



SUPPORTED DECISION-MAKING & GUARDIANSHIP

A PATH TO RESTORATION

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GEORGIA ADVOCACY OFFICE

- GAO is the Independent, Federally Mandated Protection and Advocacy System for People with Disabilities in Georgia.
- GAO envisions a Georgia where all people have value, visibility, and voice; where even the most difficult and long-lasting challenges are addressed by ordinary citizens acting voluntarily on behalf of each other; and where the perception of disability is replaced by the recognition of ability.

SELF ADVOCACY RESOURCE & TECHNICAL ASSISTANCE CENTER (SARTAC)

- The mission of Self Advocacy Resource and Technical Assistance Center (SARTAC) is to strengthen the self-advocacy movement by supporting self-advocacy organizations to grow in diversity and leadership.
- SARTAC provides technical assistance on many self-advocacy topics. Technical assistance is available by email, phone or video conference. In-person support may be available if funding is available.
- SARTAC Fellowships offer a year-long opportunity for self-advocates to develop and grow their skills as leaders in the self-advocacy movement by working with host organizations on a project or policy issue.

Division of Aging Services

Vision and Mission

Vision

Living longer, Living safely, Living well

Mission

The Georgia Department of Human Services (DHS) Division of Aging Services (DAS) supports the larger goals of DHS by assisting older individuals, at-risk adults, persons with disabilities and their families and caregivers to achieve safe, healthy, independent and self-reliant lives.



What is Guardianship?

Guardianship is a determination that a person needs assistance making decisions due to the lack of capacity in making important decisions about his or her safety.

