

# Independence.

# Together.

The South Carolina  
**Supported Decision Making**  
PROJECT

**Promoting alternatives to  
guardianship that preserve  
autonomy and wellbeing**

**able**  
SOUTH CAROLINA  
independent  
living for all

**P&A**

**PROTECTION & ADVOCACY**  
FOR PEOPLE WITH DISABILITIES, INC.

  
**The Arc**  
of South Carolina

  
**Family**  
**Connection**

  
SOUTH CAROLINA  
Developmental Disabilities Council  
**Connection**  
SOUTH CAROLINA

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# INTRODUCTION

## PURPOSE OF THIS MANUAL

This manual was written by partners of the South Carolina Supported Decision Making Project to provide information about Supported Decision Making to the legal community. You will read how Supported Decision Making can be used in place of more restrictive means, such as guardianship, to preserve a person's autonomy and independence, while still providing the person with support from his or her family, friends, and community. Supported Decision Making is a tool that can be used to support adults with disabilities to make their own decisions.

## COLLABORATING AGENCIES

This manual was created through funding received from the South Carolina Developmental Disabilities Council. It represents a collaborative effort between:

- Able South Carolina
- Protection and Advocacy for People with Disabilities, Inc.
- Family Connection of South Carolina
- The Arc of South Carolina

***Together these agencies form the South Carolina Supported Decision Making Project.***

## DISCLAIMER

This manual is intended for legal professionals. It is not intended to be legal advice. In South Carolina, there is currently no law that speaks to the issue of whether a Supported Decision Making Agreement is enforceable and no law that prohibits the use of such an Agreement.

## IMPLICATIONS OF GUARDIANSHIP

The SC Supported Decision Making Project came into existence due to concerns highlighted in a 2015 national study conducted by TASH which found that school and adult service personnel were over-recommending guardianship for individuals with disabilities (Jameson et al., 2015). While the overall trend in the last twenty years has been one toward increased community inclusion and civil rights for people with disabilities, the number of people under partial or total guardianship in the US has tripled since 1995 (Jameson et al., 2015). In order to curtail this overused practice, this Project aims to provide accurate information and support to families and professionals who do not wish to overly restrict an individual's rights. While many families seek guardianship out of a desire to protect their loved ones, what they fail to realize is that guardianship takes away many opportunities for an individual to make decisions for him or herself. In fact, it has been said that a prisoner has more rights than a person under guardianship (House Select Committee on Aging, H.R. Rpt. 100-641). A guardian may remove a person's right to vote, sign contracts, receive money or pay bills, or get married. People under guardianship experience low self-esteem and feelings of inadequacy, in contrast with those who exercised self-determination showing greater quality of life and being better able to resist abuse and neglect (Jameson et al., 2015).

The process to obtain guardianship can be expensive, time-consuming, and may damage relationships. It also represents a profound responsibility on behalf of the guardian. If this person is unable to or unwilling to serve as a guardian in the future (due to illness or death, for example) additional legal hurdles will need to be addressed.

Guardianship should be used as a last resort when no other measure sufficiently protects a person with a disability. Overly restrictive measures can limit the development of important independent living skills (Quality Trust for Individuals with Disabilities et al., 2015). If there is not a less restrictive alternative, limited guardianship can be used in coordination with Supported Decision Making to help foster and develop independence.

Below are statements from national organizations about why we should be cautious about seeking guardianship:



## WHAT IS SUPPORTED DECISION MAKING?

Everyone relies on help and guidance from family, friends, co-workers, and others in the community when making big decisions, such as which car to buy or where to live. Supported Decision Making is not something specific to those with disabilities. Supported Decision Making is a concept that recognizes none of us exist in a vacuum! We all need advice from time to time in order to make decisions.

Some legal scholars and advocates have defined Supported Decision Making as ***“a less-restrictive alternative to guardianship that empowers people with limitations in decision-making to express their own preferences, make their own decisions, and direct their own lives without the need for a guardian.”*** (Quality Trust for Individuals with Disabilities et al. 2015, p.1).

