



# Guardianship and Supported Decision Making

## Overview

When a person turns 18 in the United States, they can become what we call a legal adult. This means that they are given more rights, or privileges, than they had before their 18<sup>th</sup> birthday. These rights include: voting in elections, making decisions about their health care and money, and signing important documents, or forms, by themselves. When a person becomes an adult, they also usually become what is called their own legal guardian. Being your own legal guardian means that you get to be more in charge of important choices, just like other adults. Not everyone who turns 18 can be their own legal guardian. Sometimes, a judge thinks it is safer, or better, for a person to have someone else be in charge of important choices for that person.

### *Guardianship*

When a judge thinks that a person with developmental disabilities can't make important choices that will help them to be healthy and safe, the judge might let someone else be the guardian for the person with a disability. This means that the judge will choose another person, like a mom or dad, or other responsible adult to make important decisions for the person with a disability. This guardian is supposed to help protect the person with a disability by making good choices for them.

A guardian is supposed to help a person with a disability to make certain types of decisions. These decisions are not every day decisions like deciding what to eat for lunch or what clothes to wear to work. A guardian is supposed to make medical decisions like, should you get knee surgery or keep using a knee brace. Or they

should be making financial decisions like, how much money a person can spend on rent or groceries each month. The choices a guardian makes for a person with a disability are always supposed to protect the person, keep them healthy and help them be successful in their lives.

### *Supported Decision Making*

A different way to help someone with a developmental disability be safe, healthy and successful that is not guardianship is called Supported Decision-Making (SDM). Not everyone with a developmental disability wants or needs a guardian chosen by a judge. Supported decision-making lets a person with a disability be their own guardian but have help making important decisions that help them to be as independent as possible. In supported decision making, each person has a team of people to help them make the difficult decisions in life<sup>2</sup>. This team of supportive people includes: family, direct support workers, friends, or others that the person trusts<sup>2</sup>. Supported decision-making can be helpful for many people who would like to be their own guardian, but would also like to know that they have support to help them when they need it.

## Challenges

Both guardianship and supported decision-making have their own challenges. Every person will have different experiences with each, but it is important to know some of the general challenges when deciding what is right for you.

### *Guardianship*

One big challenge of guardianship is that some people who don't need a guardian are given one

just because they have a disability. Other people may want or need a guardian but end up relying on their guardian more than they really need to. Many people can live more independently and make more of their own choices than a judge or a guardian might think.

Sometimes, guardians put their own needs before the needs of the person they are supposed to help. This may make life harder for the person who needs support and keep them from living their life like they want to. This doesn't happen all the time, but people with disabilities may need to tell someone they trust if they are not happy with how a guardian is treating them. However, most guardians do a good job of supporting the person they are supposed to help

Guardianship can be the right choice for many people, but it isn't the best option for everyone.

### *Supported Decision-making*

Just like guardianship, supported decision-making can be a good fit for some people and not for others. One challenge with supported decision-making is finding the balance between when the person with a disability should ask for help and when they should just make decisions on their own. Each person has their own abilities and levels of need for support. This means that there will probably be a lot of trying different things out when someone first starts using supported decision-making. Many people with developmental disabilities haven't had the chance to make very many of their own decisions in their life, so working as a team to figure out the right way to support each individual person is very important.

In supported decision-making it is important to make sure the person being supported is in charge of their own life. This means setting goals and deciding what they want for their life. Members of the supported decision-making team must allow the person being supported to make their own decisions and only provide help when needed or when asked by that person. This gives the person room to grow and reach their

personal goals. The team members need to stay neutral when helping the person decide what to do. This means that the team helps someone think about all of the different choices they can make, but the team doesn't tell the person which choice they have to make. If the person with a disability is not actually leading team, then the supported decision-making process isn't being done the right way.

## Promising Practices and Future Directions

Supported decision-making is different than guardianship and is a way to help people with developmental disabilities make their own choices and be more independent and successful in living life the way they want to. Guardianship can still be a good option for some people, but, for many people, supported decision-making is the way to go when figuring out the rest of their lives. Supported decision-making supports and promotes self-advocacy, but also provides a safe and encouraging environment for people to learn and grow. To learn more about supported decision-making so you can decide if it is right for you or someone you support, you can go to this guide on the [Utah Parent Center website](#). This guide was made by self-advocates to help other people learn about supported decision-making and what it could mean for their life.

Different guardianship options work for different people. It is important to learn about each one to decide what is best for each person. As a person with a developmental disability, you need to advocate for what you want, to help make the best decision for your life. If you are a family member, friend, direct service provider, or other supportive person, you need to be aware of the needs of the individual you care about and the level of support they need to help them reach their full potential.

## Contributing Authors:

Teresa Larsen, CSW

Jeff Sheen, PhD, MSW

## References

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2. Utah Parent Center. (n.d.). Supported Decision Making. Retrieved from <https://utahparentcenter.org/supported-decision-making/>.

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