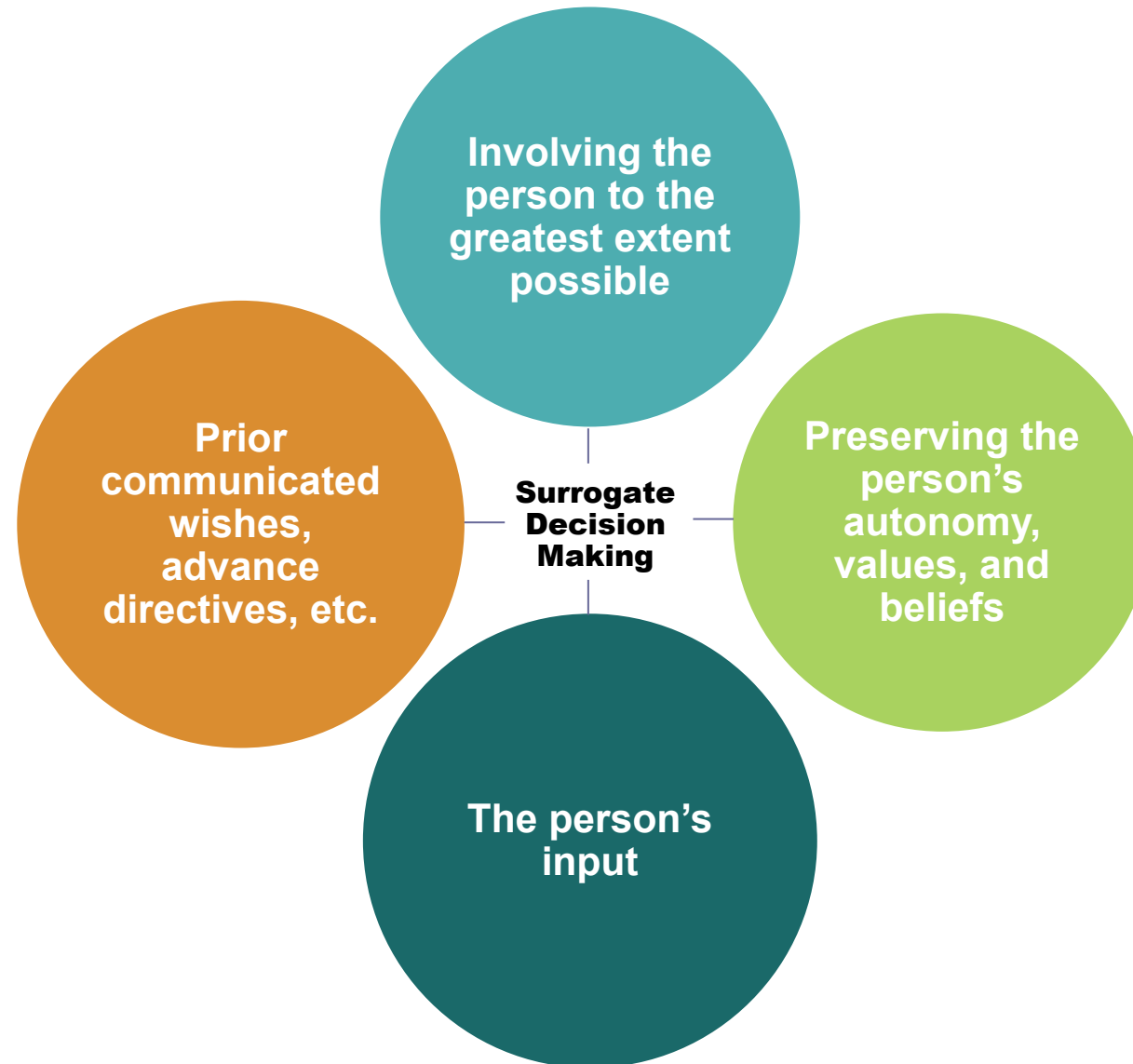


PGO Main Functions

- 1 Guardian of last resort when DHS is appointed
- 2 Surrogate decision maker
- 3 Advocate
- 4 Coordinates and monitors services



PGO Practices Surrogate Decision Making



Services Provided to the Client

Case Managers are responsible for the person's support, care, comfort, health and education including:



Services Not Provided to the Client

Case Managers are not responsible for:

Involuntarily
commitment

Physically
control or
restraint

Prevention of
chronic drug or
alcohol abuse

Control over
communication
or visitation

Changing
perceived bad
behavior

Controlled or
locked facility
placement

Forcing
medication or
nutrients



Things To Remember

DHS is appointed Guardian.

Guardianship is all about **the client** and **his or her best interests**, **not** the desires and/or demands of family and community.



GUARDIANSHIP AS A LAST RESORT

- O.C.G.A. 29-4-1 (4)(f): All guardianships ordered pursuant to this chapter shall be designed to **encourage** the development of **maximum self-reliance** and **independence** in the adult and shall be ordered only to the extent necessitated by the adult's actual and adaptive limitations after a **determination** that **less restrictive alternatives** to the guardianship are **not available** or appropriate.

NATIONAL GUARDIANSHIP ASSOCIATION POSITION STATEMENT

- Alternatives to guardianship, including supported decision-making, should always be identified and considered...prior to the commencement of guardianship proceedings.
- Guardianship must be limited, allow the maximum retention of individual rights, and be customized to the individual needs of the person under guardianship.
- NGA supports policies that help maximize the participation of the person and provide the person under guardianship with every opportunity to exercise those individual rights that the person might be capable of exercising.
- Under all circumstances, efforts should be made to encourage every person under guardianship to exercise his/her individual rights retained and participate in all decisions that affect him or her, to act on his or her own behalf in all matters,...and to develop or regain his or her own capacity.
- The supported decision-making process should be incorporated as a part of the guardianship...