A similar definition holds that this process is *a recognized alternative to guardianship through which people with disabilities use friends, family members, and professionals to help them understand the situations and choices they face, so they may make their own decisions without the need for a guardian* (Blanck & Martinis, 2015).

Supported Decision Making emphasizes the importance of letting the person with a disability decide, to the extent she is able, what her life should look like, and who should help her reach her goals.

Methods of support can be informal (asking a relative for help making financial decisions) or formal (signing a HIPAA release so a parent can help make medical decisions). The individual decides who will support her and how much support they will offer. The supporters and individual may sign a Supported Decision Making Agreement. Typically, a Supported Decision Making Agreement is a document that lists the areas in which an individual would like to be supported, along with the extent that this support should occur, and who should provide support. An example can be found in the appendix of this manual.

HOW DOES

# Supported Decision Making

## WORK?

1

### choose

The individual decides who will be involved in supporting him or her. The supporters must also agree to be involved.



2

### discuss

The individual and supporters talk about how the individual will be supported, which can include finance, healthcare, education, employment, and others. The individual can choose to have support in some areas but not others.



3

### make a plan

The individual and supporters create a document that outlines how the individual will be supported. This is the Supported Decision Making agreement.



4

### sign

The individual and supporters sign the Supported Decision Making agreement. The agreement can be revised if necessary in the future. Everyone receives a copy of the agreement.



***For a complete copy of a Supported Decision Making Agreement, please see the appendix.***

## BENEFITS OF SUPPORTED DECISION MAKING

Supported Decision Making is an extension of **self-determination**, meaning an individual directs the plan for his life. He decides what is important to him, sets goals, and, with the support of those around him, he works to achieve those goals in order to live the most fulfilling life possible. Ask people with disabilities what they want for their lives, and most will tell you they desire independence, gainful employment, friendships, and romantic relationships. This is not different from what anyone else would want. And, as is true for anyone else, life is full of risks. An individual with a disability must learn to manage and avoid risks, as opposed to never being allowed to make any decisions for themselves.

Several studies have found that people who exercise more self-determination were more likely to live independently, have greater financial independence, be employed at higher paying jobs, and make greater advances in their employment (Wehmeyer & Palmer, 2003). In addition, self-determination has been shown as a predictor of post-high school success in employment and independent living (Test et al., 2009).

## LEGAL PRECEDENCE FOR SUPPORTED DECISION MAKING

In South Carolina, capacity to consent is presumed at age 18. Any guardianship proceedings should be “subject to the highest constitutional standards” (Dayton et al., 2008) because guardians may limit the “civil rights of [people] and their property” (Sullivan v. Ganim).

South Carolina law upholds the tenets of Supported Decision Making:

*The court shall exercise the authority conferred in this part so as to encourage the development of maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person’s mental and adaptive limitation or other conditions warranting the procedure.*

S.C Code § 62-5-304(A).

The South Carolina Rules of Professional Conduct make it clear that sometimes an attorney should make an accommodation for any limited capacity of his or her client:

*When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment, or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.*

SC Rule of Professional Conduct 1.14. The comments emphasize the importance of self-determination and describe supported decision making in the context of the attorney/client relationship.

*The normal client-lawyer relationship is based on the assumption that the client, when properly advised and assisted, is capable of making decisions about important matters. . . . [A] client with diminished capacity often has the ability to understand, deliberate upon, and reach conclusions about matters affecting the client's own well-being. . . . [I]t is recognized that some persons of*

*advanced age can be quite capable of handling routine financial matters while needing special legal protection concerning major transactions. . . . The client may wish to have family members or other persons participate in discussions with the lawyer. When necessary to assist in the representation, the presence of such persons generally does not affect the applicability of the attorney-client evidentiary privilege. Nevertheless, the lawyer must keep the client's interests foremost and, except for protective action authorized under paragraph (b), must look to the client, and not family members, to make decisions on the client's behalf.*

Comment to Rule 1.14.

In various jurisdictions, case law has been developing that specifically addresses Supported Decision Making as an alternative to guardianship.

