



# Virginia's Supported Decision-Making Agreement: The Details Session 1



Presented by the Office of Provider Development

DBHDS Vision: A life of possibilities for all Virginians


## Pre-Training Survey



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## Pre-Training Survey

1. *Are you an individual with a developmental disability (including intellectual disabilities)?*
  - A. Yes
  - B. No
  
2. *If you have a developmental disability, how old are you?*
  - A. 17 years old or younger
  - B. 18-22 years old
  - C. 23-26 years old
  - D. 27- 59 years old
  - E. 60 years old or older
  
3. *If you have a developmental disability, do you have any of the following: (select all that apply)*
  - A. Legal Guardian
  - B. Power of Attorney
  - C. Authorized Representative
  - D. Supported Decision-Making Agreement
  - E. None
  - F. I do not know
  
4. *What is your relationship to individuals with developmental disabilities? (select all that apply)*
  - A. I have a developmental disability (including intellectual disability).
  - B. I'm a parent of someone with a developmental disability.
  - C. I'm a friend of someone with a developmental disability.
  - D. I work with people with developmental disabilities.
  - E. Other
  
5. *If you work with people with developmental disabilities, what field are you in?*
  - A. Public Services (Community Services Board, DD Waiver Provider, local or state agency, etc.)
  - B. Education
  - C. Legal
  - D. Financial
  - E. Medical
  - F. Other




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## Pre-Training Quiz

1. A Substitute Decision-Maker makes the final decision when using Supported Decision-Making.
  - a. True
  - b. False
  
2. Supported Decision-Making Agreements increase a person's chances of being abused or exploited by others.
  - a. True
  - b. False
  
3. You should investigate possible signs of abuse, neglect, or exploitation on your own before calling Adult Protective Services (APS) to make a report.
  - a. True
  - b. False
  
4. In Virginia, the most common type of substantiated reported abuse for adults is self-neglect.
  - a. True
  - b. False
  
5. Everyone is a mandated reporter in Virginia.
  - a. True
  - b. False



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## Today's Goals

- Brief review of Supported Decision-Making and Supported Decision-Making Agreements
- Roles and Responsibilities
- Abuse, Neglect, Exploitation, Manipulation and Undue Influence: Defining, Identifying, Preventing, and Addressing
- Mandated Reporters
- Resources
- Post- Training Quiz
- Questions



## Supported Decision-Making: What is it?

**Supported Decision- Making-** “decision-making model in which an individual makes decisions with the support of trusted individuals” (American Bar Association)

**There is an expectation that people with DD have the opportunity to:**

- Exercise maximum self-determination
- Receive supports with making decisions in the least restrictive manner possible
- Identify who they want to help them make decisions and how

**SELF DETERMINATION**



## Supported Decision-Making: What is it?

### SDM:

**Supported Decision-Making**- a concept or practice (There are no “Supported Decision-Makers”.)

**Substitute Decision-Maker**- a person appointed to make decisions for someone else (NOT the same as Supported Decision-Making!)

## Supported Decision-Making: What is it?

### Informal –or- Formal

#### 4 Principles for Supported Decision-Making in Virginia:

1. Presumed capacity
2. Least restrictive option, and maximize an individual’s autonomy and independence
3. Always take into consideration an individual’s expressed personal preferences
4. Dignity of Risk



## Supported Decision-Making Agreements: What are they?

**Supported Decision-Making Agreement-** The formal process of documenting who an individual wants to support them, in what areas of life, and how they want to be supported.

