



*Easy Read Edition*

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

**Part 2: Supported Decision-  
Making**

## 2. What is Supported Decision-Making?

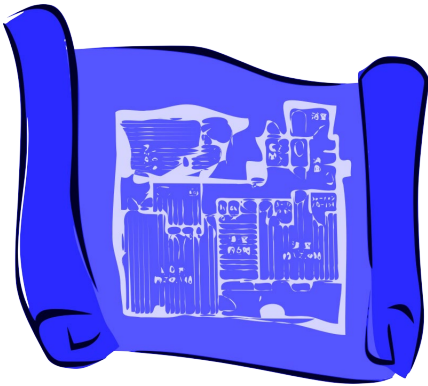
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- “Supported Decision-Making” gives people with disabilities the help they need to make choices about their own lives.
- These choices could be about where to live, what to do during the day, how to spend money, or when to see a doctor.
- Everyone needs supports to make decisions. But people with disabilities may need more or different kinds of supports.

- For example, people with disabilities may need help to understand information about choices we need to make.

- **Examples of help include:**



1. Plans for the future



2. Help us get our ideas across

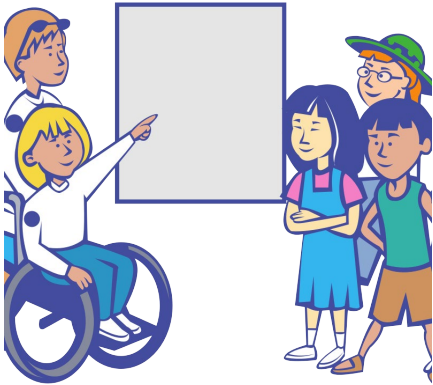
1. =

3. Keep us on task.

2. =



- The person with a disability chooses a person that helps with decisions. This is supported decision-making.



- With supported decision-making, the supporter gives advice, but the person with a disability makes the final decision.
- A good supporter respects the wishes of the person with a disability.



- A good supporter listens and suggests ways to make the person's wishes happen.

## Example - A good supporter



- For example, imagine that you want to find a place to live, but don't know how to make decisions about what you can afford, or what kind of house would be a good place to live.



- You ask your sister for help.



- Your sister comes to your house and asks you questions about what kind of apartment you want.



- She listens to you about how much money you get each month and how much you spend on other things like food and clothes.



- She helps you figure out how much money you can afford to pay in rent each month. Then she helps you look at apartments.



- Maybe she helps you understand that an apartment with all of the things you want – for example, a big house close to the middle of town – would be too expensive for you to afford.



- She helps you figure out which of the things you want in an apartment are most important to you.

- You visit apartments with your sister.



- You then decide which apartment you want and sign a lease.



- At the end of this process you have received a lot of support, but you still **made all your decisions yourself.**

# How to name a supporter using a form

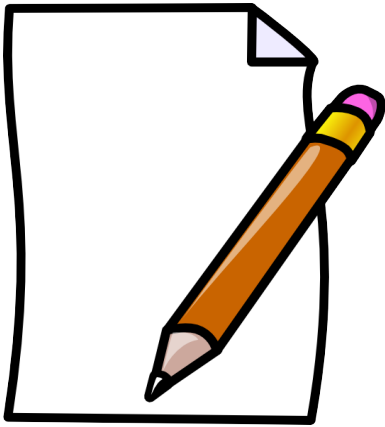
- Most supported decision-making happens without any special legal process. Your sister helps you find an apartment without a special form or going to the court.



- There are only a few states that have true supported decision-making laws on the books.
- But sometimes, people decide to sign a form that lets other people know that a supporter is helping them.



- There are a couple of different types of these forms, and they all do different things. Here, we're going to list a few of the different types of forms and what each of them do.



- The forms have names such as **“Power of Attorney,” “Health Care Proxy,” “Representative Agreement,”** or **“Supported Decision-Making Agreement.”**



- **“Power of Attorney”** gives someone else the right to do things like take care of your money for you or make legal decisions for you.

- “Attorney” is a word that means “lawyer.” But the person making decisions for you does not have to be a lawyer.

- This person can only make decisions at certain times. The times depend on the agreement.

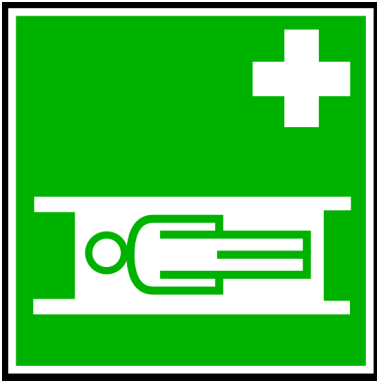


- You can take this power away at any time.



- The person has the right to use the power of attorney to show that they can make decisions for you, unless a court finds that you can't make decisions on your own anymore.
  
- The court might find that if you got really sick. So a power of attorney stops working if you can't make decisions by yourself, unless it's a special kind.

• **Durable power of attorney** is that special kind of power of attorney.



- It keeps working even if you get sick.
- It keeps working even if you can't make decisions by yourself anymore.
- Sometimes it does not start working unless you stop being able to make decisions by yourself.

