



Supported Decision-Making Family Fact Sheet

What is Supported Decision-Making (SDM)?

We all make decisions differently and we all need support at some point during the decision-making process. For example, few people would buy a home without the help of a realtor, or make medical decisions without talking to a doctor. However, when a person with a disability has difficulty making decisions independently or would like to consult with trusted people before making a decision, others may assume that he or she is unable to make any decision and use that as a reason to seek guardianship.

Supported Decision-Making (SDM) is a way to help people with disabilities use available supports to make their own choices and direct their own lives. It is also a way to improve decision-making skills. SDM is flexible and can change with the needs of the person to provide more opportunities for independence.

In SDM, the person with a disability chooses a group of people (“supporters”) who help the person make decisions. The person with a disability, however, makes the final decision. The relationship between the person and his or her supporters can be written in a Supported Decision-Making Agreement. The agreement can then be used to show other people (like schools, doctors, or service providers), who can be involved in the decision-making process.

What is a Supported Decision-Making Agreement?

A Supported Decision-Making Agreement has information to help guide the relationship between the person and his or her supporters. SDM agreements allow the person to:

- specify the areas where help is needed or desired (e.g., employment, finances, community living, health);
- determine who will serve as a supporter; and
- decide how the person wants help to be given.

Supporters sign a consent and the agreement is typically notarized. SDM agreements do not require involvement with or oversight by a court, and can be changed by the person at any time. In Indiana, there is no legal requirement for a formalized SDM agreement or an agreement to be on a particular form.

How is Supported Decision-Making different than Guardianship?

Guardianship is a legal proceeding to appoint a person to take care of someone who the court has determined is not capable of taking care of themselves. It is legal substituted decision-making. In SDM, the person with a disability retains the ultimate right to make decisions and have those decisions legally recognized. SDM is also different from agency agreements like power of attorney where someone else is given the legal authority to make decisions in certain



areas. The principles of SDM can also be used in existing guardianships as a way to practice decision-making skills that may lead to greater independence.

Who Can Use Supported Decision-Making?

- Anyone! The principles of SDM can be helpful for anyone needing to make a decision. Even people who currently are under guardianship can benefit from SDM because decision-making is a learnable skill.
- People who want to maintain independence but need a little assistance.
- People who are not legally incapacitated.

Resources

- WINGS/ABA (https://www.americanbar.org/groups/law_aging/resources/wings-court-stakeholder-partnerships.html)
- Indiana Adult Guardianship Office (<http://www.in.gov/judiciary/iocs/3425.htm>)
- Indiana Disability Rights (<https://www.in.gov/idr/>)
- Arc of Indiana (<https://www.arcind.org/future-planning/guardianship/>)
- National Resource Center for Supported Decision-Making (supporteddecisionmaking.org)