#### *Dameris L*

In this case, a New York court terminated guardianship over Dameris, a woman with an intellectual disability, on the grounds that she made her own decisions using the support of people who “understood [their] role, not as deciding for her, but assisting her in making her own decisions.” The court also determined that “proof that a person with an intellectual disability *needs* a guardian must exclude the possibility of that person’s ability to live safely in the community supported by family, friends, and mental health professionals.” (In the Matter of the Guardianship of Dameris L., 2012).

#### *Jenny Hatch*

Perhaps the most well-known case to demonstrate the favorability of Supported Decision Making is that of Jenny Hatch. Ms. Hatch, who has Down syndrome, successfully overturned a court-appointed guardianship order that forced her into a group home and restricted her access to friends, legal counsel, and even a computer and cell phone. The petition for guardianship had been made by Ms. Hatch’s mother and stepfather, who wanted the authority to determine where she lived, which medical treatment she received, and which friends she could visit. The court decided in Ms. Hatch’s favor, allowing her network of chosen supporters to aid her in decision-making (Ross, et al. v. Hatch, 2013).

### **WHAT TO CONSIDER WHEN COUNSELING CLIENTS**

When counseling clients and families who may be inclined to pursue guardianship, it is crucial to consider whether the objectives of the client(s) could be met using less restrictive means. Guardianship should be sought as a last resort, when no other measures will adequately ensure the safety and wellbeing of an individual. If guardianship is ultimately pursued, consider limiting it to specific areas that represent the greatest challenges for an individual.

Many families seek guardianship out of fear that not doing so will open their child up to abuse and exploitation. They may also seek guardianship because they are unaware of other alternatives. Sometimes informal support from family and friends and resources offered through disability agencies can be enough to support an individual. Also consider potential barriers present in an individual’s life (an untreated or worsening medical or psychological condition, or inadequate home modifications or assistive technology, for example) that may be preventing the person from exercising sound decision-making. If you aren’t sure what resources are available to support the individual, contact one of the Partners for the SC Supported Decision Making Project for guidance. See the appendix for more

information.

### *The PRACTICAL Tool for Lawyers*

The American Bar Association, along with several other entities, have developed the PRACTICAL tool to “help lawyers identify and implement decision-making options for persons with disabilities that are less restrictive than guardianship.” (American Bar Association, 2016b). **This comprehensive planning tool can be accessed at [www.ambar.org/practicaltool](http://www.ambar.org/practicaltool).**

The PRACTICAL tool encourages lawyers to work through the following paradigm:

- **Presume** guardianship is not needed.
- **Reason** whether an individual can meet some or all tasks of independent living, like managing money, making health care decisions, finding and retaining employment, fostering healthy relationships, maintaining personal safety, and other tasks.
- **Ask** if a triggering concern is caused by temporary or reversible conditions, such as depression, side effects from medication, or hearing/vision loss.
- **Community**. Could the needs of the individual be met through existing community resources and supports that are less restrictive?
- **Team**. Ask the individual if they already have a network of supporters in place to help with decision-making.
- **Identify abilities**. Can the individual explain reasoning for his or her decisions, do they remain consistent over time, and does the individual understand the consequences of the decision?
- **Challenges**. Are there barriers to supported decision-making, such as the undue influence of a supporter, or excessive cost, time, or risk to public benefits?
- **Appoint** a legal supporter or surrogate consistent with the person’s values and preferences.
- **Limit** any necessary guardianship petition and order. If guardianship is necessary, limit it only to the areas of a person’s life where it is needed, such as in financial or health matters. Periodically reassess for modification and restoration of rights.

### Consider Alternatives

Below is a more comprehensive list of ways to promote independence within the Supported Decision Making framework. Some measures are formal, legal processes while others are informal. Note that this table does not include all possible alternatives.

