

# Supported Decision-Making

Considering *Safe* and *Legal* Alternatives to Conservatorship

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# Supported Decision-Making / Traveling Down the Yellow Brick Road

Decisions – Everyone Makes Choices

Support – We All Get Help

Transitioning – Childhood to Adulthood

Civil Rights Protections

Types of Decision-Making

Areas of Major Life Decisions

Decision-Making Capacity

Pro-Active or Reactive

SDM, POA, or Conservatorship

How to Assess/Create SDM Agreements



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## ✓ Decisions – Everyone Makes Choices



### APPS & SIDES

½ Pan Serves 8-10, Full Pan Serves 16-20

- Fresh Fruit Tray  
½ Pan \$30.....Full Pan \$45
- Fruit Kabob Trays  
with Yogurt Dipping Sauce  
½ Pan \$35.....Full Pan \$50
- Cheese & Cracker Tray  
½ Pan \$35.....Full Pan \$50
- Meat & Cheese Tray  
½ Pan \$40.....Full Pan \$60
- Veggie Tray  
½ Pan \$30.....Full Pan \$50
- Veggie Kabobs with Hummus & Ranch  
½ Pan \$40.....Full Pan \$60
- Shrimp Cocktail  
½ Pan \$35.....Full Pan \$50
- Spinach Artichoke Dip with Tortilla Chips  
½ Pan \$40.....Full Pan \$60
- Queso Dip with Tortilla Chips  
½ Pan \$40.....Full Pan \$60
- Chips & Salsa  
½ Pan \$25.....Full Pan \$40
- Buffalo Chicken Dip  
½ Pan \$40.....Full Pan \$60
- Toasted Ravioli Tray  
½ Pan \$30.....Full Pan \$50
- Crab Rangoon Tray  
½ Pan \$35.....Full Pan \$60
- Pasta Salad  
Caesar, Southwest, or Italian  
½ Pan \$35.....Full Pan \$60
- Mac and Cheese- 5 Cheese Blend  
½ Pan \$30.....Full Pan \$60
- Coleslaw  
½ Pan \$25.....Full Pan \$50
- Cheesy Potatoes  
½ Pan \$35.....Full Pan \$65
- Potato Wedges  
½ Pan \$20.....Full Pan \$40

### SALADS

**HMC Favorite Salad**  
Field greens, walnuts, provol cheese,  
apples, cranberries, cucumbers, peppers,  
mixed dressings  
or Garden, Caesar Salad or Southwest  
½ Pan Serves 10-15.....\$25  
Full Pan Serves 20-25.....\$50

### DESSERTS

- Cupcakes.....\$2.50/pp
- Cookies.....\$3/pp
- Pastries.....\$3/pp
- Ice Cream Bar.....\$4/pp
- Cakes & Pies.....starting at \$30

Fried Banana Cheesecake Bites

**30-Bite Trays**  
Served with Cinnamon Maple  
Fried Banana Cheesecake Bites.....\$25  
Fried Brownie Bites.....\$25  
Mixed Bites.....\$25

### BEVERAGES

- Bottled Water, Soda, & Tea.....\$1.89
- ½ Gallon Sweet/Unsweet Tea.....\$2.99
- 2 Liter soda.....\$2.99
- ½ Gallon Juice.....\$5.99
- Coffee.....\$1.89

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Decisions – Everyone Makes Choices

✓ **Support – We All Get Help**

Transitioning – Child to Adult to Senior

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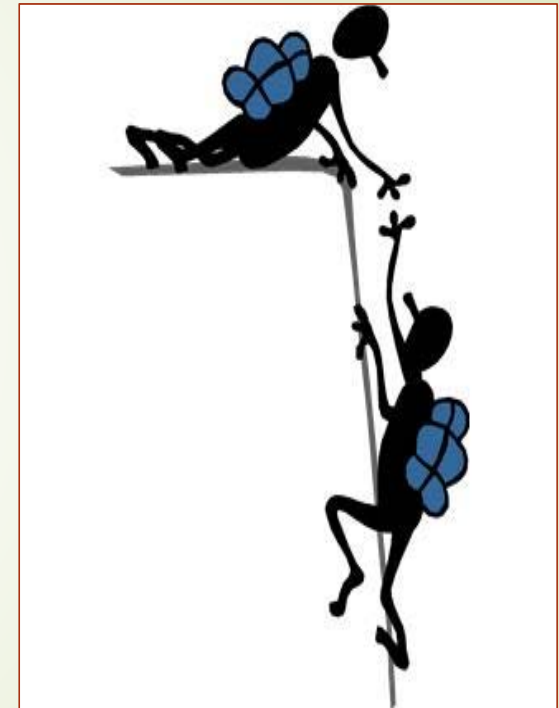
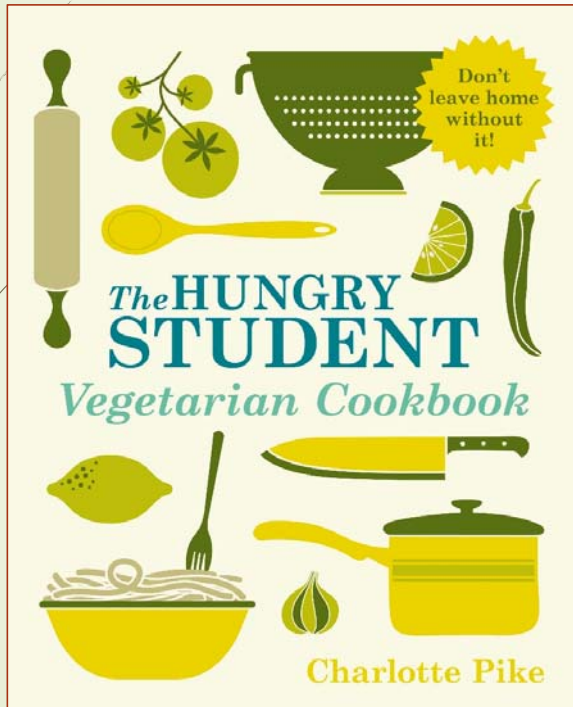
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### ✓ Transitioning – Child to Adult to Senior

