

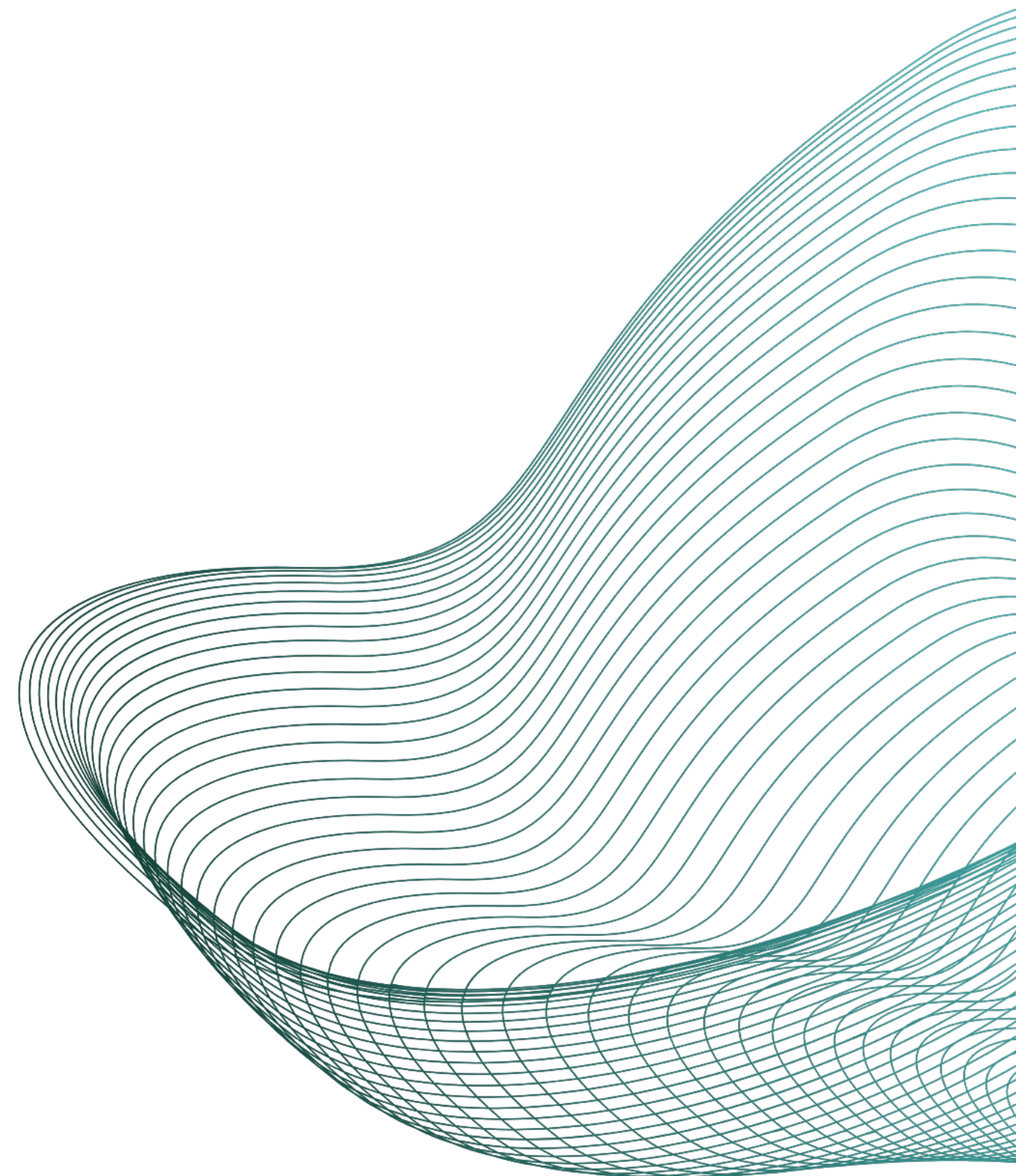


The Hawai'i State Council on Developmental  
Disabilities

# Supported Decision Making:

An Alternative to Guardianship

By: Che Silvert



# MAIN IDEAS COVERED IN THIS PRESENTATION

## SUPPORTED DECISION MAKING

01 **ʻAhaione** - **ʻAhaione** - **ʻAhaione**  
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02 **Supported Decision -Making (SDM):** Benefits, Key Concepts, Legislation, and Practical Application

03 **ʻAhaione** - **ʻAhaione** - **ʻAhaione**  
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04 **Supported Decision Making Tool Kit**

05 **Supported Decision Making Agreement**

06 **Other Supports:** ABLÉ Accounts, Special Needs Trust, Power of Attorney



*SDM helps people with disabilities make their OWN decisions with support from trusted people, not someone making choices for them.*



### Team Effort

The person works with supporters to understand options and decide.