Need	Tasks	Can this be accomplished by:
Money Management	<ul style="list-style-type: none"> <li>Managing accounts, assets, and benefits</li> <li>Learning to recognize and prevent exploitation</li> </ul>	<ul style="list-style-type: none"> <li>Conservatorship or trust</li> <li>Seeking financial counseling</li> <li>Representative Payee Program</li> <li>Money-managing app on phone</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>Making decisions about medical treatment</li> <li>Taking medications as needed</li> <li>Maintaining hygiene and diet</li> <li>Avoiding high-risk behaviors</li> </ul>	<ul style="list-style-type: none"> <li>Obtaining Health Care Power of Attorney or Living Will</li> <li>Having individual sign HIPAA release</li> <li>Using Adult Health Care Consent Act for areas of health care beyond the person's ability to understand (<i>read more about this in the "Alternatives to Guardianship" section</i>)</li> <li>Using apps to help remember to take medication and perform hygiene tasks</li> <li>Visiting a health care professional to discuss information regarding prevention and safety</li> <li>Allowing a home health aide to assist in daily living tasks</li> <li>Getting advice from professionals</li> </ul>
Employment	<ul style="list-style-type: none"> <li>Looking for, gaining, and retaining employment</li> </ul>	<ul style="list-style-type: none"> <li>Enrolling in job coaching services, such as supported employment programs</li> <li>Using Vocational Rehabilitation, Medicaid waiver services, or other employment providers to become job-ready</li> </ul>
Relationships	<ul style="list-style-type: none"> <li>Behaving appropriately with friends, family, and co-workers</li> <li>Making decisions about sexual relationships</li> </ul>	<ul style="list-style-type: none"> <li>Role-playing and practicing appropriate behavior</li> <li>Visiting a health center to learn more about contraception</li> <li>Speaking with loved ones about healthy relationships</li> </ul>
Community Living	<ul style="list-style-type: none"> <li>Living independently</li> <li>Maintaining habitable conditions</li> <li>Accessing community resources</li> </ul>	<ul style="list-style-type: none"> <li>Incorporating adaptive and assistive technology</li> <li>Setting reminders to complete home maintenance tasks</li> <li>Making a list of community resources, such as transportation</li> </ul>

Need	Tasks	Can this be accomplished by:
Personal Decision Making	<ul style="list-style-type: none"> <li>Understanding legal documents (contracts, leases, powers of attorney)</li> <li>Communicating wishes</li> <li>Understanding legal consequences of behavior</li> </ul>	<ul style="list-style-type: none"> <li>Allowing supporters to help explain contracts and other legal documents</li> <li>Having the individual demonstrate understanding of consequences, such as through role-playing</li> <li>Seeking advice from professionals</li> </ul>
Personal Safety	<ul style="list-style-type: none"> <li>Avoiding common dangers</li> <li>Recognizing and avoiding abuse</li> <li>Knowing what to do in an emergency</li> </ul>	<ul style="list-style-type: none"> <li>Role-playing scenarios, such as what to do in case of fire</li> <li>Discussing signs of healthy and unhealthy relationships and abusive behaviors</li> <li>Writing down emergency numbers</li> </ul>

*Adapted from: American Bar Association, 2016*

With a Supported Decision Making Agreement, the person, along with his or her circle of support, can decide which tools should be used in order to retain the highest level of independence while still providing appropriate levels of guidance.

**Example:** Johnny has autism and is about to turn 18. He is excited to begin classes at a community college next year. He, his family, and those close to him sit down together to form a Supported Decision Making Agreement. Even though he will be 18, Johnny still wants his parents to attend doctor’s appointments with him, and to be able to discuss any medical issues with his doctors. Together, they decide to sign a HIPAA release form to allow communication between Johnny’s parents and his medical providers. Johnny is also nervous about dating, making new friends, and adjusting to the changes that college will bring. Johnny’s pastor agrees to support Johnny by talking to him about approaching girls he is interested in, as well as what a healthy relationship and friendships should look like. Johnny’s aunt and uncle agree to check in with him regularly once he starts college to make sure he is spending time studying and completing assignments.

## SOME LEGAL ALTERNATIVES TO GUARDIANSHIP

In some cases, an individual may want supporters to help him or her with finances, medical treatment, or other areas, and he or she may want formal means for obtaining this support. Below are common legal alternatives to guardianship that preserve an individual’s civil rights while allowing supporters to assist in making important decisions.

