

Train the Trainers



SUPPORTED DECISION MAKING

2020

A Good Warm-Up Exercise

Find A Partner

- Three Nouns To Describe Yourself
- Three Decisions You Made Today



Explain Why Important: Human Rights, D.C. Law, Agency Policy, Supporting District Residents, Etc.





For The Training

1. Review the principle of Presumed Capacity
2. Help trainees learn supported decision making (SDM)
3. Explain SDM as D.C. right for people with disabilities
4. As Human Services Agency Trainers, know how to teach staff to take positive approach to SDM – a key to the self-determination of people with disabilities
5. How to teach Good practice = Teaching practical points of how to honor a person's SDM
6. Look to agency's policies for SDM application points

Start With Presumed Capacity

Under the law, all DC residents are presumed to have capacity to give written informed consent, however:

- *If person is not sufficiently “informed;”*
- *Is not able to understand information;*
- *Or can not communicate a decision*

...then capacity to give informed consent *may* be questioned.



BUT if a clinician signs a form saying the person lacks capacity, a court may decide that the person needs a guardian, general or limited.

Explain Framework: Heart Of Supported Decision Making





- SDM is a paradigm (not a process) where a person with a disability makes choices with supporter assistance.
- A D.C. right empowering the person to make decisions, where the person chooses supports who assist them.
- Support must be individualized. The level and type of supports depends on the person. Supporters do what the person needs so the person can make their decisions.

Source: D.C. Quality Trust for Individuals with Disabilities

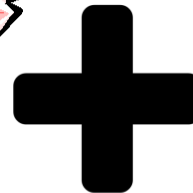
Distinguish Informal - Formal SDM

- Informal SDM* -



compared to

- Formal SDM* -



* Either way, the person chooses supporter(s)

Teach: The Person Is Decision Maker

The Supporter's role is to meet the person's needs.



May help the person:

- Gather information
- Ask questions
- Understand choices, the risks and benefits
- Communicate decisions



Clarify: What Does A Supporter Do?

- Works “with the person to identify where help is needed and find[s] a way to provide the help that’s needed, so the person can make his or her own decisions.”
- Asks the key question: **“What will it take?”**
- Knows that the **level** and of supports vary with the individual needs of the person. **type**
 - No “one size fits all” method of Supported Decision-Making.
 - SDM “looks different for different people and different families.”



Source: Quality Trust for Individuals with Disabilities, D.C.

Practice Exercise



As people to think of an important life decision they need to make, and imagine they need help to make it. Ask:

- Who would you choose as a supporter to help you make the decision.
- What about that person made you think of them?
- List three qualities of a good supporter.
- Have them share (and show results) at:

<https://www.menti.com>

Use digital code 11 18 55

D.C. Students Age 18+ Have SDM Rights – DCPS and OSSE Both Have SDM Forms

- District students age 18+ can use SDM agreement forms at public or charter schools:



OR



- While these forms apply only in educational context, they may signal an agency staffer that a conversation about SDM needs to be held. Does the person want to use a supporter for decision-making while receiving Human Service agency supports or services?

What If Person Brings A DCPS Or OSSE SDMA To Your Agency?



Teach staff that while those forms apply in schools (not at your agency), at the same time -

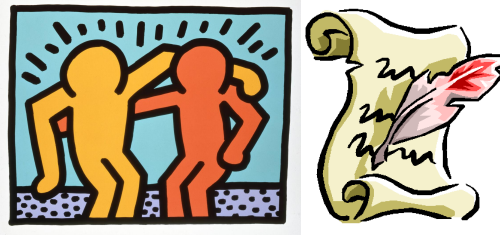
- Your agency will honor their request to use SDM.
- Explain how informal SDM works at your agency.
- Explain about the SDMA available to adults, and that your agency accepts the form if they want to use it – we'll talk about this next.
- Whether to use SDM is one decision for a person with disabilities to make.

SDM for Adults with Disabilities in D.C.

- Informal SDM has long been available to adults in D.C., including at your agency (assuming that's true).



- **NEW 2018 Law:** Covering all adults with disabilities in D.C. – Title III of the Disability Services Reform Amendment Act has a “Supported Decision Making Agreement” form.



District Law Now Defines SDM:

- The process of **supporting and accommodating** an adult with a disability in order to:
 - **Assist** the adult with a disability **in understanding** the options, responsibilities, and consequences of life decisions; and
 - **Enable** the **adult with a disability to make life decisions**, without impeding the self-determination of the adult with a disability or making decisions for the adult with a disability.