### Person in Charge

The final choice always belongs to the person—not their supporters.



### Flexible

# WHY SDM IS IMPORTANT

## KEY BENEFITS

- Promotes independence and Self-Determination: Individuals retain control over decisions instead of having a guardian make decisions for them.
- Encourages inclusion in community life.
- Supports the individual's right to make decisions about their health, finances, and day-to-day activities.
- It can be used in conjunction with Guardianship.





# Introduction to Guardianship and Conservatorship

## What is Guardianship?

**Definition:** Legal process to appoint someone to make decisions for an individual unable to do so independently.

## What is Conservatorship?

**Definition:** Focuses on managing an individual's finances and property when they cannot do it themselves.

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1. **Full Guardianship:** Guardian makes all major decisions.

2. **Limited Guardianship:** Guardian has specific areas of control, e.g., medical decisions.

3. **Temporary Guardianship:** Short - term solution during emergencies.

# Conservatorship

- **Definition:** When a court appoints someone to manage a person's money or property.
- **Benefits:** Ensures financial security .
- **Drawbacks:** Can limit an individual's control over their finances.

*Examples of when this is more appropriate:*

- *Financial Focus Retention of*
- *Personal Rights Specific*
- *Financial Protection No*
- *Personal Care Support*  
*Required*

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RELATING TO SUPPORTED DECISION -MAKING AGREEMENTS.

- Measure Numbers: [HB320](#)

## Why this matters

- Allows people to get notarized SDM agreements recognized by banks and healthcare providers.
- Gives individuals the support they need to make informed decisions.
- Includes protections against misuse of SDM agreements.
- Promotes a better alternative to guardianship.



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# Creating an SDM Agreement

## What to Include

- Decisionmaker's name
- Areas where support is wanted (healthcare, finances, housing, etc.)
- Names of supporters and each person's specific role
- A clear statement that the decision maker makes all final choices
- Signatures of the decisionmaker and all supporters
- Date and plan for regular review

## [ʻŌlelo aʻoiahi aʻoiahi]

- In Hawaiʻi, SDM is legally recognized
- Must be signed before a notary public OR two witnesses
- Witnesses cannot be supporters, monitors, or the decision-maker
- The agreement is voluntary and can be changed or cancelled at any time
- Consult a lawyer or advocate to ensure it follows local laws
- SDM can be used as an alternative to guardianship

# SDM ToolKit

- Everything you need to know to get started
- Resources and further information
- Detailed information



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## 1. Introduction to Supported Decision-Making (SDM)

- What is Supported Decision -Making?
- Purpose of the Guide

## 2. Why Is Supported Decision -Making Important?

Addressing Ableism and Benevolent Ableism  
Promoting Equality Through SDM Creating Inclusive Communities

## 3-4. Who is Involved in SDM?

- The Decision-Maker Supporters
- Service Providers or Legal Advisors
- 

## 5-6. How Does SDM Work?

- Identifying Support Needs
- Choosing Supporters
- Creating an SDM Agreement
- Using the SDM Process
- Reviewing and Updating

## 7. Challenges and How to Address Them

- Finding Supporters
- Understanding the Process
- Resistance to Change

## 8-9. Legal Considerations 10. Examples of Supported Decision -Making

- Healthcare
- Finances
- Education or Work
- Daily Life

## 11. Benefits of Supported Decision -Making

## 12-13. Creating an SDM Plan

SDM Plan Template 14-15.

Resources for SDM

- National and State Resources

## 16. Conclusion

- Summary of SDM's Importance
- Building a Just and Inclusive Society

## 17-. Appendix, Templates & FAQ

- When Do I Want Support- Assessment
- Supported Decision Making Agreement



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## Supported Decision Making (SDM)

Making choices with help from trusted supporters.

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# Overview of Alternatives to Guardianship

Supported Decision Making (SDM)

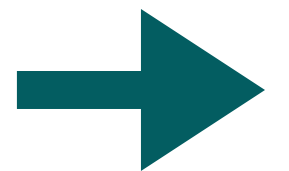
Power of Attorney (POA)

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Living Will or Advance Directive

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# Options for Representing an Adult Student with Disabilities in Special Education

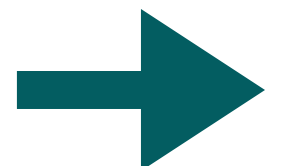
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- For students who **can make decisions** but want support.
- Student chooses a trusted adult (not school staff) to make **SPED decisions**.
- Must be **written, witnessed or notarized** .
- Can be **revoked at any time** .
- School keeps a copy on file.

