



Regional Resource Center

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Regional Resource Center

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Disclaimer:

This presentation includes legal information but is not, nor should it be considered legal advice.

What is Supported Decision-Making?

Supported Decision-Making (SDM) is a relatively new, paradigm shifting, way to get help with decision-making and an alternative to limited guardianship.

Adults with disabilities formally choose a person or team of people to help them with their decision-making process and make their own decisions.

Relatively New and Paradigm Shifting:

The RI legislature passed the Supported Decision-Making Act in 2019. About 15 states and the District of Columbia have SDM legislation. Other countries also have SDM.

SDM shifts the focus from protecting individuals from their decisions to protecting their right to make their own decisions with the help they need from eligible people they choose.

Decision-Making Process (DMP)

- A decision-making process is the steps taken to make an informed decision. Possible DMP steps include: Gathering pertinent information
- Understanding the gathered information
- Reviewing the decision options including alternatives
- Weighing the Pros and Cons
- Considering the impact and consequences
- Making and expressing the decision
- Assessing the outcome of the decision

Decision-Making:

What is a decision?

It is a choice.

It may be a yes or a no, or choosing between option A and option B.

Decision-Making:

For example:

Would you like some ice cream?

Would you like chocolate ice cream or strawberry ice cream?

Decision-Making:

It may be a choice among many options.

For example, would you like chocolate, strawberry, vanilla, or Graham Central Station ice cream?

Decision-Making:

It can be an affirmative choice, such as, I want to work.

Or a negative choice, such as, I do not want to work.

Decision-Making:

Choices can be easy, such as those above.

What are some other easy choices?

Decision-Making:

Choices can also be more challenging.

Decision-Making:

For example, such as open-ended questions:

What kind of work do you want to do?

What do you want to learn and do in the community?

Decision-Making:

What are some other more challenging choices?

Decision-Making Process:

The decision-making process can be applied to any of these decisions, in whole or in part, on a decision by decision basis, as needed by the individual, with the help of their supporter/s.

Decision-Making:

Decision-making is a skill that can be:

- Learned
- Practiced
- and, Improved Upon

Using SDM:

We think supporting individuals to apply such a process is a good way to practice, learn and improve decision-making skills.

Particularly, the last step of assessing the outcome of the decision.

SDM Coalition:

We would like to see more decision-making across the board in the K-12 curriculum.

Decision-making skills can also be included in students IEPs.

SDM:

SDM is a way for individuals to make their own decisions, with the help they may need with the DMP from their supporter/s.

As an Alternative to Limited Guardianship:

Like all alternatives to limited guardianship, SDM can be used to:

- Defend against a Petition for Limited Guardianship
- Request modification of an existing Limited Guardianship
- Seek release from an existing Limited Guardianship

Limited Guardianship & Alternatives

Rhode Island is both a limited guardianship state and an alternatives to guardianship state.

What does this mean?

Guardianships must be limited to those decisions the individual lacks the capacity to make, and further limited by the individual's ability to use alternatives.

May want to also use other alternatives to Limited Guardianship:

Individuals who use SDM may wish to plan for the time in their future when they may no longer be able to express their decisions and as a result can no longer use SDM.

SDM can be used to make these future plans.

These plans can include other alternatives.

Individuals may wish to consult an attorney to make these plans.

Who can use SDM?

The SDM Act is for adults with disabilities.

The adult must only be able to express their decisions.

The expression need not be verbal.

Anyone, including children, can use it informally and many of us have done so.

Discussion:

Have any of you used it informally?

Would you be willing to share the type of decision, who you asked for support and why, and how it worked out?

SDM Agreement Form

There is an SDM Agreement form in the statute.

Individuals need not use that particular form.

However, any form used must include the elements of the form in the statute and must not be inconsistent with the statute.

The signatures on the form must be Notarized or witnessed by two eligible witnesses.

Signatures required:

The individual must sign the form.

The supporters must sign the form. By signing the form, the supporters are acknowledging their role as helpers v. deciders.

How to Choose Supporters:

May not have a conflict of interest.

What factors are important to you?

I think an important one is respect for the individual's choices.

Decide What Help You Need:

On a decision by decision basis.

SDM for Plans or to Plan for SDM:

Individuals may use SDM to develop their IEPs or person-centered ISPs.

Individuals may also include preparing to use SDM as goals in their individual plans, such as building a circle of support and/ or improving decision-making skills.

SDM Coalition:

We will email Cindy a sample SDM Agreement form for her to share with you. We have added an introductory paragraph to the form as well as the language from the statute with the limitations on who may be a supporter and who may witness the signatures.

We will email the SDM How To Guide, also called You Decide Tool Book, which includes a list of SDM resources.

Website:

The Sargent Center's Rhode Island Center for Supported Decision-Making has a page on the Sargent Center website which includes some information and resources including the You Decide Tool Book and a Sample SDM Agreement form.

Resources:

There are many resources available on the web.

Helps to Effectuate Self Determination which Improves Quality of Life

According to the University of Kansas' *Why is Promoting Self Determination Important?*

- Choice-making opportunity is a strong predictor of self-determination
- Self-determination status predicts higher quality of life
- Self-determination status is positively correlated with more positive post secondary outcomes including employment, independent living, and community inclusion

Questions



Thank you.