

Family and Self-Advocate Conversations about Supported Decision-Making

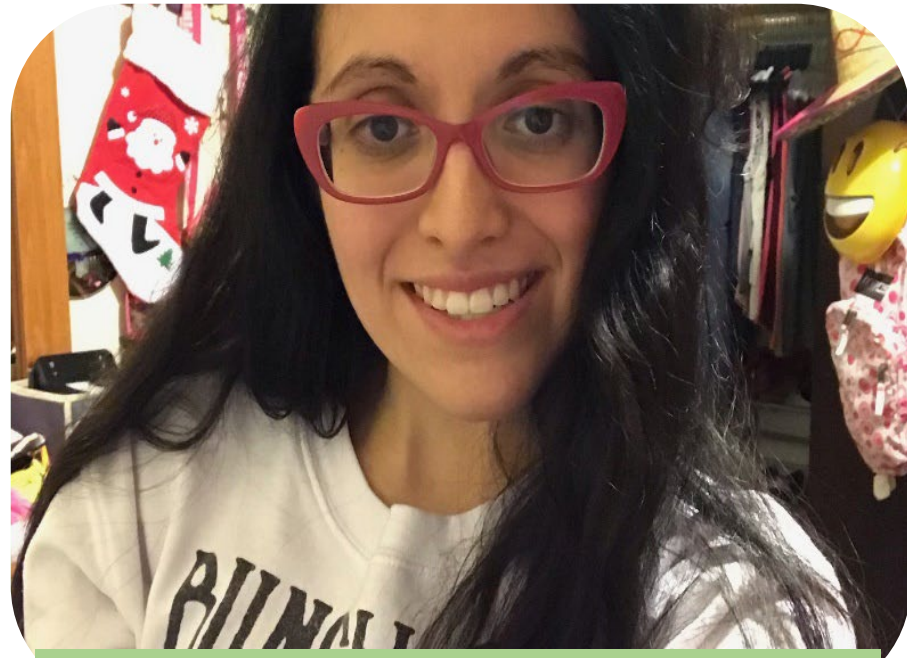
With Beth Swedeen, Jordan Anderson and Jennie Rojas

*Slides 3-10, 13-20 courtesy Leah Ortiz, The Arc of Calhoun County, MI

Meet our Youth Ambassadors



Jordan
Anderson



Jennie Rojas

Today we will talk about:

How to maximize decision-making for your loved one, regardless of what legal route you take

Strategies that offer more opportunities for your loved one to learn, practice and use decision-making

What emotions lead to seeking Guardianship?

Love

Fear

Concern

Why rethink Guardianship?

It simply does not do what we
want it to do!

- Avoid public declaration of incompetency
- Dignity, freedom of choice
- People deal with guardian – not person
- Time and expenses – attorneys, hearings, evaluations
- Courts do not always follow family wishes
- Very difficult to change or end
- Attorneys and guardian ad-litem may not have much training
- There are no guardian police, and no evidence guardianships make people safer

What Keeps People Safe?

- ✓ Caring and involved family/friends
- ✓ Community networks/connections
- ✓ Opportunities to Practice And Build Decision-Making Skills

