

**SUPPORTED
DECISION-MAKING**

Jake Schaafsma, Certified Peer Mentor and Peer, Sexuality Educator
 Mary Shehan, Michigan Developmental Disabilities Council
 Stephanie Nicholls, Michigan Alliance for Families



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**YOUR LIFE
YOUR CHOICE**

A Family Member's Experience

***Overwhelmed!** That is the best term to describe how I felt for several years - especially after my son turned 16.*

- From 16 on, families are continually asked "What are your plans once school is done?"
- Many families don't know or understand options. It isn't enough to hear about agency services just one time
- The systems are so different from the school and are confusing for many families
- Some of our friends are having a guardian appointed and some are not.

"I need help!"

A Teacher's Experience

When a father came to our school, he was under the impression that he was the guardian of his adult son because his son had a disability. So, at that point when we asked him for guardianship papers. He said, "Well, what do you mean? I don't know what those are?"

- It's not uncommon for families to think guardianship is automatic
- It's not uncommon for families to be unaware that guardianship is a court process.
- Immediately families then ask how to get guardianship, putting school personnel in an awkward situation.
- Parents want a resource to contact and find out if they really want guardianship

"I am a teacher - not a lawyer!"

A Person's Experience Under Guardianship

In 2001, at the age of 17, I was in a motor vehicle accident that caused me to slip into a 3-month coma.

- I sustained a serious coup-contra-coup traumatic brain injury, causing my left arm to become paralyzed and subsequently be amputated.
- I was a minor while in the hospital
- I was about to turn eighteen when ready to leave the hospital, and the hospital promoted guardianship to my parents.
- Given my father's experience as a Community Mental Health worker, my family went a different route.
- I was able give input, about my life at this point. We as a family chose to get a representative payee and a Medical Power of Attorney instead.
- I returned to high school to graduate with my class and went on to obtain my bachelor's degree in Organizational Leadership in Mental Health and Human Services from Grand Valley State University.
- Many of the things I have in my life now could not have happened under guardianship.



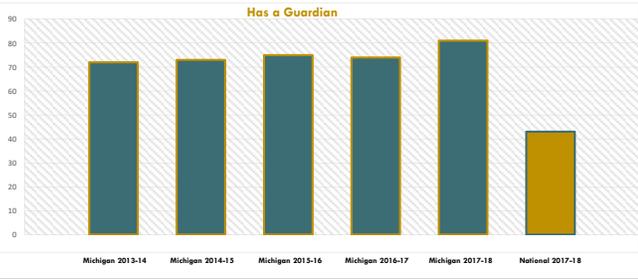
Supported Decision-Making Video Resource

Tash Connection, 2017

“We all make decisions-big and small-every day. We may take for granted that we have the right to exercise such autonomy over our lives and that we often have a network of trusted friends and allies with whom we consult to make the important decisions that affect our lives. This is not always the case for people with disabilities.”

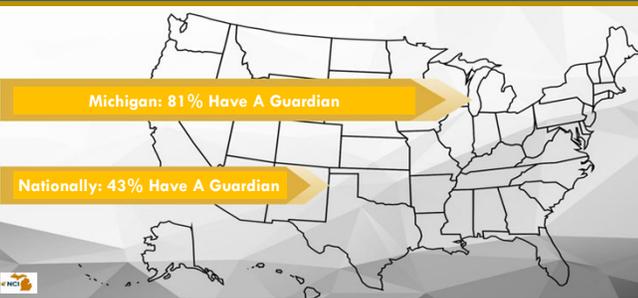
For far too long in Michigan, few options other than guardianship have been offered

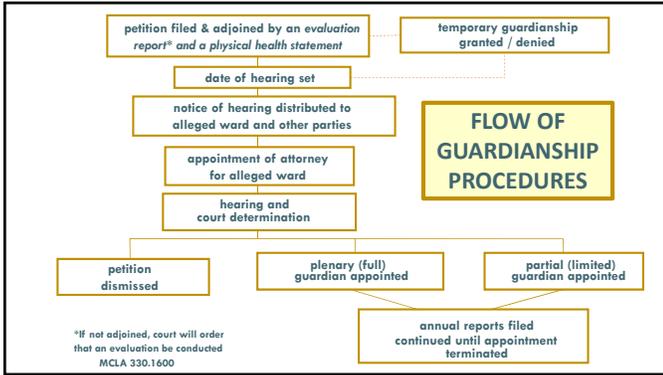
Demographic Characteristics of Adults with I/DD (%) National Core Indicators 



National Core Indicators (2017-2018)

Adults with developmental disabilities served:





Types of Guardianships

Types of Guardianship

- Guardianship of the person
- Guardianship of the estate
- Conservatorship

Scope of Guardianship

- Plenary (full or total)
- Partial (limited)
- Combination of plenary and limited

How Do You Feel When Your Rights Are In Jeopardy

- Deciding where to live
- Consenting to or preventing any medical and health care or treatment
- Determining when and how to travel
- How you spend your money
- Making changes in educational or vocational programs
- Determining if and with whom you can date
- What personal property you can own
- If and where, you worship

National Guardianship Association/2015

“Supported decision-making should be considered before guardianship, and the supported decision-making process should be incorporated as a part of the guardianship if guardianship is necessary.”

What is Supported Decision-Making anyway?

We all need supporters, helpers and consultants in our lives in order to make good decisions, whether we have a disability or not.

