 - Guardianship = a legal proceeding that can remove civil rights and privileges of an individual by assigning control of his or her life, or aspects of their life to someone else
 - Provider = someone who is paid to provide services to an individual with a disability
 - Supporter/Support Person = someone who provides support to an individual with a disability (often a family member or friend)
 - SDM = Supported Decision Making
 - Witness = someone who agrees to the genuineness of a document or signature by adding their own signature.
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- Supported Decision Making is a way to get providers and members of the community to accept the decisions of an individual, made with a little help from their supporter(s).
 - Supported Decision Making addresses a cultural problem where people who have a disability may be judged by the outside world and barred from decisions others make without being questioned.
 - Supported Decision Making is a contract between you and the person you're supporting. You're agreeing to be there for them and they're agreeing to what you can and can't assist them with deciding. It is **NOT** a guardianship, proxy for decisions, or power of attorney.

What Does This Mean for You?

- It means that you are available to the person you're supporting – to be present when they are receiving information and making decisions but also to help them research or get more information before they make a decision.
- It means that you are doing something you are probably already doing: being someone who is trusted to be patient and honest, without trying to coax the supported person into one choice or another.
- It means that you cannot and shall not make their decisions for them.
- It means that sometimes the person will make a decision you don't agree with, and that's okay.

Person Centered and Directed

Supported Decision Making is part of a broader movement to put individuals in control of the decisions they make. They may need help receiving information before making a choice, or perhaps evaluating different options, but with the Supported Decision Making Agreement they can be protected from people thinking that because they need help making a decision, they need a decision maker.

The Agreement

Nevada law says the agreements must:

- Be in writing
- Name one or more supporter(s)
- Say what the supporter(s) can and can't help with
- Be signed by the individual and their named supporter(s)
- Have two witnesses

What does this mean? Supported Decision Making agreements come in all shapes and sizes. If the document has the basics under Nevada Law (NRS 162A.XXX, AB480), you're ready to go.

For More Information

- Nevada Governor's Council on Developmental Disabilities | NevadaDDCouncil.org | 775-684-8619
- Aging and Disability Services Division | ADSD.nv.gov/ | 775-684-4210
- Nevada Disability Advocacy and Law Center | NDALC.org | 800-992-5715
- Washoe Legal Services | Washoelegalservices.org | 775-329-2727 has templates to review

*This flyer is not meant to replace legal advice. It is for informational purposes only. Adapted from Wisconsin Board for People with Developmental Disabilities. This publication is a partnership between the Nevada Governor's Council on Developmental Disabilities and the Nevada Department of Health and Human Services Aging and Disability Services Division.