

Supported Decision-Making

DISABILITY
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MAINE 

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What is Supported Decision-Making?

Supported Decision-Making (SDM) is “a series of relationships, practices, arrangements, and agreements of more or less formality and intensity designed to assist an individual with a disability to make and communicate to others decisions about the individual’s life.”

- Robert Dinerstein

Where does SDM come from?

- Shared experience of how we all make decisions
- The human right of every person to make his/her own decisions regardless of disability; UN CRPD (United Nations Convention on the Rights of Persons with Disabilities)
- Self-Advocacy Movement



U.S. Support for SDM

2018	<ul style="list-style-type: none">Alaska, Missouri, New Mexico, Washington D.C., and Wisconsin pass legislation about SDM
2017	<ul style="list-style-type: none">American Bar Association adopts resolution 113Uniform Law Commission revises UGCOPPAU.S. Dep't of Ed OSERS issues guidance on transition
2016	<ul style="list-style-type: none">AAIDD & The Arc issue Joint Position StatementSocial Security Advisory Board releases Issue BriefNational Guardianship Association issues position statement
2015	<ul style="list-style-type: none">Texas & Delaware pass legislation
2014	<ul style="list-style-type: none">Administration for Community Living creates Supported Decision-Making program

Maine Support for SDM

2018

- Maine passes legislation to include SDM in Probate Code
- Knox County Probate Court Terminates Guardianship in favor of SDM
- OADS awarded ACL grant to reform APS system by incorporating, among other things, SDM

2017

- Maine Probate Trust Law Commission recommends inclusion of SDM in the Probate Code
- DRM receives second seed grant from the National Resource Center on Supported Decision Making

2016

- OCFS includes SDM in its *Guide to Transition Services in Maine*
- supportmydecision.org launched

2015

- Maine Supported Decision-Making Coalition Formed to Bring SDM to Maine
- DRM receives seed grant from the National Resource Center on Supported Decision-Making

Maine's New Guardianship Law

- Largely based on the Uniform Guardianship, Conservatorship and Other Protective Proceedings Act (UGCOPPA)
- Effective July 1, 2019 – part of Maine Probate Code

Less Restrictive Alternative in Maine's New Probate Code

- "Less restrictive alternative" means an approach to meeting an individual's needs that restricts fewer rights than would the appointment of a guardian or conservator.
- "Less restrictive alternative" includes **supported decision making**, appropriate technological assistance, appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances, or appointment of a representative payee.

Supported Decision-Making in Maine's New Probate Code

32. **Supported decision making.** “Supported decision making” means assistance from one or more persons of an individual’s choosing:
- A. In understanding the nature and consequences of potential personal and financial decisions that enables the individual to make the decisions; and
 - B. When consistent with the individual’s wishes, in communicating a decision once it is made

18-C M.R.S. § 5-102(32) (2019 Probate Code)

Other Support Tools

- Advance Health Care Directives
- Powers of Attorney
- Trusts
- Representative Payees
- Short Term Orders



Which Types of Decisions Need Support

WHEN DO I NEED SUPPORT?

There are many areas of life where a person may need help with making decisions. Some examples are below:

<p>FINANCES</p> <p>Do you need help understanding your bills (cell phone, electricity, rent, internet, etc.)?</p> <p>Do you need help with buying items (understanding which deals are good, which products are going to work best for your needs, knowing if you can afford the item)?</p> <p>Do you need help setting up a checking or savings account?</p>	<p>HEALTHCARE</p> <p>Do you need help scheduling and remembering doctor's appointments?</p> <p>Do you know what medicines you take, how to find out the dosage amount, and understanding what the side effects may be?</p> <p>Do you understand how your health care costs are covered (Medicaid, private insurance) and what your co-pays are?</p>
<p>EDUCATION</p> <p>Do you know what accommodations are in your IEP at school?</p> <p>Do you need help deciding what college you should attend?</p>	<p>WORK</p> <p>Do you know what accommodations you need at work and how to request them?</p> <p>Do you need help understanding your employee handbook or work policies?</p>
<p>LIFE PLAN</p> <p>Do you know where you want to live and what you should know before choosing a home?</p> <p>Do you know how to find transportation to places in your community?</p> <p>Do you know the difference between healthy and unhealthy relationships?</p> <p>Do you know how to plan for an emergency?</p>	<p>LEGAL MATTERS</p> <p>Do you need help understanding your rights?</p> <p>Do you know what to do if you think someone is violating your rights?</p>

These are just some examples. You may think of other times you need support in these areas, or you may think of new areas not listed above.

What Kind of Support

- Gathering necessary information
- Educating the Decision-Maker (DM) about that information
- Helping to identify possibilities and alternatives
- Aiding the DM in weighing choices and understanding consequences
- Communicating the DM's decision to others
- Helping to implement the DM's decision

Choosing Supporters

- The DM chooses who to use as supporters
- Supporters never substitute their own choices for those of the DM
- Can be family members, friends, neighbors, service coordinators, church members, professionals in the community
- DM can assign certain supporters to certain types of decisions and not others



Supported Decision-Making Agreement (SDMA)

- The document on which the DM identifies supporter(s) and areas of decision-making requiring assistance, as well as the type of assistance being sought
- In sample provided:
 - Note the ability to explicitly decline support in certain areas if desired
 - Includes Releases of Information
 - Effect and Revocation: DM can give written or oral notice, Supporters are to provide 7 days notice in writing to DM
 - Notarization

www.supportmydecision.org

Questions?

Please don't hesitate to reach out!

Disability Rights Maine

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