See D.C. Code § 7-2131(11). Source: QT.

New Law: D.C. Supported Decision-Making Agreement

- New D.C. law form, the SDMA
Note: form must substantially match what's written in the law.



- DDS and QT make Information and Instructions Packet available, search for:

[DDS Decision Making Rights for People](#)

Tell How To Recognize The SDMA: The Form Matches What's In The Law



SUPPORTED DECISION-MAKING AGREEMENT

Pursuant to the Disability Services Reform Amendment Act of 2018

D.C. Law 22-93, D.C. Official Code §§ 7-2131 to 7-2134

NOTE: According to D.C. Official Code § 7-2133, a person or a District agency who receives a supported decision-making agreement shall rely on the agreement, unless the person or District agency has substantial cause to believe that the supported person is an adult in need of protective services. Neither a person nor a District agency shall be subject to criminal or civil liability, nor shall a person be considered to have engaged in professional misconduct, for an act or omission done in good faith and in reasonable reliance on a supported decision-making agreement.

PART 1: Appointment of Supporter

I, _____ (printed name of supported person), make this agreement of my own free will.

I agree to designate the following person as my supporter:

Name: _____

Address: _____

Phone Number: (____) _____ Email: _____

Practice Point



- Have Staff complete a SDM Agreement as though they are a person with a disability who chooses to name someone to support them in making decisions.
- Then have them review:
 - What does that first NOTE mean? Why is it important?
 - Who is allowed to be a supporter, and who is not?
 - You can choose in what areas of life this supporter may help you make decisions. What are some good examples?
 - What other forms might you need to have completed, depending on the type of decisions for which you choose to have support?
 - You can choose for the time frame to be open-ended, or time limited.
 - Who has to sign this agreement?
 - How does a person make sure the form is effective?
 - How does a person or supporter cancel an SDMA?
 - Where could you get help if you need it when using an SDMA?

Who Can Use The SDMA?



An Adult

with a Disability

QUESTION:

How does the SDMA work with general guardianship?

ANSWER:

A person with a general guardian cannot use the SDMA to make decisions a court has said they cannot make for themselves. The person can make other decisions, and a guardian should listen to the person's wishes.

Clarify How The SDMA Works



- The person has the power to use the SDMA (or the supporter can help the person use it).
- Shows or gives to school, business, medical office/ hospital or government agency.
- Uses supporters for types of decisions listed.

Explain In D.C., Who Can Be A Supporter



In informal SDM, no restrictions on what other adult can be a supporter.



With SDMA, some people are disqualified for specific reasons in the law – and listed on SDMA form.



Clarify: Representative Versus Supporter

- Representative: Someone the person or a court names who may make decisions for them, or, as attorneys say, “Stand in their shoes.” A general guardian is one type of representative. An attorney is another.
- Supporter: Someone the person chooses to help with decisions (not make them).

At Your Agency, How Are Representatives Handled?



1. A representative is a distinct category of person: can act as though they are the person for purposes of receiving information/records and making decisions.
2. A representative is a third party named by the person to represent them by completing an “appointment of representative” form, or a guardian appointed by a court to represent them.
3. How is documentation of the representation or guardianship saved to the person’s records at your agency?

At Your Agency: Is Confidentiality Baseline? Teach The Process.



At DDS, for example, confidentiality is required when a person brings a “third party” to a meeting.

Step 1 – We clarify what the relationship is, ask the person for permission to share the meeting’s information with the third party, document response.

Step 2 - If the person does not want to share information, we ask them to wait in waiting room.

Step 3 – If the person wants to waive confidentiality to share information or records with a third party in an ongoing way, we have them sign a DDS release form.

Address Agency's Existing Policies Where SDM Applies



1. Teach about the specific policies where SDM applies.
2. Be specific about which policy provisions apply, and how they work in practice.
3. Give people a chance to review the policies before the training starts.
4. During training, provide some practice opportunities.

Here's how we do that for DDS's Developmental Disabilities Administration (DDA)...



DDA Policy: *Intake & Eligibility*



1. DDA staff shall assist all people in the completion of the application packet for services. This includes respecting a person's SDM.
2. Staff shall coordinate translation and language interpretation services for non-native English speakers. SDM may be part of this need, if person so chooses.
3. Staff also shall provide additional assistance as needed, which may include honoring a person informal or formal SDM.