People with disabilities

Family Average: 8

Other People with Disabilities
Average: 68

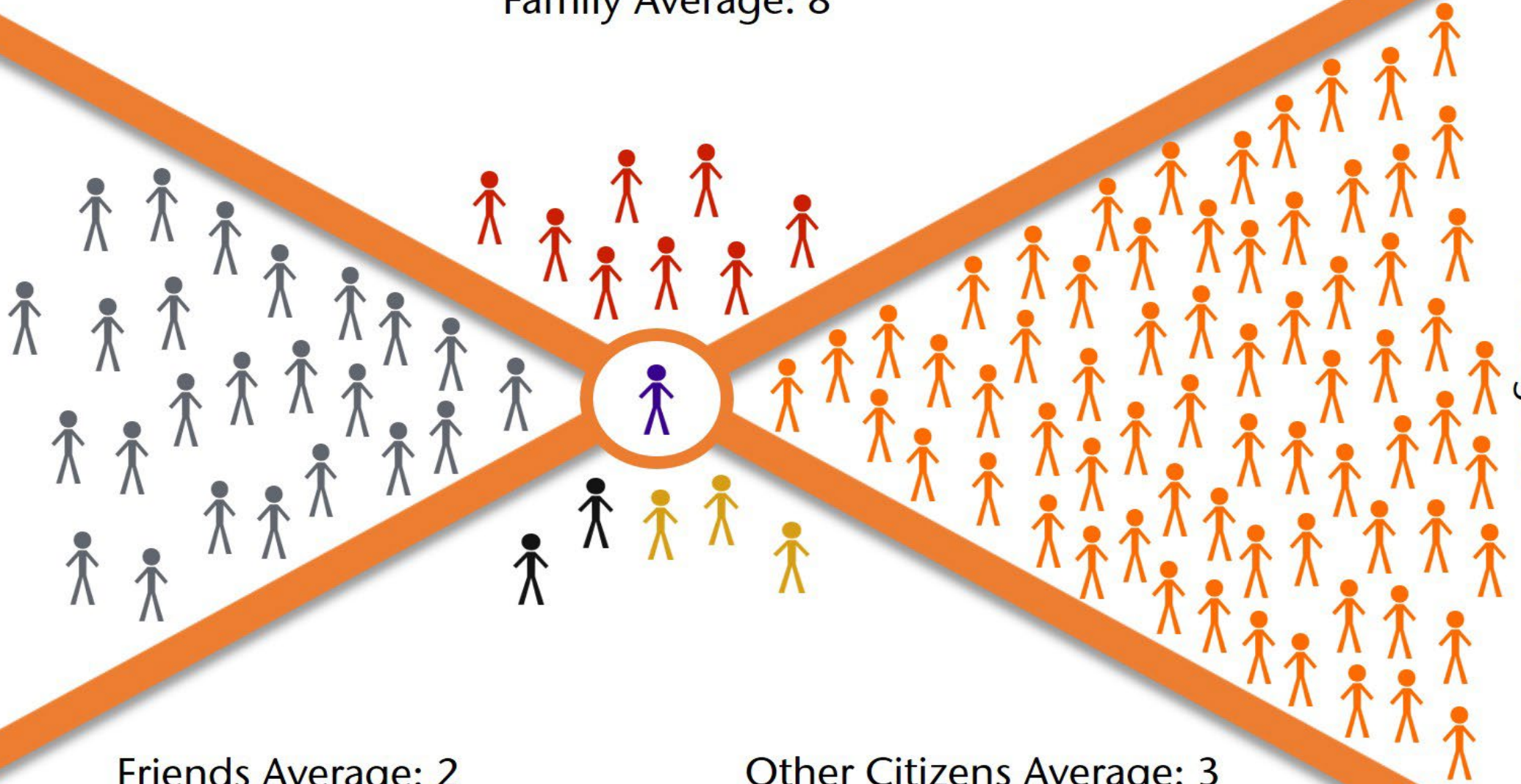
Average: 68

Other Citizens Average: 3

Friends Average: 2

Average: 24

Paid Professionals



Empowered Individuals

- A person-centered plan should empower each person to communicate what they want in life and to make decisions about the supports desired and needed to achieve their priorities and goals.
- When people are supported “one person at a time,” each individual is able to create their own life. The person-centered team or circle of support team assures that all needed supports are available.
- The power and decision-making rests with the person with the support of his or her own team.

Rituals and Routines

To understand a person's rituals and routines, record what the Monday through Friday schedule looks like (without being intrusive)

- What time do they leave for the day's activities?
- What do they do when they get up in the morning?
- What do they eat for breakfast?
- How do they get ready for the day?
- What does the individual do when they arrive at school, program, work, etc.?
- What does the person do when they get home in the evening?

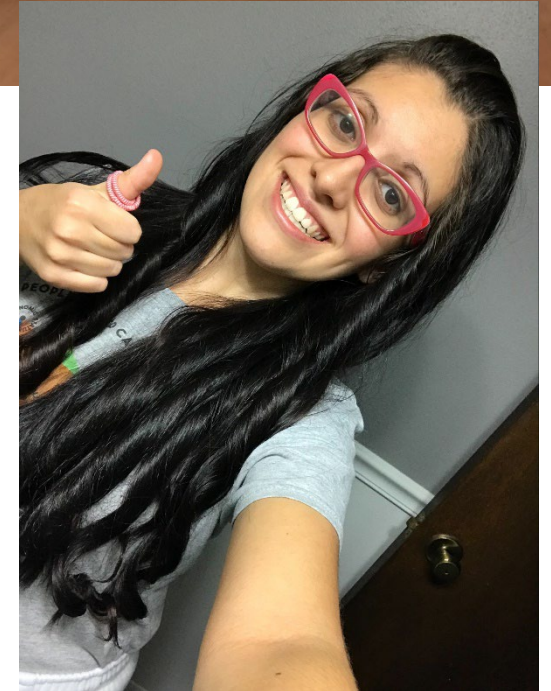
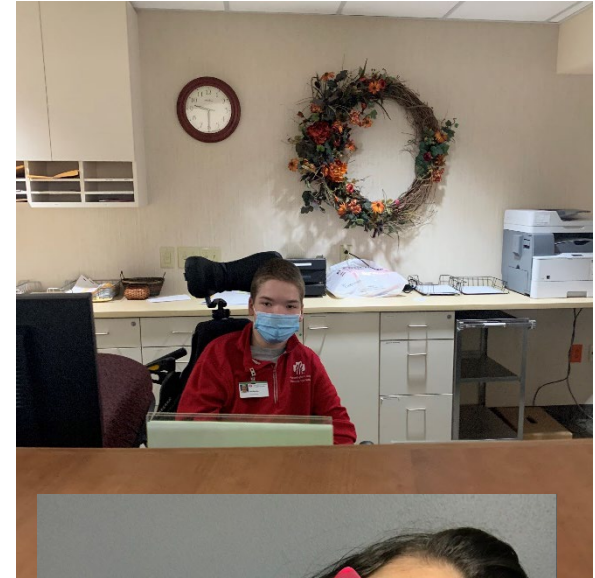
Rituals and Routines

