

## **Supported Decision-Making (draft sow\_060518)**

Release Date: June 2018

Award Date: September 2018

Project Begin Date: October 2018

Term: One year, renewed for up to 2 additional 12 month periods

Total Amount Available Per Year: \$ 60,000

Number of awards: One

Eligibility: Non-profit organizations and the Arizona Protection & Advocacy (P&A) agency. Collaborations with the Arizona P&A is strongly encouraged.

### **Purpose:**

The ADDPC is requesting proposals from an organization to develop a Supported Decision-Making pilot program for persons with developmental disabilities who are at risk of having limited or full guardianship imposed. The goal of the pilot project is to educate persons with developmental disabilities, their families and caretakers, court personnel, and other stakeholders on the importance of Supported Decision-Making as a viable option instead of guardianship, for people with developmental disabilities.

### **Background:**

In August 2017, the American Bar Association House of Delegates adopted Resolution 113 on Supported Decision-Making. The resolution urges legislatures to amend their guardianship statutes to require that Supported Decision-Making “be identified and fully considered as a less restrictive alternative before

guardianship is imposed” and be considered a “grounds for termination of a guardianship and restoration of rights.”

Guardianship is a legal proceeding that removes the civil rights and privileges of a person by assigning control of his her life to someone else (guardian). It is a legal tool that allows a person to make decisions for another person. Arizona Revised Statute, Title 14, Chapter 5 provides further legal code related to the protection of a person with a disability and their property (A.R.S. 14-5101 et.al.)

The ADDPC supports increasing opportunities for, and protecting the civil rights and well-being of, people with developmental disabilities. ADDPC believes that most people with developmental disabilities are able to make important decisions, independently or with support, without the need of a guardian.

Alternatives to guardianship, including Supported Decision-Making, provides the opportunity to significantly advance the rights and protections of individuals with disabilities. Supported Decision-Making provides supports for a person with a developmental disability that enables them to make life decisions such as where they want to live, who they want to live with, where they want to work, etc. without impeding the self-determination of the person.

The ADDPC strongly supports the need for statewide monitoring, as well as accessible and useable information, training, and technical assistance provided to individuals with disabilities, families, court personnel, attorneys, guardians, medical providers, and state and local providers of services and supports for Supported Decision-Making.

### **Definitions:**

Supported Decision-Making: Is the active individual decision making to advance the rights and protections of persons with a developmental disabilities. Supported Decision Making provides supports for a person with developmental disability to

enable them to make daily life decisions and choices, without impeding the self-determination of the person.

Guardian: Is a person appointed by court to assume all decision-making for a person who has been found by the courts to lack capacity to make their own decisions. The court relies upon reports from a medical examiner and investigator, who are appointed by the courts, to reach its decision. A person determined to require the assistance of a guardian is called a “ward”. A legal guardian shall have the authority to make all life decisions, including education, financial, medical, and other daily decisions, in the best interest of the ward. The guardianship continues until it is terminated by the court.

### **Required Activities:**

Applicants must develop a Supported Decision-Making pilot project for persons with developmental disabilities who want an alternative to guardianship. The goal of the pilot is to offer an alternative to guardianship that does not impede self-determination and helps maintain person-directed lives. Any initiative must include the following activities:

1. Training for those who wish to support individuals in decision making process that includes:

- \* People First language is used in all materials developed;
- \* Detailing the history of people with disabilities and the risks of establishing unnecessary guardianship;
- \* Educating all parties that make policy decisions;
- \* Explaining informed choice, guardianship, and the risks of establishing unnecessary guardianship.

2. The development of continuing education materials for physicians, attorneys, and judges concerning contemporary thinking about disability rights, self-determination, and independence.
3. An advisory group that provides overall direction for the project, including strategic planning, development of training materials, coalition-building, and tracking outcomes. The advisory group is encouraged to include at least one:
  - \* Person with a developmental disability who is an active self-advocate
  - \* Family member or representative from an active parent organization
  - \* Representative from Arizona Administrative Office of the Courts
  - \* Representative from the Arizona Disability Law Center
  - \* Representative from the Arizona ARC Chapter
  - \* Representative from a local self-advocacy organization
  - \* Representative from DES/DDD
  - \* Representative from a DDD or VR provider
4. The advisory group shall meet a minimum of four times during each funded year, develop an agenda for each meeting, write minutes of each meeting, track progress of activities, and develop a strategic plan by the end of the first year that includes what efforts will be necessary to move Arizona away from guardianship to Supported Decision-Making.
5. Recommendations about the need to change Arizona's guardianship statute to move towards Supported Decision-Making that promotes the self-determination, well-being, and rights of individuals with disabilities, so that an individual should not be presumed to need a guardian because of advanced age or the presence of a physical or mental disability.

**Performance Measures:**

1. Number of advisory group meetings held, minutes shall be attached for each meeting.
2. Number and types of educational materials developed.
3. Number of trainings held, number attending trainings, and which groups.
4. Number of persons with developmental disabilities that opt for Supported Decision-Making and the number that opt for guardianship.

**Deliverables by the end of year 1:**

1. Track all Performance Measures
2. Quarterly Narrative Reports
3. Fiscal Reports
4. One strategic plan developed that can be implemented in year 2 and year 3 of contract period.