Dependent – Birth to 12

Semi-Dependent – 12 to 17

Independent – 18 +

Semi-Dependent – 65 +





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### ✓ Civil Rights Protections

Lanternman Act – maximizing **independence** / freedom from **abuse**

Constitution -- freedom of **speech** / freedom from speech

freedom to **associate** / not to associate

freedom of **religion** / freedom from religion



liberty – freedom from **restraint**, isolation

liberty – maximizing **autonomy** and choices

due process – procedural **fairness**

privacy – **sexual** conduct and relationships

ADA – access to **services** (IPP); access to **justice** (conservatorships)

United Nations – Convention on Rights of Persons with Disabilities

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## ✓ Types of Decision-Making

Totally Independent



Independent with Help (SDM)



Delegating to Another (POA)



Substituted Judgment (Court)



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# Supported Decision-Making / Traveling Down the Yellow Brick Road

## ✓ Areas of Major Life Decisions

Medical Care

Confidentiality

Finances

Housing

Education



Employment

Marital

Social

Sexual

Voting

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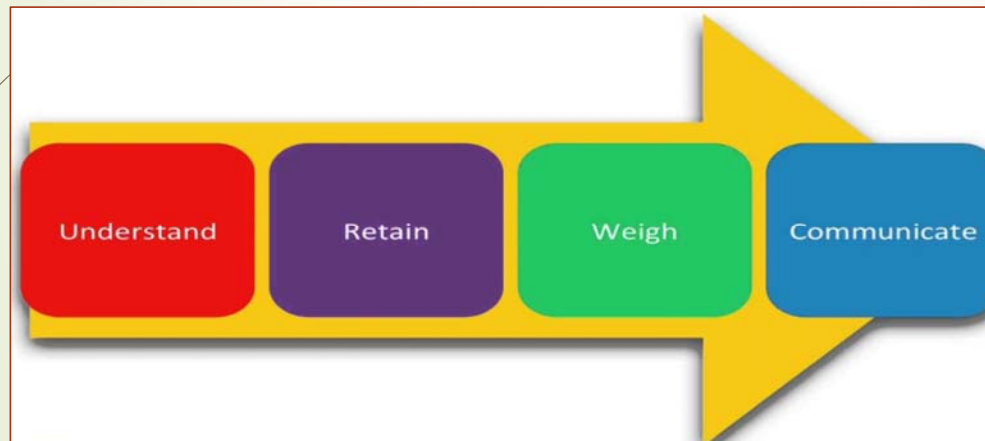
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### ✓ Decision-Making Capacity

Birth to 18 = Presumption of Parental Authority

18 and over = Presumption of Authority by Individual



Capacity has four elements

But . . .

I/DD may raise ???  
by doctor  
by school  
by bank  
by landlord  
by police



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✓ Pro-Active or Reactive

Plan for transition  
to adulthood?



Or wait until a  
problem arises?



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Power of attorney only requires **capacity when it is created**

SDM requires capacity when created **and at *all* times later**



Conservatorship does **not** require capacity

Capacity = understanding information, voluntary choices, no undue influence, and no conflict of interest

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### ✓ How to Assess/Create SDM Agreements

Regional Center – **IPP Process** – (1) Person centered planning with each area of decision-making assessed by a **qualified professional**; (2) **Referral to attorney** (RC-paid vendor) to draft SDM documents; (3) **Effective monitoring** to reduce risk of abuse



Probate Court -- **Limited Conservatorship** – (1) Petitioner asks for evaluation of adult for **less restrictive alternatives** in each area of decision-making; (2) court-appointed attorney initiates request for IPP if it was not already done, or appointment of **730 expert(s)**.

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For More Information

[www.spectruminstitute.org/sdm](http://www.spectruminstitute.org/sdm)

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