### Comprised of:

- Decision Maker
- Supporter(s)
- Facilitator (optional)



## Roles and Responsibilities: Decision Maker

### Decision Maker

- Make your own decisions
- Self-determination and dignity of risk
- Select who you want as Supporters, when you receive help and how you receive help
- Change or cancel your Supported Decision-Making Agreement at any time



## Roles and Responsibilities: Supporter

### Supporter

- Be available
- Know they do not make decisions
- Provide honest and fair information
- Understand dignity of risk
- Not offer advice or help if not asked for
- Not provide advice about things that could be a conflict of interest and/or they do not know about
- Take into consideration your feelings, needs, and things you like
- Respect privacy and information
- Help plan and get supports and services



## Roles and Responsibilities: SDMA Facilitator

### Supported Decision-Making Agreement Facilitator

- Help schedule meetings with Supporters
- Provide help and advice
- Monitor your Supporters
- Monitor for suspected abuse, exploitation, manipulation, neglect, or undue influence



## Supported Decision-Making Agreements: What AREN'T they?

- They ARE NOT a backdoor to guardianship.
- They DO NOT permit the Supporter to make decisions for the individual.
- They ARE NOT a way for a parent to take away an individual's rights.
- They DO NOT take the place of Advance Medical Directives or POAs.

## Other Types of Representation

- **Power of Attorney-** a person or multiple people you select to help make decisions about your care or different parts of your life when you are not able to do so
- **Advance Medical Directive-** a formal document that states what medical and/or psychiatric care you want in various situations



## Benefits and Risks of Supported Decision-Making Agreements

### Benefits

- Individuals maintains their rights
  - Increased autonomy and self-determination
    - Improved health outcomes
- Opportunity to develop skills in order to live more independently
- Avoiding lengthy and expensive legal processes
  - Reduction in more restrictive alternatives



## Benefits and Risks of Supported Decision-Making Agreements

### Risks

- Nothing is free of risk
- Abuse and exploitation








## Abuse


### Types of Abuse

*Physical-* physically hurting someone on purpose

*Mental or Psychological-* purposely causing pain on someone’s mental health by threatening, intimidating, humiliating, cursing, or yelling at them

*Sexual-* sexual activity that the other person does not want





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 Source: DARS "Indicators of Adult Abuse, Neglect, or Exploitation"
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## Signs of Abuse

**Physical:**

- Multiple/severe bruises, welts
- Bruises which resemble an object
- Old and new bruises
- Signs of bone fractures
- Broken bones, open wounds, skull fracture
- Striking, shoving, beating, kicking, scratching
- Sprains, dislocation, lacerations, cuts, punctures
- Bed sores
- Individual is prohibited from being alone with visitors
- Individual has recent or sudden changes in behavior
- Restrained, tied to bed, tied to chair, locked in, isolated
- Prolonged interval between injury and treatment

- Untreated injuries
- Broken glasses/frames
- Untreated medical condition
- Burns, scalding
- Overmedicated
- Black eyes




 Virginia Department of Behavioral Health & Developmental Services
 Source: DARS "Indicators of Adult Abuse, Neglect, or Exploitation"
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## Signs of Abuse

### **Mental:**

- Verbal assaults, threats, intimidation
- Individual is prohibited from being alone with visitors
- Individual has recent or sudden changes in behavior
- Prolonged interval between injury and treatment



## Signs of Abuse

### **Sexual:**

- Internal injuries
- Individual has recent or sudden changes in behavior
- Restrained, tied to bed, tied to chair, locked in, isolated
- Prolonged interval between injury and treatment
- Fear of caregiver or others
- Unexplained fear or mistrust
- Unwarranted suspicion
- STIs
- Genital or urinary issues
- Poor self-esteem
- Depression
- Self-destructive activity or suicidal ideation



## Neglect

### Types of Neglect

*Neglect*- not helping someone stay physically and mentally healthy

*Self Neglect*\*- not making sure your basic needs are met (i.e. food, clothing, shelter, needed medical care, financial management)

\*The most common type of substantiated reported abuse in Virginia for adults in 2021



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Source: DARS "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Signs of Neglect

- Untreated medical condition
- Untreated mental health problem(s)
- Bedsores
- Medication not taken as prescribed
- Needs but does not have glasses, hearing aid, dentures, prosthetic device
- Malnourished
- Dehydrated
- Lacks needed supervision
- Lack of food or inadequate food
- Accumulated newspaper/debris



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Source: DARS "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Signs of Neglect