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- For students who **cannot make decisions**.
- Parent or spouse acts on student's behalf with:
  - **Doctor's statement** of incapacity,
  - Contact info for student and rep.
- School appoints rep for:
  - **Evaluation, placement, and FAPE decisions**.



# Power of Attorney (POA)

**What is a POA?** A legal document allowing individuals to appoint someone to assist and or make decisions for them.

## Benefits of POA:

- It allows you to appoint someone to act on your behalf if you become unable to do so yourself.
- It can be used to authorize someone to manage your financial affairs, such as paying bills, selling property, or signing contracts.
- It can be used to authorize someone to take care of your personal affairs, such as making medical decisions or arranging for your care.

# How Do These Tools Work Together?

<b>Tool</b>	<b>Who Decid</b>
<b>SDM</b>	Indiv
<b>POA</b>	Individual/

- You can use SDM with POA for extra support.
- If no SDM or POA is in place, a court might appoint a guardian or conservator.
- You can combine tools to match your needs.

# Financial Tools for Self - Determination

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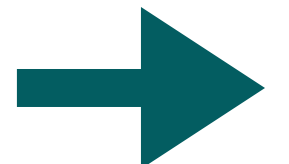
## Trusts

- Living trusts and special needs trusts for financial support.

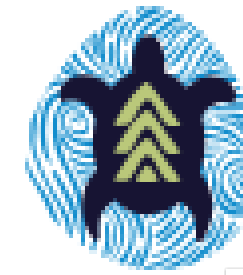
## Joint bank accounts

- Allows for monitored independence.

*More on ABLÉ Accounts*



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HAWAII'ABLE  
SAVINGS PROGRAM

The Hawaii Achieving a Better Life Experience (ABLE) Program allows individuals with disabilities to save money for their future while maintaining eligibility for government benefits like SSI and Medicaid.

- **Save money without losing benefits**
- **Grow your savings tax -free**
- **Spend on what you need:** Use your account for things like medical costs, education, housing, transportation, and more.
- **Save up to \$100,000:** You can save up to \$100,000 in your ABLE account without affecting your SSI benefits.
- **Contribute up to \$19,000 per year:** You can add up to \$19,000 each year, including gifts from friends, family, or others.










*Scan this QR  
Code to visit the  
ABLE Account  
website and  
apply!*

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Anything that improves the **health, independence**  
or **quality of life** of the person with a disability

-  Basic Living Expenses
-  Live in your Community
-  Education
-  Assistive Technology
-  Transportation
-  Health, prevention and wellness
- 

-  Employment, training and support
-  Personal support services
-  Legal fees
-  Financial management
-  Administrative services
-  Funeral and burial costs
- 

# How to Open an Account



HAWAII ABLE  
SAVINGS PROGRAM

Open

How it Works Eligibility Ben

It's more than just saving.  
It's investing for a better life.

*Our goal is to provide the tools you need to achieve financial empowerment and help prepare for a more independent and secure future through a simple, intuitive online saving opportunity.*

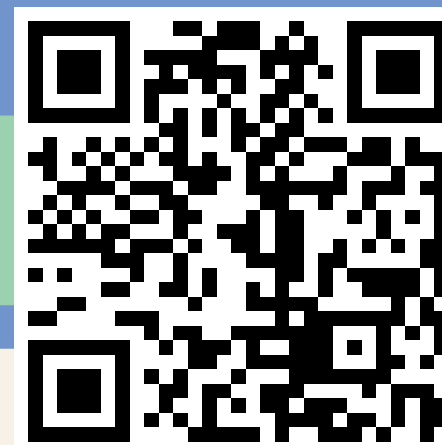
See if you're eligible

Open an  
account or learn  
more at  
[www.hawaiiablenavings.com](http://www.hawaiiablenavings.com)

You will need:

- Date of birth
- Social Security Number or ITIN
- Email address
- Bank account information

Only takes 15  
minutes to open  
an account!





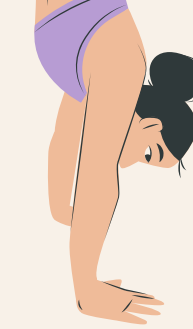
# HAWAI'I ABLE

## SAVINGS PROGRAM

Learn more about Hawai'i ABLE Savings Plan  
by contacting Daintry Bartoldus

[Daintry.Bartoldus@doh.hawaii.gov](mailto:Daintry.Bartoldus@doh.hawaii.gov)

(808) 586-8100



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