



## *Easy Read Edition*

# **The Right to Make Choices: International Laws and Decision- Making by People with Disabilities**

## **Part 6: Glossary**

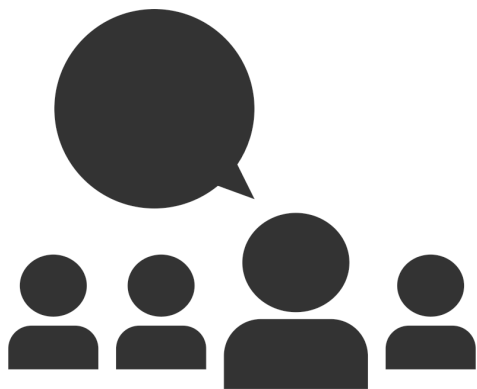
# Glossary

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## Administrator (Sweden)



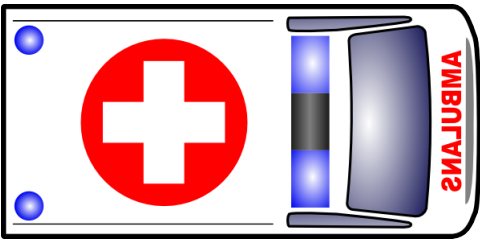
The Swedish equivalent of a guardian. Only appointed if a legal mentor is unable to help a person with disabilities make a decision. (See: *Guardianship*)



## Advance directive

A kind of form you can sign. Also called an Advance Statement in the United Kingdom. It tells people what you want if you become unable to make decisions or to tell them what you want. It is usually used to show the doctors what kind of health care you want, or what kind you don't want. An advance directive is usually not legally binding. This means that doctors don't always have to listen to what it says.

## Advance decision (UK)



An advance decision is like an advance directive, but specifically covers unwanted medical treatment. Unlike an advance directive, it is a legal document. It only works if it is signed when the person is seen as having the ability to make decisions. A doctor in England absolutely has to do what the advance decision says.

## **Advance directive**

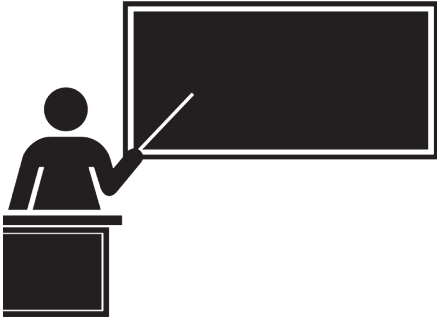
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## **Advance statement (UK)**

*see Advance directive*

## **Apotropos (Israel)**

The word for guardians in Israel.



## **Assistants to People with Disabilities (Bulgaria)**

This program hires previously unemployed people and teaches them to support people with disabilities.



## **Authorized signatory**

Adding an “authorized signatory” to a bank account means that it will take two people - you and your supporter- to take money out of the account.



## **Bizchut (Israel)**

A disability rights organization that helps with supported decision-making.



## **Caveat (Israel)**

A caveat in a legally-binding document can prevent a guardian from making certain kinds of decisions about land.



## **Convention on the Rights of People with Disabilities (CRPD)**

An agreement among countries about the rights of people with disabilities. It is an international law. Article 12 protects people's right to make decisions about their own lives. Most countries have agreed to follow the CRPD, but not all. Many countries that agreed to follow it are still not fully protecting the decision-making rights in Article 12. Those countries that have agreed to follow the CRPD, but are not following Article 12, may risk being taken to court.



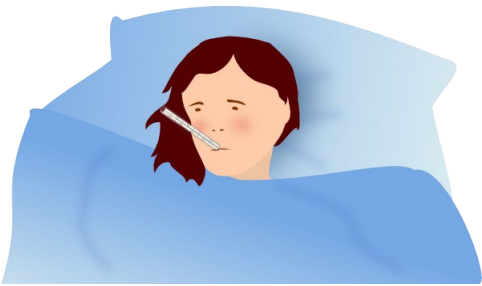
## **Court of Protection (UK)**

A special kind of court in the United Kingdom. It can decide what kind of help a person needs to make decisions. It can appoint a deputy for a person with a disability.

## Deputy

The word for guardians in the United Kingdom.

## Durable Power of Attorney



A power of attorney that keeps working if you become unable to make decisions without help. Sometimes this kind of power of attorney only starts working if you become unable to make decisions without help. Usually, doctors have to say that you can't make decisions. Once you're seen as unable to make decisions, you may not be allowed to cancel the power of attorney.

## Enduring Power of Attorney (Canada)

see *Durable Power of Attorney*



## European Court on Human Rights



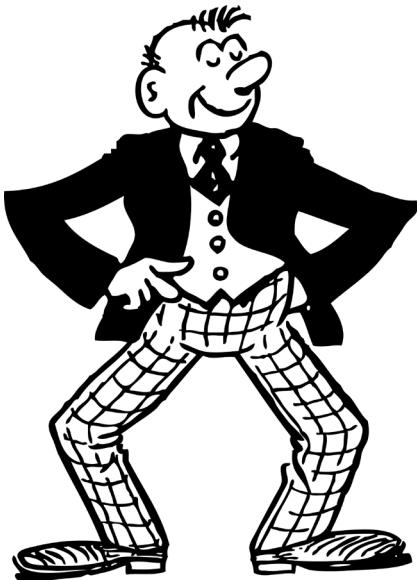
The European Court on Human Rights hears cases from countries that are inside the European Union.