- Uneaten food over period of time
- Homelessness
- Hazardous living conditions
- Dirt, fleas, lice on person
- Fecal/urine smell
- Animal infested living quarters
- Insect infested living quarters
- Non-functioning toilet
- No heat, running water, electricity
- Unpaid bills
- Inappropriate or inadequate clothing
- Soiled bedding/furniture



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Source: DARS "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Exploitation

### Types of Exploitation

*Financial-* using someone else's money (resources) or things (property) for your own benefit (not for the other person or in their best interest)



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Source: DARS, "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Signs of Exploitation

- Unexplained disappearance of funds, valuables, or personal belongings
- Financially dependent upon the older person or caregiver
- Misuse of money/property by another person/doesn't know what happened to money
- Transfer of property or savings / Checks no longer come to house
- Excessive payment for care and/or services
- Individual unaware of the amount of his or her income
- Depleted bank account



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Source: DARS, "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Signs of Exploitation

- Sudden appearance of previously uninvolved relatives/friends
- Change in payee, power of attorney or will
- Caregiver is overly frugal
- Unexplained cash flow
- Unusual household composition
- Chronic failure to pay bills
- Individual is kept isolated
- Signatures on check that do not resemble the individual's signature
- Individual reports signing papers and doesn't know what was signed



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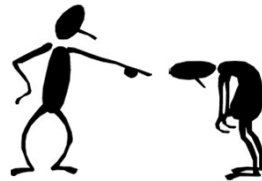
Source: DARS, "Indicators of Adult Abuse, Neglect, or Exploitation"

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## Manipulation & Undue Influence

**Manipulation-** to control or influence something or someone so that you get an advantage, often unfairly or dishonestly

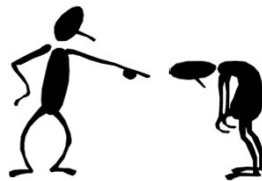
**Undue Influence-** excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity



## Signs of Manipulation & Undue Influence

### Manipulation:

- Individual feels fear, obligation and guilt
- Individual questions themselves
- Strings attached
- Specific techniques
- Example: Individual gives money/ resources they cannot afford to give



## Signs of Manipulation & Undue Influence

### Undue Influence:

- A special relationship of influence between the people (actual or presumed)
- Supporter takes advantage of the special relationship
- Example: Individual changes services based on what their Supporter tells them to do because it benefits the Supporter



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Sources: 1. Time, "How to Tell If Someone Is Manipulating You- And What to Do About It"  
2. American Bar Association, "

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## Preventing

- Knowing the warning signs
- Build trust
- Asking lots of questions
- Develop and increase the circle of support



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Source: Special Needs Alliance

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## Addressing

- Tell someone you trust!
- Know- this is not your fault
- Listen, affirm and reassure the person
- Report it- APS, local law enforcement, licensing
- Refer to professionals for support- therapist/ clinician, support groups



## Protocol for Addressing Abuse & Exploitation

*Supporters agree to not use their position to abuse, exploit, manipulate, neglect, or provide undue influence on the Decision Maker. Should you have concerns, discuss with the Decision Maker and contact Adult Protective Services, if needed. If abuse, exploitation, or neglect is suspected, contact Adult Protective Services and emergency services (911), as appropriate.*

*The Virginia Adult Protective Services hotline is 888-832-3858 or find the number to your local Adult Protective Services at <https://www.dss.virginia.gov/localagency/index.cgi>.*

*You can learn more about Adult Protective Services and mandated reporting at <https://www.vadars.org/aps/AdultProtServ.htm>.*

## Roles and Responsibilities

### Supporters

- Monitor for signs of abuse, neglect, and exploitation
- Do not use their position to abuse, exploit, manipulate, neglect, or provide undue influence
- Discuss concerns with the Decision Maker
- If suspected, contact Adult Protective Services and/or 911

### Facilitators

- Same as Supporters above
- Monitor Supporters for signs of abuse, exploit, manipulate, neglect, or provide undue influence