### *Power of Attorney and Living Will<sup>1</sup>*

A Power of Attorney allows one person to make decisions on behalf of another person (called a principal). Decisions can be about medical treatment (Health Care Power of Attorney), finances (Financial Power of Attorney), real estate, and other matters. The agent does not need to be an attorney to be authorized to make such decisions. Health Care Power of Attorney and other documents such as a living will (where an individual makes end-of-life decisions and documents those decisions in case they

<sup>1</sup> In South Carolina, a living will is called a “Declaration of Desire for Natural Death,” but is still commonly referred to as a “living will.”

become incapacitated) are some of the most common examples of an ***advance directive***.

#### *HIPAA Release*

An individual can choose a family member, friend, or other trusted person with whom health care providers may discuss the individual's medical condition and treatment plan. This can allow a parent to enter an examination room with an adult child, for example, without needing Health Care Power of Attorney. Typically, each medical provider provides a HIPAA release to the patient. It can be changed or revoked at any time by letting the provider know.

#### *Adult Health Care Consent Act*

Many family members may worry about what happens in a medical emergency if a person with a disability uses a Supported Decision Making Agreement. First, if an individual has the ability to consent to medical care, they will do so. However, in an emergency where the person cannot communicate due to the emergency or a situation where the proposed health care and the decision to be made is so complicated that the person is not competent to make the decision, the Adult Health Care Consent Act might apply if two doctors find that the person is unable to consent to health care. In those situations, the Act would identify a surrogate decision maker for the person, usually the next of kin.

#### *Adult Students with Disabilities Educational Rights Consent Act*

Like the Health Care Consent Act operates for health care decisions, the Adult Students with Disabilities Educational Rights Consent Act provides alternative processes to ensure a student with a disability's education is not side-railed by the lack of having someone to consent to the education process. First option, the student can manage education decisions independently; second option, the student can use a supporter to assist with their decisions about their education; third option, the student can appoint a decision maker through a power of attorney; and fourth option, if the student cannot communicate, a decision maker can be appointed for that student.

#### *Trust*

Trusts allow a third party to hold money and assets on behalf of someone else (usually called a beneficiary). There are many different ways to set up a trust, and some are tailored specifically for those with disabilities so as not to impact other benefits. Because of the many different ways a trust may be arranged, it is best to speak with a financial manager who can more accurately assess your needs.

#### *Representative Payee Program*

Offered through the Social Security Administration, this program allows a representative to manage a beneficiary's Social Security or SSI payments. A representative may be responsible for using benefits to pay an individual's expenses and keeping track of expenditures. Typically a family member or other trusted adult is chosen to act in this role; however one may be appointed through the Administration.

#### *Laws Protecting Vulnerable Adults*

In South Carolina, the Omnibus Adult Protection Act (the Act), is designed to protect vulnerable adults from abuse, neglect, and exploitation. S.C. Code § 43-35-5 et seq. The Act provides both criminal and civil remedies for individuals who have been or who are at risk of abuse, neglect, or exploitation, including self-neglect. *Id.* Adult Protective Services is available to assist individuals and families with finding ways to protect the health and welfare of adults with disabilities.

1



I think about the people I trust. I ask them to support me. They have to agree to support me.

2



I think about how I want them to support me. I think about the areas that I want support in, like healthcare, education, money, getting a job, or relationships. I can ask for support in other areas too.

3



My supporters and I discuss how they will support me. We all agree in the ways I will be supported. I might have to ask for other professionals to help me too.

4

My supporters and I sign the agreement. I can change my mind at any time. My supporters can change their minds too.