## Full Guardianship

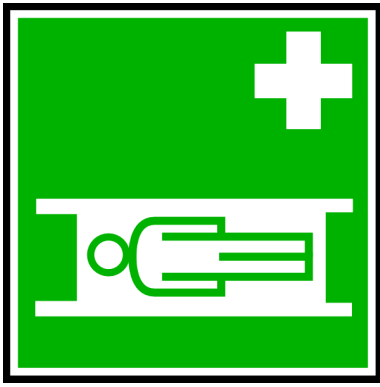


Guardianship where the guardian makes decisions involving every, or almost every, part of a person's life – including health care, money, where a person lives, and what a person does during the day.

## Guardianship



An arrangement where someone is appointed by law to make decisions about another person's life. In many countries, guardians will be appointed for disabled adults who are seen as unable to make their own decisions. Guardianship could be a Full Guardianship or a Limited Guardianship.



## Health Care Power of Attorney

These are special powers of attorney just for health care. Sometimes they are called health care proxies. They are usually Durable Powers of Attorney.

They can't be used to make decisions for you, unless doctors think you can't make the decisions yourself. In some places, they can't be used to make some kinds of decisions – for example, the decision to force you to get treatment you don't want.

## Health Care Proxy

*see Health Care Power of Attorney*

## Help at Home (Bulgaria)

This program helps pay assistants or family members of people with disabilities to give people supports.

## **Independent Mental Capacity**

### **Advocates (IMCAs) (UK)**

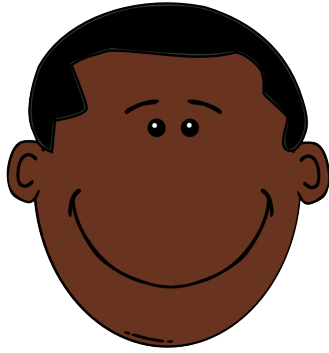


ICMAs are people paid to help the person who has trouble making important decisions on their own, like their future health care plans or their finances. The IMCAs receive training to help them communicate with the person they support and find out what that person wants to do.



### **International laws**

Laws that were created by an organization with multiple countries as members – like an agreement or treaty between countries.



## Israel Unlimited (Israel)

An organization that gives people with disabilities a care coordinator and a mentor. The care coordinator and mentor help the person with disabilities with independent living skills.

## Lasting Power of Attorney (UK)

see *Durable Power of Attorney*



## Limited Guardianship

Guardianship where the guardian makes decisions about some parts of a person's life, such as money and healthcare, but not others.

## Legal capacity

A person's ability to have their decisions recognized legally. This can include whether a person can sign a contract, set up a bank account, sue in court, or make a decision about health care. If a person does not have legal capacity, then a banker or a doctor would not be allowed to follow the person's decision alone. They would need permission from a guardian or family member. Different countries or states might have different rules about who has legal capacity and who does not.

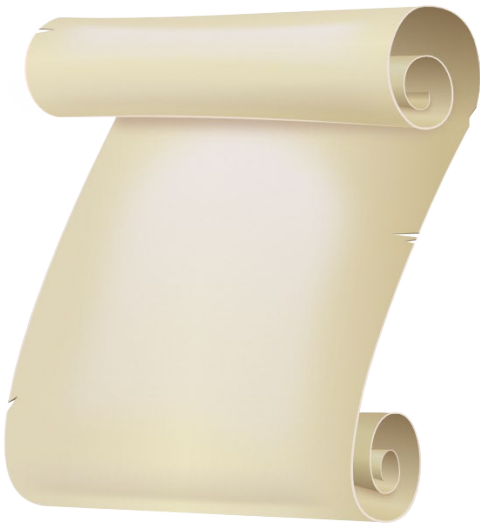


## Legal mentor

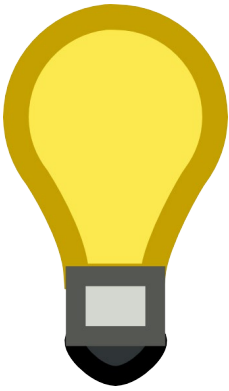


The Swedish equivalent of a supporter. The mentor has some ability to make decisions for a person. The person with a disability can fire the mentor at any time. The person with a disability can also override the mentor's decisions. The mentor can make decisions for the person with a disability if the person becomes unable to say what they want.