You should also record what the person does on the weekends, because weekend activities are usually very different from those of the weekdays.

Next, look over all that very detailed, specific information. Hopefully, you will have learned some general things about this person.

- What things make a good day versus a bad day?
- What activities make that person happy?
- What activities make them sad or frustrated?
- What people or individuals do they enjoy spending time with?
- What are events or situations that make them angry or sad?
- What features of their environment are pleasant or stressful for the person?

Opportunities for Choice-Making



Current formal tools for people who need help with decisions



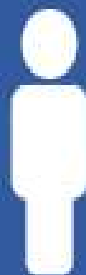
Release forms

- Person signs release forms authorizing a specific person(s) access to certain kinds of records (health, financial, etc.).
- Some release forms may allow a person to select certain records to be released while retaining privacy over others.
- Some release forms may provide one-time or time-limited access to records, others releases may remain in effect in perpetuity.



Supported Decision Making agreements (Wisconsin)

- Person makes all their own decisions. Person identifies area of the life in which they want support, identifies a Supporter(s) to help them gather information, compare options, and communicate their decisions to others.
- The Supported Decision-Making agreement outlines what types of decisions the Person wants support and the role of the Supporter.
- Agreement can be changed or stopped at any time by the Person or Supporter.



Representative payee

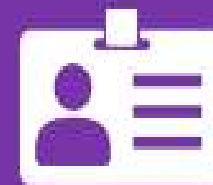
The Social Security Administration (SSA) appoints an individual/organization to receive SSI/SSDI benefits for a person who cannot manage or direct the management of their own benefits.

To change a Representative Payee, the Person must complete an application process with the SSA.



Power of Attorney, medical proxy

- Formal legal arrangements that permit others to act on the Person's behalf.
- Powers of Attorney (POA) designate another (a POA) individual to make certain decisions (generally health care or financial) on the Person's behalf. POAs can be set up in different ways. Some POAs are activated only when a person is incapacitated. Or a POA can be written so an individual other than the Person is always the designated decision maker in certain areas.
- Medical Proxy documents appoint a proxy/agent to express a person's wishes and make health care decisions for the person if the person cannot speak for themselves.



Limited or Full Guardianship

- Transfers some or all decision-making authority from the Person to a court-appointed Guardian.
- Once guardianship is granted by the courts it is difficult (and costly) to modify or reverse the guardianship; any changes must be made through a formal court process.

Less Limiting

More Limiting

RELEASE OF INFORMATION

The LEAST Intrusive
Alternative

- ✓ Be connected and present
- ✓ Go to meetings/planning sessions
- ✓ Available in School and Medical settings

Representative Payee



- A person or organization designated through the Social Security Administration to handle a person's Social Security check
- SSA has special paperwork and procedures for appointing a representative payee
- Can be changed or revoked only if SSA consents.

Power of Attorney

- ✓ Appoint an Agent to handle certain decisions or support with making decisions
- ✓ Can be effective immediately
- ✓ Can be as broad or narrow as desired

POWER OF ATTORNEY FOR MEDICAL TREATMENT DECISIONS

I am _____ and I live at _____.
I want my mother, _____ to help me if I am sick and need to see a doctor. I want her to make decisions about my medical care, including medication and surgery.

If my mother, _____ is not available, I would like my _____, _____ to make these decisions instead.

If neither of the above are available, I would like my _____, _____ to make these decisions.

I understand that if I want to change my mind about who makes these decisions, I can destroy this paper or let people know I want to change my mind.