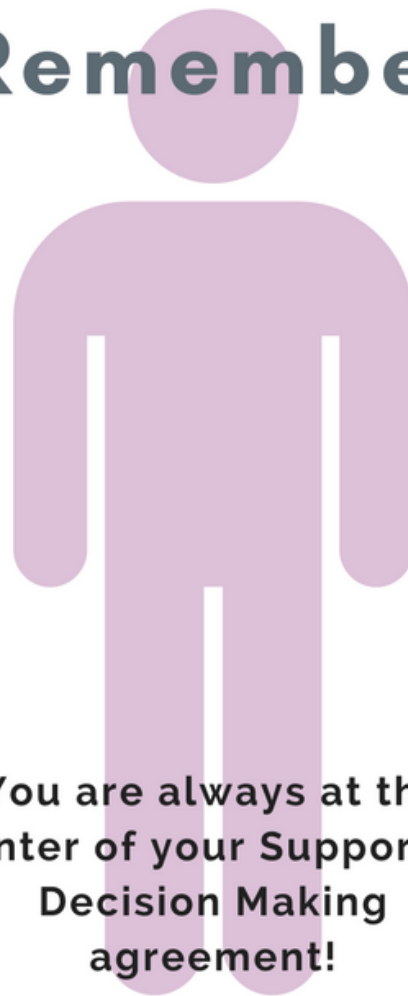


## Supported Decision-Making Guide

*for*

# Individuals

## Remember



**You are always at the center of your Supported Decision Making agreement!**

## APPENDIX

### WHO CAN I CONTACT FOR MORE INFORMATION?

#### **South Carolina Supported Decision Making Project**

For more information on the SC Supported Decision Making Project and resources, including a downloadable copy of this manual, visit [www.scsupporteddecisionmaking.org](http://www.scsupporteddecisionmaking.org)

#### **Able South Carolina**

803-779-5121

Toll-free: 800-681-6805

TTY: 803-779-0949

[www.able-sc.org](http://www.able-sc.org)

#### **Family Connection of South Carolina**

803-252-0914

[www.familyconnectionsc.org](http://www.familyconnectionsc.org)

#### **The Arc of South Carolina**

803-748-5020

[www.arcsc.org](http://www.arcsc.org)

#### **Protection & Advocacy for People with Disabilities, Inc.**

803-782-0639

Toll-free: 866-275-7273

TTY: 866-232-4525

[www.pandasc.org](http://www.pandasc.org)

#### **South Carolina Developmental Disabilities Council**

803-734-0465

TTY: 803-734-1147

[www.scddc.state.sc.us](http://www.scddc.state.sc.us)

## FREQUENTLY ASKED QUESTIONS

(A resource for your clients)

### **1. I, or my loved one, would like to begin the process of creating a Supported Decision Making agreement. How can I get started?**

If you or a loved one are interested in learning more about the Supported Decision Making process, please contact Able South Carolina at 803-779-5121, or visit [www.scsupporteddecisionmaking.org](http://www.scsupporteddecisionmaking.org).

### **2. I have been told that if I don't obtain guardianship, I won't be able to help my child make medical, financial, educational, or other decisions. Is this true?**

No. Many families are told that the only way to protect their children is to pursue guardianship. However, guardianship severely restricts a person's civil rights and can create unforeseen complications when a guardian is unable or unwilling to serve in this capacity (for example, if the guardian passes away). Many alternatives to guardianship exist that allow a person with a disability to receive support while still maintaining freedom, civil rights, and self-determination. See *Legal Alternatives to Guardianship* for more details.

### **3. Is a Supported Decision Making Agreement legally enforceable?**

At this time, courts in South Carolina have not addressed Supported Decision Making Agreements. However, if an individual has not been deemed incompetent or incapacitated, providers should be obligated to respect the individual's wishes in how services are delivered. It is also important to note that at age 18, a person, regardless of disability, is presumed to have decision-making capacity. Going through the Supported Decision Making process also allows individuals and families to have important discussions about an individual's goals, dreams, and priorities. As you review the sample Supported Decision Making agreement in the appendix, note that either party can end the agreement at any time.

### **4. How can I stop my loved one from being taken advantage of?**

In life, some risk is inherent. Unfortunately, many of us "had to learn the hard way" when it came to money, relationships, and other areas of our lives (and some of us are still learning!). It is no different for a person with a disability. Depending on the disability, he or she may have a harder time discerning someone's true intent, understanding the content of a contract fully, or budgeting money for the month. However, this does *not* mean a person with a disability should be precluded from opportunities to make decisions for herself. Sometimes, financial management training, or repeated discussions about what an abusive relationship looks like, can be enough to adequately support the individual. Other times, more formal means, such as a Health Care Power of Attorney or Representative Payee Program is more appropriate. It is important to understand that sheltering a person to the extent that they never exercise any freedom can leave them feeling depressed, unfulfilled, and unequipped to handle responsibility.