## Mental Capacity Act of 2005 (UK)

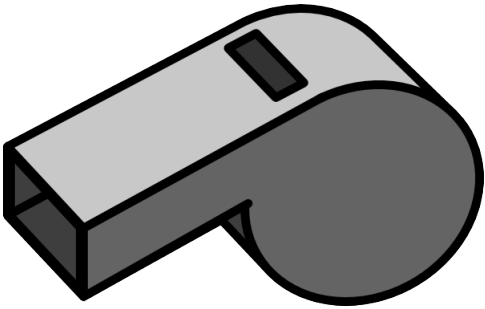


This law governs both guardianship and supported decision-making in the UK. The Mental Capacity Act has important rules to follow about when guardians can be assigned and what guardians can and cannot do.



## Model Legislation

An idea for how a law could work. It is written to look like a real law. Lawmakers can use it as a model for laws to pass. It does not become a real law unless lawmakers vote to make it a law.



## Monitor

In a Representation Agreement in British Columbia, a monitor is someone who watches the Representative. The monitor makes sure that the Representative is not taking advantage of the person they're representing. In some cases, a person with a disability can't appoint a Representative to help with money, unless they also choose a monitor.

## Normal Power of Attorney

A power of attorney that stops working if you become unable to make decisions without help.



## Notary or Notary Public

This word means different things in different countries. In many countries, notaries are people who have special stamps or seals. Sometimes they are also lawyers. A notary might need to put the stamp or seal on a power of attorney or health care proxy. The stamp or seal means that the notary is sure that the people signing the document are who they say they are. The notary may also make sure the person signing the document knows what they are signing. In some places, a power of attorney or health care proxy won't work unless a notary puts a stamp or seal on them.



## **Partial Guardianship (in Bulgaria)**

This is NOT the same as a limited guardianship. It is like a full guardianship, but the person under guardianship can form contracts if they have the permission of their guardian. Under a full guardianship in Bulgaria, a person can't form contracts even with permission.



## **Personal assistant or Personal Ombudsman**

A Swedish type of supporter. A person can get one from an agency. Usually a personal ombudsman works with people with psychiatric disabilities. A personal assistant works with people who have intellectual or developmental disabilities.



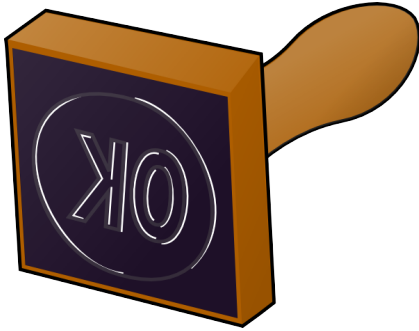
## Power of Attorney

A power of attorney is a document you can sign. It gives someone else the power to make decisions for you. A power of attorney is different from guardianship because the person can cancel it. You can also limit them to just the things you want help with. You can usually limit them so that your supporter can't make decisions you told them not to make. Powers of attorney only work if you understand them at the time you sign them. Sometimes this means that courts won't recognize a power of attorney signed by someone with a disability. The court may think the person with a disability did not understand what they signed.

There are different kinds of Power of Attorney. (*see: Normal Power of Attorney, Durable Power of Attorney, Health Care Power of Attorney*)

## Psychiatric Advance Directive

see *Advance directive*



### Ratification

This is what happens when a country agrees to follow the rules of an agreement or treaty created by multiple countries. If a country ratifies an agreement, they can be called into court if they break the rules of the agreement.

Countries that agree with the treaty or agreement but don't want to follow the rules have not ratified it. They can't get called into court over it.

## Representation Agreement (Canada)



A kind of supported decision making agreement in British Columbia, Canada. It allows people with disabilities to name a Representative. The Representative helps make decisions. The person with a disability usually keeps the ability to make their own decisions. Sometimes a Representative may make decisions for the person with a disability. This can happen if the person with a disability can't make the decision for some reason. It could also happen if the Representative thinks the person with a disability is being "unreasonable."



## **Representation Agreement with Broader Powers(Canada)**

A special Representation Agreement. It gives a Representative the ability to do things that they normally could not. For example, the Representative could help make decisions about buying or selling a person's house. A person with a disability can't sign a Representation Agreement with Broader Powers if the court thinks they do not completely understand it.



## **Supported Decision-Making**

A way to make decisions. A person with a disability chooses someone to help them understand or communicate a decision. The person with a disability is free to make their own decision but has help from the supporter.



## Supported Decision-Making Agreement

An agreement that a person can make with a supporter. The supporter helps the person make decisions. The supporter usually can't make decisions for the person with a disability. In some places, an agreement just needs to be signed by the person with a disability and the supporter. In other places, they also need to be stamped by a Notary. In some places, they may even need to be approved by a court.



## Trust

A trust is a legal arrangement that lets someone else manage money or property. The manager, or trustee, has to follow special rules that you set. For example, there might be a rule that you get a certain amount of money each month. Or there can be a rule that the money can be spent for certain things. The trustee can only manage the money or property that's been put into the trust.



## Trustee

A trustee is someone who manages money or property that's in a trust. A trustee could be a person you know. Or it could be a bank or a lawyer. A trust can have more than one trustee.