DDA: Freedom of Choice Form *(really, for all DDA forms)*



1. Take same approach for the Freedom of Choice form as with the DDA intake and eligibility application.
2. Take the same approach for all DDA forms – DDA staff must honor a person’s use of SDM and respect their SDM supporters.



DDA Policy: *Individual Support Plan*



1. DDA staff provide information and support so person can direct planning to greatest extent possible; engage people from person's circle of support. Respect person's SDM supporter(s).
2. Ensure person is able to make informed choices and decisions regarding supports and services. SDM may be part of this, if person so chooses.
3. Person-centered planning process reflects cultural considerations, uses plain language, and is accessible (examples: provide interpreter, read documents aloud, or use large print documents).



DDA Policy: *Protection, Use and Release of Personal Information*



- Confidentiality and signed release authorization required for release of personal information.
- However, if person directly asks to have a supporter present during meetings with DDA, then:
 1. DDA may disclose personal information during the meeting without obtaining written consent from the person or the person's representative, BUT
 2. DDA Service Coordinator or other staffer must explain that the person giving "implied consent" to release information with third party present.
- When in doubt, ask the person!

Q: Does DDS or DDA Favor Either Informal SDM or an SDMA?



A: No. Neither DDS or DDA favors a person using one kind of SDM over another. That is up to the person.

- The Service Coordinator is responsible for ensuring notices are sent.
- Remember, the person can ask for either an informal or SDMA supporter to receive notices. This should be documented in the person's record – let's see how that works...

Practice Points: *Which Documents To Use For A Person's SDM?*

- Informal SDM –
 - Enter name and contact information for informal supporter(s) in person's MCIS record.
 - Ask person if the informal supporters are to receive copies of notices being sent to the person.
 - If the person wants the informal supporters to be able to receive information and notices, **have the person sign a DDS release form** – and upload the form.
 - Using the SDMA (formal SDM)-
 - **Ensure that the SDMA is completely filled out and signed, witnesses or notarized.**
 - Enter name and contact information for formal supporter(s) in person's record, upload the form.
 - The SDMA, when turned in to DDA, is the document that authorizes SDM supporter(s) to receive information and notices (read it, please)
- NOTE: A person whose SDMA includes that supporters can receive information and notices does NOT also sign DDS release form.

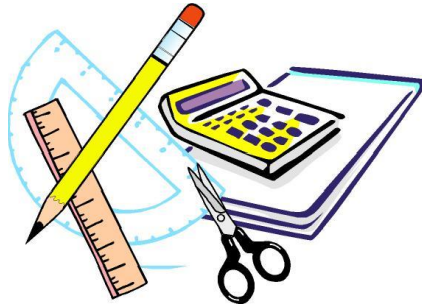


See If There Are Questions, Then Review Through Practice With Case Studies



Practice, with Hallie

HALLIE



- 23-year-old woman
- Graduated high school two years ago
- Looking for work, not sure she wants a job

Read Hallie's Story and Answer Questions
Discussion

Hallie's Story

- Hallie is a 23-year-old woman who graduated high school two years ago, and communicates well orally. She lives with her mom Denice.
Hallie is half-heartedly looking for work. She wants to meet people, find a boyfriend, and have her own money.
- Denice is worried about Hallie's judgment and ability to make good decisions for herself, and has been told by many that she should become her guardian. However, she heard about supported decision-making at a recent Supporting Families Community of Practice meeting.
- The question that brought them to Service Coordination, should Denice become Hallie's guardian, or her supporter?

What is Working/Not Working in this scenario?

From the Perspective of:	Working	Not Working
Hallie	<ul style="list-style-type: none"> • Graduated high school • Has goals • Looking for work? • Can speak for herself 	<ul style="list-style-type: none"> • Not sure if wants to work? • Dependent on mom • Wants friends, boyfriend
Denice	<ul style="list-style-type: none"> • Love for Hallie • Attends the Community of Practice to learn • Has good advisors 	<ul style="list-style-type: none"> • Worried about Hallie's judgment • Feels responsible for Hallie
Service Coordinator	<ul style="list-style-type: none"> • Hallie – good communicator • Has some skills, maybe diploma? • Appears open to finding job, wants to earn • Mom has come seeking advice, is open 	<ul style="list-style-type: none"> • Hallie's wants are not what brought them in • Not clear if Hallie wants to work or being pressured by Denice • Does Hallie have a job goal that really motivates her? • Mom's inclination: control

Where there is conflict, create an action plan with Hallie. What are some actions you would suggest?