**5. My child has a profound disability, and I do not think he has the capacity to make sound decisions or communicate his wishes. How can Supported Decision Making help me?**

Guardianship should always be a measure of last resort, when no other less restrictive measures can adequately ensure the safety of an individual. If your child has trouble communicating, consider assistive technology that may enable him or her to do so. Complex topics can often be broken down into simple yes or no questions, or even by pointing at pictures of different scenarios. Consider medications your child may be taking that interfere with cognition as well as mental health status. A Supported Decision Making Agreement allows for a network of trusted supporters to help the individual make decisions, including formal and informal methods, while preserving civil rights and freedoms.

**6. If I sign a Supported Decision Making Agreement, can I still seek guardianship later?**

Yes. Signing a Supported Decision Making Agreement and attempting to allow a person with disabilities to make their own decisions and retain all of their rights will not prevent or restrict the ability of anyone to later file a petition for guardianship. However, if the person with a disability can show that they were successful at using supports to accommodate their disability, the person may use that as evidence to demonstrate that they have capacity and do not need a guardianship.



## SUPPORTED DECISION MAKING AGREEMENT

**READ THIS:** This agreement is a sample of a Supported Decision Making Agreement. Having this sample is not a substitute for seeking legal advice from an attorney. In South Carolina there is no law that specifically says that a Supported Decision Making Agreement can be enforced. There is no law against having a Supported Decision Making Agreement either. If you have questions about your legal rights, please talk with an attorney.

---

### This is the Supported Decision Making Agreement of

Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

#### **A.** I understand:

- ☐ I can talk to an attorney before I sign this agreement.
- ☐ This agreement is because I want supporters to help me make decisions.
- ☐ My supporter cannot make decisions for me.
- ☐ I can end this agreement when I want it to.
- ☐ I can change this agreement when I want to.
- ☐ I can change my list of supporters when I want to.
- ☐ My supporter(s) can quit if they want to.
- ☐ If I end this agreement or change this agreement, I must let my supporters know about the change. Anyone with a copy of the agreement needs to get a copy of the change in writing.

**B. I need supporter(s) to help me make decisions about:**

- ☐ Taking care of my financial affairs, like banking (Finances)
- ☐ My health care, including big and small health care decisions (Health Care)
- ☐ Talking to an attorney if I need one and working with the lawyer (Legal Matters)
- ☐ My education, including what classes I will take and what accommodations I will have (Education)
- ☐ My employment, including what work I will do and what accommodations I need to do it (Work)
- ☐ Where I live, what I do, the services I receive, and who helps me day to day (Life Plan)
- ☐ ☐ Other matters: \_\_\_\_\_

**C. I expect my supporter(s) to help me in the following ways:**

- ☐ Giving me information in a way I can understand
- ☐ Discussing the good things and bad things (pros and cons) that could happen if I make one decision or another
- ☐ Telling other people my wishes
- ☐ \_\_\_\_\_

**D. I express myself and show what I want in the following ways:**

- ☐ Telling people my likes and dislikes.
- ☐ Telling people what I do and do not want to do.
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

**E.** I designate the following individual(s) to be part of my Supported Decision Making Network to assist me in making decisions.

**Network Supporter #1**

Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

**I want this supporter to help me with:**

☐ **Finances**

☐ **Health care**

\_\_\_ with a form to let this supporter see my private health information

\_\_\_ without a form to let this supporter see my private health information

☐ **Legal Matters**

☐ **Education**

\_\_\_ with a form to let this supporter see my private education information

\_\_\_ without a form to let this supporter see my private education information

☐ **Work**

☐ **Life Plan**

☐ **Other** (*please specify*):

**Areas I don't want Supporter #1 to assist me with:**

## Network Supporter #2

Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

### I want this supporter to help me with:

☐ **Finances**

☐ **Health care**

\_\_\_ with a form to let this supporter see my private health information

\_\_\_ without a form to let this supporter see my private health information

☐ **Legal Matters**

☐ **Education**

\_\_\_ with a form to let this supporter see my private education information

\_\_\_ without a form to let this supporter see my private education information

☐ **Work**

☐ **Life Plan**

☐ **Other** (*please specify*):

