



Supported Decision-Making (SDM) is a legal alternative to guardianship for adults with disabilities and their families.

What is Supported Decision-Making?



Supported decision-making (SDM) allows a person with disabilities to make their own decisions. It is an alternative to guardianship. Supported decision-making is flexible in how it is applied from individual to individual and even how it is applied to the same individual over time.

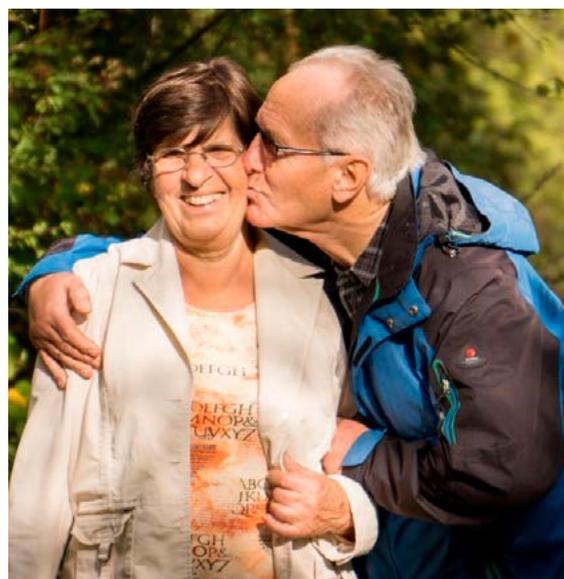
A person using supported decision-making identifies what types of decisions they want help with. This might include decisions related to where and with whom they want to live, what services, supports, or medical care they want to receive, and where they want to work.

The person with disabilities chooses people they trust to help them understand, make, and communicate those decisions. These trusted people are called "supporters". Supporters may include trusted friends, relatives, neighbors, co-workers, providers, volunteers, or community members.

Through a written supported decision-making agreement, the person with disabilities legally designates which supporters will help them make which decisions.

How is Supported Decision-Making Different from Guardianship?

- **Guardianship:** The person with disabilities loses the legal right to make their own decisions. Instead, the guardian makes decisions for the person with the disability. The guardian should consider the wants and needs of the person with the disabilities, but that does not always happen.
- **Supported decision-making:** The person with disabilities gets the information and assistance they need from trusted supporters, so that they can understand, make, and communicate their own decisions.



Disability Rights Center - New Hampshire (DRC-NH) is dedicated to the full and equal enjoyment of civil and other legal rights by people with disabilities. DRC-NH is New Hampshire's designated Protection and Advocacy agency and authorized by federal law "to pursue legal, administrative, and other appropriate remedies" on behalf of individuals with disabilities. We are a statewide organization independent from state government or service providers.



Why Choose Supported Decision-Making?

Supported decision-making allows a person with disabilities to retain the freedom to make their own choices to the best of their abilities. It allows them to stay in control of their life, be more independent, and have better life outcomes. All of these benefits are possible through supported decision-making and without the need for a guardian.

Examples of Supported Decision-Making:

- Morgan is turning 18. As part of the IEP process, they talk to their team about guardianship and alternatives like SDM. Morgan decides they want to make their own decisions but needs help with health care and financial decisions. Morgan executes a healthcare power of attorney and a supported decision-making agreement naming their parents as supporters for these decisions.
- Terry asks their friend to help them with financial decisions and works with their area agency to find someone who can support them when making decisions about their job and healthcare. Terry's uncle is a real estate agent and Terry makes a supported decision-making agreement with him so that he will help Terry when decisions about housing are needed.

How Does Supported Decision-Making Work?

There is not one method of using supported decision-making. Each person's situation is unique. Since each supported decision-making agreement is designed to best support the individual with disabilities, each agreement will look different.

Below are some examples of how a supporter might work with a person with disabilities to ensure the person is involved in all decisions and able to make their own informed choices:

- Use plain language materials and present information in multiple ways (video, audio, print).
- Request extra time for the person with disabilities to make their decision so the supporter can provide information about, and discuss, choices.
- Ensure the person with disabilities understands their choices by creating lists of pros and cons.

(Examples continued on next page)

(Examples continued)

- Prepare the person with disabilities to communicate their decisions by role playing how they will inform others of their choices.
- Accompany the person with disabilities to important appointments to take notes and help them remember and discuss their options.
- Set up and help monitor payment tools such as auto-payments or bill management notification apps.

In addition to a supported decision-making agreement, the person with disabilities may consider using a healthcare proxy, power of attorney, and/or advance directive.

For more information about these see <https://drcnh.org/issue-highlight/supported-decision-making/>.



Are IEP Teams Required to Discuss Supported Decision-Making?

Yes, as students with disabilities approach age 18, their IEP team members often talk to them and their parents about the transition to adulthood. They regularly mention guardianship as a way for parents to retain the right to make decisions for their child after their child turns 18. Now IEP teams that are discussing guardianship must also discuss supported decision-making so that this less restrictive alternative can be considered.

For Additional Information Visit:

- ✓ drcnh.org/issue-highlight/supported-decision-making/ or contact us at (603) 228-0432
- ✓ National Resource Center for Supported Decision-Making <http://www.supporteddecisionmaking.org/>
- ✓ ACLU: How to Make a Supported Decision-Making Agreement <http://www.supportmydecision.org/assets/tools/ACLU-how-to-make-a-SDM-Agreement.pdf>
- ✓ SDM Toolkit from ASAN: The Right to Make Choices <https://autisticadvocacy.org/2016/02/the-right-to-make-choices-new-resource-on-supported-decision-making/>

Disability Rights Center - NH

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MISSION: The Disability Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.

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This brochure is not meant to be legal advice. For specific legal advice an attorney should be consulted.

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