Supported Decision-Making

- *Substituted* decision-making = guardianship, which limits rights, choices and freedom
- *Supported* decision-making = a process that enables people with disabilities to retain and exercise their rights and make and communicate choices in regard to personal and legal matters

Getting Started with Supported Decision-Making

- Step 1) Start the conversation
- Step 2) Identifying who is willing and able to assist
- Step 3) Plan and communicate
- Step 4) Set up agreement
- Step 5) Let everyone know

What are the main concerns people express?

Concerns involving:

- Education
- Safety
- Medical Decisions
- Finances
- Communication
- Sexuality
- Legal

Circles of Support

Made up of family and friends, and can also include teachers, employers, caregivers, co-workers, community members and organizations and sometimes, paid staff.

How do people in our circles help us succeed in life?

Person-Centered Planning

Person-centered planning is a way for people with I/DD to plan their lives. It builds on their strengths and honors their choices, preferences and abilities.

It's required by state and federal law, for people who receive behavioral health care services.

(42 CFR 441.700 et. seq.)

Assistive Technology (AT)

AT can make decision-making easier and help people live more interdependently in their communities.

A few examples:

- Medication management devices
- GPS technology
- Virtual assistants, like Alexa
- Remote monitoring and control of environment

Release of Information Forms

When signed by an adult with a disability, ROI forms authorize parents (and other allies) access to student records, medical information and legal proceedings. This helps to ensure quality and continuity of services and care and enhances the supported decision-making process.

Power of Attorney

Power of Attorney is a legal document that can be used to give another person the authority to make financial transactions, enter into contracts, make legal decisions and sign legal documents on your behalf.

Medical Power of Attorney

A medical power of attorney is a legal document in which you appoint an agent to make health care decisions on your behalf when you cannot make them for yourself.

Representative Payees

A representative payee is a person, agency, organization or institution the Social Security Administration selects to manage your benefits when it determines that you are unable to do so yourself or direct others to do it for you.

Other Financial Supports

- Joint accounts
- Bill-paying services
- Automatic payment withdrawals
- Fiscal intermediaries

Trusts and Other Savings Accounts

- Special Needs Trusts
Individual
Pooled
- ABL Accounts



Self-Determination

Self-determination means making your own choices, learning to solve problems, and taking control and responsibility for your own life. People who are self-determined make things happen in their own lives. They know what they want and how to get it. They choose and set goals, then work to reach them. They advocate on their own behalf and are involved in solving problems and making decisions about their lives.

What tools fit the topic of Decision-Making?

When Using a tool is new to you, doing one about your own life is helpful.

Here's an example of how Jake took this LifeCourse tool and completed it about his own life.

Integrated Support Stars can be used for many purposes

Here's an example of how you can work through a problem with it in a Peer and mentee situation.

What Does the Law Say About Guardianships...

Shall be utilized only as necessary to promote and protect the well-being of the individual...

And shall be designed to encourage the development of maximum self-reliance and autonomy in the individual.

MCLA, Chapter 6



EXPLORING OPTIONS FOR DECISION-MAKING ASSISTANCE



Individuals with Disabilities Education Act (IDEA)

§300.320(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—

- Appropriate measurable postsecondary goals based upon age appropriate, transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

Meaningful Connections

Clear and meaningful connections must be established between what the student is learning in high school and what he or she will be doing after leaving high school.

- Postsecondary goals are outcomes. They are age-appropriate and measurable.
- Align annual goals with adult outcomes (postsecondary goals)
- Transition Services are activities. They assist the student in reaching the goal.

IEP Goals

Post-Secondary Goal: After graduation from high school, Leo will live with roommates of his choosing and pay his bills with money from integrated employment in the community working with animals.

Focus of Annual Goal: Independently requesting assistance to complete a task or problem solve a situation in the expected manner for the environment

The Wrap-up

- Being a strong advocate, be involved in your own life, communicate what you want and don't want
- Plan using tools that work for the person (Be Person Centered)
- Explore the supports that the person will need to continue to be in charge, of their own life
- Tie back into the ALL
- Don't freeze people in time
- How Peer Mentors could be involved

Resources

- **SSA Resources**
<https://www.ssa.gov/benefits/disability/>
<https://www.ssa.gov/redbook/>
<https://www.ssa.gov/payee/>
- **Work Incentives Planning and Assistance**
<https://miwipa.org>
- **MiABLE**
miable.org
- **State Bar of Michigan**
<https://www.zeeckbeek.com/SBM>
- **The Arc US**
https://thearc.org/find-resources/?search_resource=&audience=searchAudience&type=searchtype&topic=family-support-and-future-planning



Resources

- **Michigan Alliance for Families**
<https://www.michiganallianceforfamilies.org/tramilton/>
- **Michigan Developmental Disabilities Council**
<http://www.Michigan.gov/ddocouncil>
- **Special Needs Trust Information**
<https://www.nolo.com/legal-encyclopedia/special-needs-trusts-30315.html>
- **Joint Banking Information**
<https://finance.zacks.com/put-restrictions-joint-bank-account-11439.html>
- **Power of Attorney Information**
<https://michiganlegalhelp.org/>
- **WIPA Projects (See Handout)**

Contact Information

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Questions

Thank you for your time and attention!
What questions do you have?



We are here to support you!

-  @MichiganAllianceForFamilies
-  @mialliance
-  @michiganallianceforfamilies
-  /MichiganAlliance



For more information visit:
<https://www.michiganallianceforfamilies.org>

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Michigan Alliance for Families

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