

Supported Decision Making (SDM): An Alternative to Guardianship and a Tool to Empowerment Within Guardianship

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What is SDM?

A process where people choose trusted friends, family and professionals who assist them with:

- Understanding information
- Considering a range of options
- Weighing choices and their risks and benefits
- Communicating their decisions
- Advocating as needed

An agreement, in plain language, that specifies areas that a person wants assistance with and who they would like to assist them in each area. Supporters agree to assist but not make decisions.

SDM may be used alone or in conjunction with other common support documents:

- Durable Power of Attorney (Medical and Financial)
- HIPPA release forms
- Consent forms for specific services (such as schools, utilities, banks, etc.)

Why Consider SDM?

- Guardianship is a legal removal of civil rights and almost always permanent. Less restrictive measures, including SDM, should be tried prior to initiating guardianship.
- Guardianship safeguards are often not fully applied and many are granted without sufficient evidence of incapacity.
- Approximately 90% of guardianships are full rather than partial guardianships.
- When a guardianship is transferred, new guardians can make dramatic changes without consulting the person with a disability or their family members. The impact can be severe and lasting.
- When a guardianship is necessary or is in place, SDM should be used to the full extent possible to determine the person's preferences rather than using substitute decision-making.

Steps for Using SDM

1. Presume guardianship is not needed until less restrictive measures have been tried over time.
2. Consider whether the need for support is temporary, due to inexperience, crisis, or a reversible medical condition.
3. Assist the person needing support to identify trusted friends, family members and professionals to be on the SDM team.
4. Evaluate supports available through:
 - Community programs and services
 - Informal supports from family & friends
 - Accommodations & assistive technology
 - Residential settings
5. Evaluate areas the person wants and needs assistance with, which might include:
 - Money management
 - Health care
 - Relationships
 - Community living
 - Documents and contracts
 - Employment
 - Safety
6. Write agreement specifying:
 - Areas that each supporter can assist with and are *not allowed* to assist with
 - Clear roles of supporters in making decisions
7. If necessary, appoint a reversible legal supporter or surrogate:
 - Agent under health care power of attorney or advance directive
 - Health care surrogate under state law
 - Agent under financial power of attorney
 - Trustee
 - Social Security representative payee



Resources

MIND Institute CEDD

<http://www.ucdmc.ucdavis.edu/mindinstitute/centers/cedd/sdm.html>

UCSF Office of Developmental Primary Care

<http://odpc.ucsf.edu/supported-health-care-decision-making>

ACLU Supported Decision-Making Library

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

American Bar Institute

<https://www.americanbar.org/groups/disabilityrights/resources/article12.html>

www.ambar.org/practicaltool

National Guardianship Association

http://guardianship.org/documents/NGA_Policy_Statement_052016.pdf

http://www.guardianship.org/documents/Standards_of_Practice.pdf