Possible Action Plan

1. Ask to talk with Hallie alone, and find out about her daily life. Ask about school, any past work experience, internships, etc. What is her job goal? Is she a candidate for RSA services?
2. Find out how comfortable Hallie feels making her own decisions. What are her goals about decision-making? How involved does she want Denice to be?
3. Brainstorm with Hallie (and Denice, if Hallie wants her to participate) who else may be available to support Hallie in making decisions regarding employment (Relationship Maps or Integrated Support Stars can be helpful).

Practice, with Anthony

Anthony



- 44-year-old man who would like to find a job
- No work experience, Rehabilitation Services Administration “job readiness” services for more than a year

Read Anthony’s Story; Answer Questions
Discussion

Anthony's Story

- Anthony is a 44-year-old man who does not have a job and has been in RSA Job Readiness services for a year+. He is artistic, social, and enjoys being around people.
- Anthony's sister, Dana, is his informal decision-making supporter for the past six months. Dana has her own concerns that Anthony will be taken advantage of in a traditional job setting and wants him to get a job on a supervised work crew with people with similar disabilities.
- Anthony was referred to RSA for Supported Employment services, has an Individual Plan for Employment meeting, and wants to use the same provider.
- Has questions about whether working will affect benefits.

What is Working/Not Working in this scenario?

From the Perspective of:	Working	Not Working
Anthony	<ul style="list-style-type: none"> • His job readiness provider • Working on arts and crafts projects • Having his sister as a supporter 	<ul style="list-style-type: none"> • Not having a job goal • Not knowing what services are best for him, or how working will affect his benefits
Dana	<ul style="list-style-type: none"> • Being an informal supporter • Having Anthony in a safe environment 	<ul style="list-style-type: none"> • Anthony potentially being in an unsafe environment • Not being an expert in VR services, or benefits
Service Coordinator	<ul style="list-style-type: none"> • Anthony lives independently • Is committed to getting a job • Has soft skills gained through job readiness 	<ul style="list-style-type: none"> • Understanding Dana's role in supporting Anthony's employment-related decisions • Anthony needs benefits information/coaching

Where there is conflict, create action plan with Anthony. What are some actions you would suggest?

Possible Action Plan

1. Ask Anthony what he enjoyed about the Job Readiness provider. Listen for what is Important To him and verify with him as you go along.
2. Ask Anthony if he'd like support with understanding his service options and making employment decisions. If so, note who he wants to support him and what support he says he needs.
3. Ask and note who/what support that Dana thinks Anthony needs to understand his service options and make employment decisions. Verify with Anthony as the situation develops.
4. Brainstorm with Anthony and Dana who else may be available to support Anthony in making-decisions regarding employment and services/benefits (Note: Relationship Maps or Integrated Support Stars can be helpful to use in this situation).

Possible Action Plan

1. Ask Anthony what he enjoyed about the Job Readiness provider. Listen for what is Important To him and verify with him as you go along.
2. Ask Anthony if he'd like support with understanding his service options and making employment decisions. If so, note who he wants to support him and what support he says he needs.
3. Ask and note who/what support that Dana thinks Anthony needs to understand his service options and make employment decisions. Verify with Anthony as the situation develops.
4. Brainstorm with Anthony and Dana who else may be available to support Anthony in making-decisions regarding employment and services/benefits (Note: Relationship Maps or Integrated Support Stars can be helpful to use in this situation).



Tell People Where They Can Learn More...

- Read SDM Information & Instructions Packet, Search: DDS Decision Making Rights for People with Disabilities

- See  **Quality Trust**
for Individuals with Disabilities

<https://www.dcqualitytrust.org/contact-us/>

- See **National Resource Center for Supported Decision-Making**
EVERYONE has the Right To Make Choices

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

Closing With Some Thoughts On SDM



- *It's a Good Thing... I tell my supporters my decision, and my plan. Then I follow up later just to let them know what happened.*
 - Ketrina Hazell, Self-Advocate, SDMNY
- *It's simply something the rest of us take for granted.*
 - Robert Dinerstein, Professor, American University Washington College of Law
- *Take away the “disability lens” – it just looks like life.*
 - Judge Kristen Booth Glen, Dean Emerita, CUNY School of Law

End of Training



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