- A “**Health Care Proxy**” is the same type of agreement for health care.

- A **health care proxy** or **health care power of attorney** puts someone else in charge of your health care decisions if you are unable to make them yourself.



- The document only takes effect if you are ill and can't make decisions by yourself. A team of doctors must determine if this is the case.



- Health care power of attorney is hard to cancel after you get sick.

- Even though these forms usually let people make decisions for you, you can sometimes write them in a way that lets you make all the final decisions.



- **“Representation Agreements”** and **“Supported Decision-Making Agreements”** tell people who supports you.

- You remain in charge.

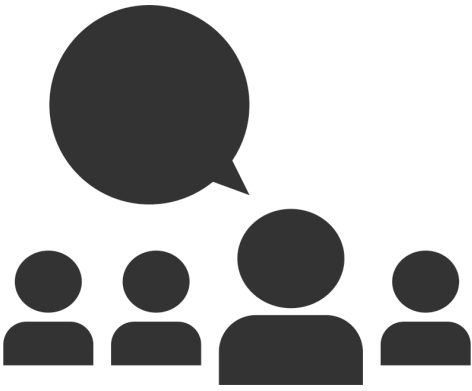
- The supporter helps.



- The supporter takes these forms to doctors, bankers, landlords, or other people who might give services to a person with a disability.



- Once the doctor, banker, landlord, or other person sees the form, they know that the supporter is helping the person with the disability.



- If you are not interested in giving someone any decision-making power and are only interested in telling people what health care you want while you are sick, you can sign an **advance directive**.

- These are documents that tell people what you want them to do if you can't tell them what to do.

- They can be for medical care or for mental health care.



- However, these documents usually aren't **legally binding**.



- This means that even though the advance directive tells the doctor what you *want* the doctor to do when you can't tell them (because you're sick or knocked out), the doctor **doesn't** legally have to do it.



- An advance directive can be helpful if you trust your health care provider.



- Powers of attorney and advance directives don't work if a court thinks the signer didn't understand what they were signing.



- This means that sometimes, a court will say a power of attorney or advance directive isn't valid because the signer had a disability.
- In those cases, the court will often put the person under **guardianship** instead.
- Sometimes the court will pick a guardian who is different from the person named in the power of attorney or advance directive.

# How to name a supporter using a bank



- In most countries, people who need help with money can set up bank accounts that let another person help them.



- Bank accounts with partners give another person access to the account.



- You must trust the person because they can take money out of the account.



- You can create an **authorized signatory** so that it takes two signatures – yours and your supporter – to take any money out.

- This works if you worry about money.

- You can also create a **trust**.



- Other people help manage the trust. The managers are **trustees**.

- The trust has rules for when you can use the money.

- These rules are set when the trust is set up. The trustees have to follow the rules.





- These strategies let a person with a disability get help with money.



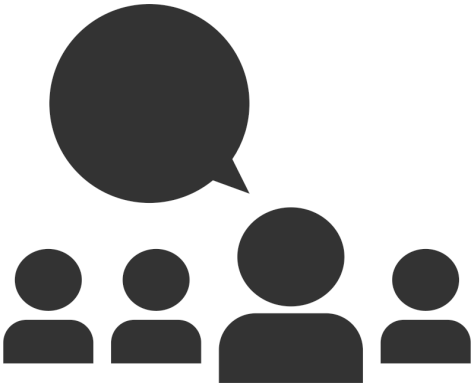
- Another person does not have full control with these strategies.

# Glossary

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## 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.

## 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.

## Durable Power of Attorney



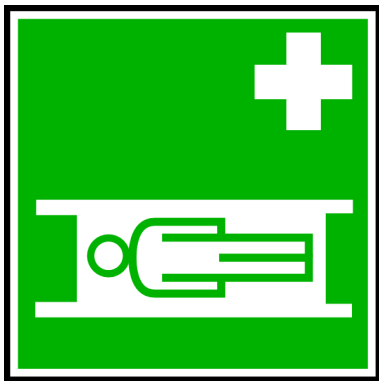
A power of attorney that keeps working if you become unable to make decisions without help. Sometimes this kind of power of attorney only starts working if you become unable to make decisions without help. Usually, doctors have to say that you can’t make decisions. Once you’re seen as unable to make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





## 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.



## Health Care Proxy/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.



## 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*)

## Representation Agreement (Canada)

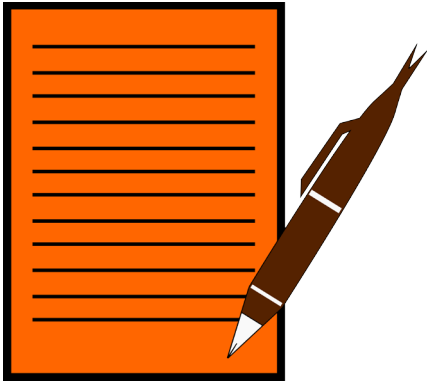


A kind of supported decision making agreement in British Columbia, Canada. It allows people with disabilities to name a Representative. The Representative helps make decisions. The person with a disability usually keeps the ability to make their own decisions. Sometimes a Representative may make decisions 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."



## 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.