

Supported Decision Making: How Is It The Same Or Different Than Alternatives To Guardianship?

- Why Guardianship Should Be The Last Resort.
- Supported Decision Making
- Alternatives To Guardianship.
- Small Group Discussion?



What is Guardianship?



- Is court-ordered, that means a judge decides;
- Gives someone the power to make decisions for a person with a disability;
- **Private Guardianship** Is between a private citizen and a person with a disability who is 18 or older; it can be in or outside of your family.
- **State (Public) Guardians** is someone who works for the state is your guardian.
- Each state has laws about guardianship. They are not all the same.

Why Guardianship Should be the Last Resort



- Only use guardianship *after* you try all other ways to help a person make decisions.
- Guardianship removes a person's legal right to make decisions about their life. It gives that right to someone else. It takes away a person's freedoms that they get from the United States Constitution.

Why Guardianship Should be the Last Resort



- Researchers talked to 2 groups of people. In one group all the people had a guardian. In the other group no one had a guardian.
- They found out that people without a guardian are:
 - more independent
 - more of them have jobs
 - and they are more satisfied with their life

Why Guardianship Should be the Last Resort



- There are many ways you can get help to make decisions. ALL people get help one way or another to make decisions.
- We all make mistakes. We learn from our mistakes.
- Now we will talk about alternatives to guardianship. **It is important to know that you can always** get help from your family. You decide if you want them involved in life.

Supported Decision Making (SDM)



Sometimes when we are making decisions we ask family, friends, co-workers, allies, or other people for advice.

We might just talk to our family about medical issues. And when it comes love issues we might just talk to our friends. And we might ask other people for help with money issues.

The important thing to remember is you always make the final decision.

Supported Decision Making (SDM)



Supported Decision Making basically means, you put together a group of people to help you make decisions. AND you say who will help you with:

- money decisions
- health decisions
- relationship decisions
- work decisions

Alternatives to Guardianship

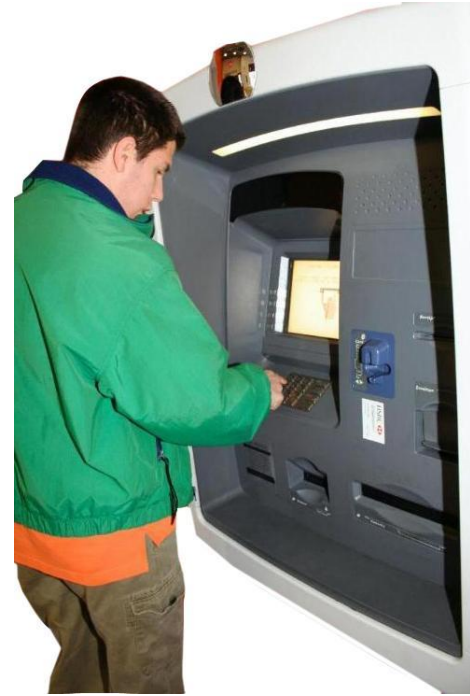
Healthcare Representative or Agent



Name the person to make health care decisions for you when you are not able to do. This is for emergencies. Times when you are too sick to communicate. The person tells the doctor what to do. What kind of treatment you want. You pick the person to make decisions for you.

Help with Money Decisions

Sometimes a person gets a guardian because they get stuck dealing with money. Here are ways for a person to have freedom and get support that is necessary. You do NOT need a guardian for this. You can be your own guardian and still get help with money.



Help with Money Decisions



- Talk to the person. Find out what does the person need help with? What problems need to be solved?
- Also ask: what are you afraid will happen?
- Here are some ways your family, friends, agencies, and community resources can help you manage your money.
- You decide what you want to use. And follow your heart. You do not have to use all of these ideas.

Here Is How A Bank Can Help

- Try **directly depositing** the person's paycheck and benefit checks.
- Bank accounts can be set up for **automatic payment of regular bills**, such as cell phones, cable tv, or rent.
- **Different accounts** to use now or later.
- **Ceiling limit/withdrawal limits** on ATM cards and accounts overall. This puts a limit on how much money can be taken out in a day.
- **Co-signers or Joint signature accounts** You can have a rule for two people to sign a check.



Help with Money Decisions

Representative Payee: Some people get SSI. Others get SSDI. The check can go to you or to a “payee”. If you have a payee they might pay your bills, like your rent or buy food and clothing. The payee has to fill out all the forms for social security.



Help with Money Decisions



- If you have a **service coordinator**, they can help to manage your money so you will NOT need a guardian.
- A person's **spouse/partner** could help you manage their money.
- **Bill payment services** or Personal Money Managers can make sure your bills are paid on time, checkbooks are balanced. An Area Agency on Aging can do this.

Help with Money Decisions

- Two Methods: **Opting Out of Credit Card Offers**

- Five Year Opt - Out Complete form online (secure website) at: <https://www.optoutprescreen.com/>
- Permanent Opt – Out Form must be printed, signed and mailed.



- **To submit your Opt-In or Opt-Out request by telephone. Please call toll free: 1-888-567-8688**
- Deaf and hard of hearing consumers can opt-in or opt-out of firm offers through this website or by calling 7-1-1 and referring the Relay Operator to 1-800-821-9631.

Power of Attorney

You write a document to give a person the power to manage your money and things. For example, they can sell your house for you. You say it is okay for them to sign for you. **You can change this at any time.**



There is also something called a **durable power of attorney**. This applies if something happens to you and you cannot communicate.

There is a second person who can deal with your money. They can also buy things for you and sell things for you. They take over and deal with anything that has to do with your money.



A **trust** is a legal plan. You do not need to go to court. You do need a lawyer to set up a trust. The trust is a set of rules on how money is to be spent. For example, your grandfather might give you \$5000 when he passes away. He puts the \$5,000 in a Trust, the rules are you only get \$500 each year. There are special trusts that make sure you do NOT lose your benefits..

Guardianship: An Important Topic For Self-Advocates

WHEN YOU SEE,
MEET, OR THINK
ABOUT A PERSON
WITH A DISABILITY
PRESUME
COMPETENCE

- People need to know the options.
- This is a way for society to presume competence.
- Mistakes are an important way to learn. There is an important *ripple effect* that happens when you make a mistake. You learn from it and get confidence to try again.
- If others do everything for you, they take your right to grow and learn new things. They take your voice away.
- Alternatives to guardianship are a way to help people manage risk look at all of the options.

Guardianship: An Important Topic For Self-Advocates



- People with disabilities feel embarrassed to say they have a guardian. They think something is wrong with them.
- It has an impact on a person's self-esteem. It impacts on believing in ourselves and others believing in us. That is why we feel all alternatives should be tried before removing someone's rights.
- Self-advocacy is about being proud of who you are and that includes having a disability.
- Alternatives to guardianship are all about giving people with disabilities a chance and opportunities.