### Areas I don't want Supporter #2 to assist me with:

### Network Supporter #3

Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

#### I want this supporter to help me with:

☐ **Finances**

☐ **Health care**

\_\_\_ with a form to let this supporter see my private health information

\_\_\_ without a form to let this supporter see my private health information

☐ **Legal Matters**

☐ **Education**

\_\_\_ with a form to let this supporter see my private education information

\_\_\_ without a form to let this supporter see my private education information

☐ **Work**

☐ **Life Plan**

☐ **Other** (*please specify*):

#### Areas I don't want Supporter #3 to assist me with:

**F. If I have more than one Supporter** (Optional, but if you do not fill out this section, your Supporters will act “Successively”.)

My Supporters will act (*choose one*)

☐ Jointly (work together to help me)

OR

☐ Successively (For example: Supporter #2 helps me if Supporter #1 is not available)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**G. Notary Certification**

State of South Carolina

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document in my presence.

(seal)

\_\_\_\_\_  
Notary Public Signature

## H. Network Supporters' Statements

### Network Supporter #1

I \_\_\_\_\_ consent to act as \_\_\_\_\_'s supporter. I understand that my job as supporter is to honor and express his/her wishes. My support might include giving him/her information in a way he/she can understand; discussing pros and cons of decisions; and helping him/her communicate his/her choice. I know that I may NOT make decisions for him/her. I agree to support his/her decisions to the best of my ability, honestly, and in good faith.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Network Supporter #2

I \_\_\_\_\_ consent to act as \_\_\_\_\_'s supporter. I understand that my job as supporter is to honor and express his/her wishes. My support might include giving him/her information in a way he/she can understand; discussing pros and cons of decisions; and helping him/her communicate his/her choice. I know that I may NOT make decisions for him/her. I agree to support his/her decisions to the best of my ability, honestly, and in good faith.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Network Supporter #3

I \_\_\_\_\_ consent to act as \_\_\_\_\_'s supporter. I understand that my job as supporter is to honor and express his/her wishes. My support might include giving him/her information in a way he/she can understand; discussing pros and cons of decisions; and helping him/her communicate his/her choice. I know that I may NOT make decisions for him/her. I agree to support his/her decisions to the best of my ability, honestly, and in good faith.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## ADDITIONAL RESOURCES

### **Center for Disability Resources**

*Provides resources, programs, and self-advocacy opportunities for people with intellectual and developmental disabilities.*

<http://uscm.med.sc.edu/cdrhome/index.asp>

803-935-5231

### **I'm Determined Project**

*Focuses on providing direct instruction, models, and opportunities to practice skills associated with self-determined behavior. Look under the "resources" tab for activities and worksheets.*

<http://www.imdetermined.org/>

### **National Resource Center for Supported Decision-Making**

*National and local resources and information about supported decision-making.*

<http://supporteddecisionmaking.org/>

202-448-1448

### **PRACTICAL Tool for Lawyers: Steps in Supported Decision-Making**

*Helps lawyers identify and implement decision-making options for persons with disabilities that are less restrictive than guardianship.*

[www.ambar.org/practicaltool](http://www.ambar.org/practicaltool)

### **South Carolina Assistive Technology Program**

*Provides access to assistive technology and devices, including device lending programs, training, and demonstrations.*

<http://scatp.med.sc.edu/>

803-935-5263

Toll-free: 800-915-4522

### **South Carolina Department of Disabilities and Special Needs (SC DDSN)**

*The state agency that plans, develops, oversees and funds services for South Carolinians with severe, lifelong disabilities of intellectual disability, autism, traumatic brain injury and spinal cord injury.*

[www.ddsn.sc.gov](http://www.ddsn.sc.gov)

803-898-9600

Toll-free: 1-888-DSN-INFO (376-4636)

TTY: 803-898-9600

### **South Carolina Vocational Rehabilitation**

*Provides job training and readiness skills to those who qualify, including some individuals with disabilities. May also provide workplace adaptations and assistive technology.*

[www.scvrd.net](http://www.scvrd.net)

803-896-5500

Toll-free: 800-832-7526

TTY: 803-896-6533

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