



WHAT IS A SUPPORTED DECISION-MAKING AGREEMENT?

A SDM Agreement is a private agreement between the person with an IDD, who has the legal right to make decisions for themselves, and a trusted supporter that outlines what type of assistance the individual wants or needs to support them in making important life decisions.

The agreement can be formal (written) or informal (verbal). If it is a formal written agreement it must meet the criteria set forth in law which includes, at least the following:

- A list of the areas in which the person requests support and that the supporter agrees to provide support
- Supporter's agreement to be bound by all existing obligations and law
- Information advising the adult with an IDD about their rights under the Elder Abuse and Dependent Adult Civil Protection Act
- Other important documents about decision making for the adult with an IDD
- Signature of the adult with IDD and 2 disinterested witnesses or a notary

PRINCIPLES OF SDM IN FINANCIAL DECISIONS

Autonomy: retains control over their life decisions.

Inclusion: actively involved in making their own decisions, including legal decisions.

Support: level of assistance is tailored to the needs of the person

Flexibility: Support is adjusted as circumstances change

Least Restrictive: support provided is the minimum level of assistance necessary to achieve their decision making goals

Learn more about
Supported Decision-Making
by visiting our website at
www.cpcidd.org.



SUPPORTED DECISION MAKING IN THE LEGAL SYSTEM

FOR ADULTS
WITH INTELLECTUAL
AND DEVELOPMENTAL
DISABILITIES

WHAT IS SUPPORTED DECISION-MAKING?

Supported Decision-Making (SDM) is an individualized process of supporting and accommodating adults with intellectual and developmental disabilities (IDD) to make life decisions without impeding their self-determination. [WELFARE & INSTITUTIONS CODE 2100(c)]

HOW DOES SDM APPLY IN THE LEGAL SYSTEM?

SDM is one of several options available to adults with disabilities to understand, make, and communicate decisions and to express preferences, including, but not limited to, medical and financial powers of attorney, authorized representative forms, health care directives, release of information forms, and representative payees. [WELFARE & INSTITUTIONS CODE 2100(g)]

The use of SDM must be considered in any proposed conservatorship proceeding and the court is required to assess the proposed conservatee's capacities and abilities with current or possible supports. [CA PROBATE CODE 1800.3(2)(b)(c)]

Another important way that SDM applies in the legal system is that the individual with a disability has the right to have a supporter present in meetings, appointments, etc. to help them understand important decisions, including legal decisions, so they can weigh all the information and make an informed choice.



WHO CAN BE A SUPPORTER? AND WHAT IS THEIR ROLE IN THE LEGAL DECISION-MAKING PROCESS ?

A supporter can be a trusted adult such a family member, friend, or professionals chosen by the adult with a disability. The role of the supporter is to help the adult with a disability so they can make an informed decision.

WHO CANNOT BE A SUPPORTER?

A person cannot be a supporter if they have—or have had—allegations made against them by the person with a disability under the Elder and Dependent Adult Civil Protection Act, have an order or protection against them, are the subject of a criminal or civil order prohibiting contact, have been removed as the adult with a disability's conservator for not acting in their best interest, or they are found criminally, civilly, or administratively liable for abuse, neglect, coercion, or fraud.

A SUPPORTER MUST:

- Act honestly, diligently, and within the scope of the agreement
- Support and implement the direction, will, and preferences of the adult with an IDD
- Respect the values, beliefs, and preferences of the adult with an IDD
- Maintain confidentiality of any information obtained as a supporter unless disclosure is specifically authorized by the adult with IDD

A SUPPORTER MUST NOT:

- Make decisions on behalf of the individual.
- Sign documents for the individual.
- Participate in any life decision where there is a conflict of interest, including any decision that the supporter has a financial or other tangible stake in the outcome.