(Date)

(Signed)

Signed by _____ Signed by _____

(Print full name)

(Print full name)

Other alternatives to guardianship: Day-to-Day Tools to Build Choice-Making and minimize risk

- Financial Supports
- Home Supports
- Community Supports

Let's talk about Financial Supports


- Withdrawal Limit
- Banking Services
- Specific gift cards
- Debit card limit amount
- Co-Signer
- Personal Money Manager
- ABLE Accounts
- Special Needs Trusts

Let's talk about Home Supports

- Meal delivery
- Nutrition, diet, or mealtime support
- Service animals
- Cell phones
- Remote support systems
- Timers
- Roommate/neighbor assistance
- Medication assistance: mailed and pre-measured



Let's talk about Community Supports

- Transportation assistance
 - Service animals
 - Employment/Volunteerism
 - Religious/Spiritual
 - Technology: Find My Phone and more
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Getting Started: Supported Decision-Making Agreements

<small>DEPARTMENT OF HEALTH SERVICES F-02377 (08/2018)</small>	<small>STATE OF WISCONSIN Wisconsin Stat. § 52.20(1)</small>
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SUPPORTED DECISION-MAKING AGREEMENT

Appointment of Supporter

I, _____, make this agreement
(insert name of person designating a supporter)

voluntarily and of my own free will. I agree and designate that

Name of supporter (Print)

Address of supporter

Email address of supporter (if applicable)

Phone number(s) of supporter

is my supporter. For the following everyday life decisions, if I have checked "Yes," my supporter may help me with that type of decision, but if I have checked "No," my supporter may not help me with that type of decision:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Obtaining food, clothing, and shelter.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Taking care of my physical health.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Managing my financial affairs.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Taking care of my mental health.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Applying for public benefits.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Assistance with seeking vocational rehabilitation services and other vocational supports.

The following are **other decisions** I have specifically identified that I would like assistance with:

If I have not checked "Yes" or "No," or specifically identified and listed a decision immediately above, my supporter may not help me with that type of decision.

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What Kinds of Decisions can/should I include in an agreement

Types of decisions included on the official Supported Decision-Making agreement form include:

- Obtaining food, clothing, and shelter
- Taking care of my physical health
- Managing my financial affairs
- Taking care of my mental health
- Applying for public benefits
- Assistance with seeking vocational rehabilitation services and other vocational supports

HOW DO I WANT TO GET HELP?

Supporters can support you in your decision making in three key ways:

1. Help you gather and understand information you need to make a decision.
2. Help you understand your options, responsibilities, and potential results of your decision.
3. Help you communicate your decisions to others.

You can have a Supporter help you in one, two, or all three of these ways.

Think about the decision area, what support you want, and the kind of tasks (requesting information, making phone calls, reading and explaining materials etc.) that you want a Supporter to help you with?

WHAT AM I LOOKING FOR IN A SUPPORTER?

Sometimes you may not have experience making a certain kind of decision, and you may want more support until you are comfortable making these decisions yourself. Sometimes you may want support from a person who you think has more experience or knows more about a topic than you do when you are making a decision. Think about the areas in your life where you would like support when you need to make decisions (use the box below to list them).

The diagram consists of two vertical rectangular boxes side-by-side. The left box is white with a blue border and contains a large orange arrow pointing upwards. Inside the arrow, the text 'MUST HAVE' is written vertically in white. The right box is white with a blue border and contains a large blue arrow pointing downwards. Inside the arrow, the text 'SHOULD NOT HAVE' is written vertically in white.

WHO CAN I CHOOSE TO BE MY SUPPORTER?



Frequently Asked Questions

- Is there a cost?
 - No
- Can I have more than 1 supporter?
 - Yes
- Can the agreement be changed?
 - Yes
- Can I use other tools with my Supported Decision-Making Agreement?
 - Yes
- Where should I share my agreement?

Remember: Supported Decision-Making is a Legal Option in Wisconsin

<https://www.dhs.wisconsin.gov/forms/f02377.pdf>

DEPARTMENT OF HEALTH SERVICES
F-02377 (08/2018)

STATE OF WISCONSIN
Wisconsin Stat. § 52.20(1)

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- | | | |
|------------------------------|-----------------------------|---|
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| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Applying for public benefits. |
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WI-BPDD Has Supported Decision-Making Resources

wi-bpdd.org

There are alternatives to guardianship. Supported decision-making empowers individuals with disabilities to make informed decisions about their life that protect their rights *and* ensure their safety and privacy. It involves family and friends working together to help them make complex decisions.

How can you do this without guardianship? We can help. Download the guide and toolkit below. These will help you think about and enact your own support agreement, allowing the supports and safeguards families need without going to court and imposing guardianship restrictions.



Supported Decision-Making and other Alternatives Guidebook



Supported Decision-Making Toolkit



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608.266.5395

Questions?
Contact Fil



Supported Decision-Making Webinar

Watch one of the newest webinars on

DPI Has Supported Decision-Making Resources

Supported Decision-Making: Because Choices Matter

<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/sdma-info-bul.pdf>

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ANY
QUESTIONS
?