CHOICE MAKING The skill of selecting a path forward between two known options Cm	DECISION MAKING The skill of selecting a path forward based on various solutions that have each been thoughtfully considered Dm	PROBLEM SOLVING The skill of finding solutions to difficult or complex issues Ps
GOAL SETTING & ATTAINMENT The ability to develop a goal, plan for implementation, and measure success Gs	SELF-REGULATION The ability to monitor and control one's own behaviors, actions, and skills in various situations Re	SELF-ADVOCACY The skills necessary to speak up and/or defend a cause or a person Ad
INTERNAL LOCUS OF CONTROL The belief that one has control over outcomes that are important to his or her own life Lc	SELF-EFFICACY Belief in one's own ability to succeed in specific situations or accomplish specific tasks Ef	SELF-AWARENESS Basic understanding of one's own strengths, needs, and abilities Aw

ELEMENTS OF SELF-DETERMINATION

DECISION-MAKING IS A SKILL

- Taught
 - Over time
 - Multiple modalities
- Opportunities for practice
- Mistakes enhance learning
- Can seem invisible

SUPPORTED DECISION-MAKING

- Supports and services that help a person make her **own decisions**, by using friends, family members, professionals, and other people she trusts to:
 - **Help understand** the issues and choices;
 - **Ask questions**;
 - **Receive explanations** in language she understands; and
 - **Communicate** her wishes to others.

(See, e.g., Blanck & Martinis 2015; Dinerstein 2012; Salzman

2011)

SUPPORTED DECISION-MAKING CAN HELP DETERMINE *WHEN & HOW*

When do I need Support?

- Budgeting
- Health care
- Living arrangements
- Choosing supporters

Strategies for Support

- Understand information
- Focus attention in decision-making
- Identify options and choices
- Ensure that decisions are based on the person's own preferences
- Interpret and/or communicate decisions to other parties

(Salzman, 2011)

ACCOMMODATIONS: BE CREATIVE!

- Help in knowing what choices are available
- Plain language
- Materials or information in visual format
- Materials or information in an audio format
- Research to learn more about choices
- Visits and trials
- Reminders about important dates and times
- Talking to experts who know a lot about the choice

MORE ACCOMMODATIONS! EVERYONE NEEDS SOMETHING DIFFERENT

- Classes to learn about healthy choices
- Technological support
- Help communicating a choice
- Extra time to discuss choices
- Creating lists of pros and cons
- Role-playing activities to help understand choices
- Taking a supporter into important appointments to take notes and help remember options

SUPPORTED DECISION-MAKING AGREEMENTS

- Written agreements can be as formal or informal as necessary
- Used to clarify roles and expectations
- Provide a reference and model
- Variety of samples available



IMPACT OF SUPPORTED DECISION-MAKING

- **Increases Self-Determination**

- Life control — People’s ability and opportunity to be “causal agents . . . Actors in their lives instead of being acted upon”

(Wehmeyer, Palmer, Agran, Mithaug, & Martin, 2000, p. 440)

- **People with greater self-determination are:**

- More independent
- More integrated into their communities
- Healthier
- Better able to recognize and resist abuse

(Powers *et al.*, 2012; Shogren, Wehmeyer, Palmer, Rifenbark, & Little 2014; Wehmeyer & Shwartz, 1997 & 1998; Wehmeyer & Palmer, 2003; Khemka, Hickson & Reynolds 2005; Wehmeyer, Kelchner, & Reynolds 1996)

SUPPORTED DECISION-MAKING WITH A GOAL OF RESTORATION

- Presume restoration is possible/make restoration the goal/ask what would it take?
- Teach decision-making skills
- Teach self determination skills
- Offer opportunities to practice
- Make decisions accessible
- Communicate with decision maker and those who know them well
- Identify the person with a disability as the decision maker



A RESTORATION STORY

IMAGINE WHAT'S
POSSIBLE

MY GUARDIANSHIP JOURNEY

- “perpetual child”
- “I was a thing, with no rights”
- Good intentions
- “I’m gaining experience with each decision I make”

IT STARTS WITH SMALL DECISIONS

- Book club
- Voting
- GED / formal complaint
- Choosing where and when I work
- Writing my own scripts
- Medication

GUARDIANSHIP TERMINATION PROCESS

- Fulton County Probate Court petition
- Court-ordered evaluation
- Appearance before a judge
- “getting out from under guardianship is a dream...”

MY PROCESS AS AN EXAMPLE

- Online information about SDM
- Lots of forms documenting lots of information
- Overwhelming!!
- It's all about the discussion
- The person building the plan knows more than they think

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