## Roles and Responsibilities

### Others Working With the Decision Maker

- Monitor for signs of abuse, neglect, exploitation, manipulation, or undue influence by the Supporters, Facilitator, and others
- Discuss concerns with the Decision Maker
- Know if you are a mandated reporter

*\*Everyone should contact Adult Protective Services and/or 911 if abuse, neglect, or exploitation is suspected\**



## Mandated Reporters

### Who is a mandated reporter?

- Guardians or conservators
- Social Workers
- Teachers/ Educators
- Behavior Analysts
- Licensed Professional Counselors
- Physical and Occupational Therapists
- Psychologists
- Mental health services providers
- A person employed by or contracted with a public or private agency or facility and working with adults
- A person providing care to an adult for compensation, including but not limited to companion, chore, homemaker and personal care workers





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## Mandated Reporters

### Who is a mandated reporter?

- Physicians, Nurses, Physician Assistants, and Certified Nurse Aides
- Dentists and Dental Hygienists
- Nursing Home and Assisted Living Facility Administrators
- Respiratory Therapists
- Certified emergency medical services (EMS) personnel
- Optometrists
- Pharmacists and Technicians
- Law-enforcement officers





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## Mandated Reporters

### What are they required to report?

Suspected abuse, neglect, or exploitation of adults with developmental disabilities.

### When are they required to report?

*“A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported immediately upon the reporting person's determination that there is such reason to suspect.” § 63.2-1606*



## Resources & Trainings

### Virginia's APS Hotline- 888-832-3858

DARS Adult Protective Services-

<https://vadars.org/aps/AdultProtServ.ht>

- Mandated Reporter Training
- Additional Information

DARS Adult Protective Services-

[https://vadars.org/aps/APSMandatedReporting/story\\_content/external\\_files/indicators\\_of\\_adult\\_abuse\\_neglect\\_or\\_exploitation\\_2017.pdf](https://vadars.org/aps/APSMandatedReporting/story_content/external_files/indicators_of_adult_abuse_neglect_or_exploitation_2017.pdf)

- Indicators of Adult Abuse, Neglect, or Exploitation

Virginia Dept. of Social Services-

<https://www.dss.virginia.gov/localagency/index.cgi>

- Phone numbers for local APS departments



## Resources & Trainings

**LEAP-** <https://leap.partnership.vcu.edu/>

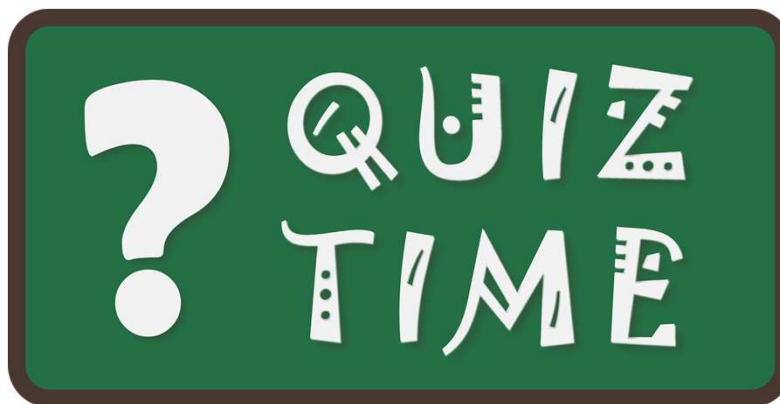
- Training for individuals with DD to learn about healthy relationships and how to recognize and respond to unhealthy relationships

**PEATC-** <https://peatc.org/sexual-health-and-wellness/>

- Sexual health and wellness workshops for individuals with DD
- Sexual health and wellness trainings for parents of youth with DD



## Post-Training Quiz



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4. In Virginia, the most common type of substantiated reported abuse for adults is self-neglect.
  - a. True
  - b. False
5. Everyone is a mandated reporter in Virginia.
  - a. True
  - b. False

\*Space for feedback and comments.\*

## Questions



## Contact Information

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