

**Commonwealth of Virginia:  
Supported Decision-Making Agreement**

**Frequently Asked Questions  
(Plain Language)**

**1. What is Supported Decision- Making?**

When you choose to get help with making a decision that is called supported decision-making. Everyone needs support with making some decisions, not just people with disabilities. Some people ask for help from a doctor when they are sick or before taking medicine. Some people ask a mechanic before buying a new car, or ask a friend before moving into a new apartment. Many people with disabilities live on their own or with some help, and can make important decisions because they use supported decision-making. When you use supported decision-making, you work with people you trust to help you think about your different options, but you make the final decision.

**2. What is the difference between a Supporter and Substitute Decision-Maker?**

A Supporter is someone, or multiple people, selected by you, the Decision Maker, to help you with making choices. The Supporter helps you understand the choice that needs to be made, your options, and the positives and negatives of each option. Supporters can help explain forms or processes in ways that make more sense to you, and they can even help you tell others what your choice is, if you want them to. The Supporter does not make decisions or choices for you. They are only there to help you. You keep all of your legal rights and make all final decisions for yourself.

A Substitute Decision-Maker is someone, or multiple people, who makes decisions for you, typically after a judge or another professional says that you are not able to make choices on your own. Examples of a substitute decision-maker are a legal guardian, who is a person selected by the court, or a DBHDS authorized representative, who is a person select by a specific agency or provider. Substitute Decision-Makers can make decisions for you, agree to services for you, and sign forms for you. The information about what the substitute decision-maker can and cannot do will be written in a form. You should have a copy of this form and you can ask for help understanding what the form says.

Both a Supporter and a Substitute Decision-Maker should always keep in mind your preferences, what you do and do not want in your life, and your values when a choice needs to be made.

**3. What is a Supported Decision-Making Agreement?**

Supported Decision-Making Agreements are a way to show in writing who you want to support (help) you, in what areas of life, and how you want to be supported. Both you and the people you want to support you have to agree to working together on the things you put in your Supported Decision-Making Agreement.

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- *Decision Maker*- You are the creator of the Supported Decision-Making Agreement and you are called the Decision Maker
- *Supporters*- The people you trust and select to help you understand and make choices are called Supporters
- *Supported Decision-Making Facilitator*- The person you select to help make sure your agreement is working and everyone is doing their part. This is optional and the person may also be one of your Supporters.

Your Supported Decision-Making Agreement can be changed (updated) at any time. You can use the “Changes” page on the Supported Decision-Making Agreement to write down your changes. You can also decide at any time that you no longer want a Supported Decision-Making Agreement. A Supported Decision-Making Agreement is not a legal document a judge would order in court to give you, but people should follow any choices you make, as you have the right to make all final decisions.

#### 4. What does a Supported Decision-Making Agreement NOT do?

Supported Decision-Making Agreements do not let people become your legal guardian or take away your rights, like voting, getting married, or moving into an apartment. They do not let your parents or anyone else make decisions for you. But it is also important to make sure you think about who you might want to make decisions for you if you are sick or can't make your own decisions. To help with this, you can fill out forms like an Advanced Medical Directive or a Power of Attorney. Make sure before you do this, you understand what you are agreeing to for each of these forms.

#### 5. Who can have a Supported Decision-Making Agreement?

[Any person 18 and older with a developmental disability \(including intellectual disabilities\)](#). In [Virginia](#) you can make decisions on your own and you have rights. Only a judge can make changes to this for you. If a judge has selected a legal guardian or conservator for you, then you cannot make a Supported Decision-Making Agreement.

#### 6. How is a Supported Decision-Making Agreement created?

Supported Decision-Making Agreements can be made by you and the people you trust to be your Supporters. You can talk with the people you trust and use the activity sheets (tools) to help you think about what you want or need help with, how you want help, and who you want to help you. You can use Virginia's Supported Decision-Making Agreement form or your own form. If you make your own Supported Decision-Making Agreement form, make sure it includes these things:

- Who you want as your Supporter(s)

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- When you want help
- How you want to receive help
- Make sure that you and your Supporter(s) agree to the information and sign the form

### **7. Do I need to have a formal Supported Decision-Making Agreement?**

No. You have the right to ask for help when you want to and from anyone you want to ask for help from. For example, you can bring anyone you want to your doctor's appointment, even without a Supported Decision-Making Agreement. You can request that specific people come to important meetings in your life and help you make decisions without a Supported Decision-Making Agreement. There are also other ways to write down who you want to help you make decisions, when needed, like a Power of Attorney or an Advanced Medical Directive.

### **8. I received a copy of someone's Supported Decision-Making Agreement. What does this mean?**

We all use supported decision-making in our lives. A Supported Decision-Making Agreement is an official way of making sure people know what you want. The Decision Maker provided you with a copy so that you know who they trust for support and advice in different areas of life. You might work with people called Supporters, as identified in the Supported Decision-Making Agreement; however the Decision Maker makes the ultimate decision. This means that even when a Supporter is asked to help the Decision Maker communicate, the Supporter is not the one making the decision.

### **9. What are the rights, role, and responsibilities of a Decision Maker?**

As the Decision Maker, you have the following rights:

- The right to make your own decisions.
- The right to self-determination (choosing for yourself) and to take risks (chances) when making decisions about your life (sometimes this is called dignity of risk).
- The right to choose who you want as Supporters, when you receive help (support), and how you receive help (support).
- The right to change or cancel your Supported Decision-Making Agreement at any time.

It is important that you think carefully about who you want to help you and be your Supporters. You also want to talk to your Supporters and make sure they

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are okay helping you as a Supporter. Make sure you ask people you trust and feel good about talking to about hard decisions.

### **10. What are the roles and responsibilities of a Supporter?**

Supporters can be your family and friends, coworkers, or even your doctor, service provider, or teacher. The parts of your life and the ways a Supporter helps you can be different for each person you ask for help from. Supporters should:

- Be available to you when you need them to help with decisions that you marked on your Supported Decision-Making Agreement.
- Know they do not make decisions for you and cannot get in trouble for the decisions you make based on their help (advice).
- Provide you with truthful advice and information so that you can make decisions based on good information and your understanding of that information.
- Know that you have the right to take changes and make mistakes, called dignity of risk, when making decisions.
- Not offer advice or help if you do not ask for it.
- Not provide advice about things that could be a conflict of interest, that would help the Supporter more than you, or on things they do not know about.
- Provide help that is honest and given in a way that agrees with your feelings, needs, and things you like.
- Help you plan and get supports and services that will help you live safely and successfully in your community without a legal guardian, when you ask for their help.
- Respect your privacy and the information you share with them.
- Protocol for Addressing Abuse and 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

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<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>.

Some examples of abuse and exploitation are if someone hits you, someone tries to steal your money or use your money without your permission, or someone tries to keep you from seeing your girlfriend or boyfriend.

### **11. What are the roles and responsibilities of Supported Decision-Making Facilitator?**

Having a Supported Decision-Making Facilitator is optional. You made decide to have one of your Supporters in this role. The Supported Decision-Making Facilitator agrees to:

- Help schedule meetings with you and your Supporters if and when needed.
- Provide you with help and advice if you have issues with any of your Supporters.
- Monitor your Supporters to make sure they are being honest and helping you in the ways that they agreed to in your Supported Decision-Making Agreement.
- Monitor for suspected abuse, exploitation, manipulation, neglect, or undue influence by your Supporters.

Should the Supported Decision-Making Facilitator suspect abuse, exploitation, manipulation, neglect, or undue influence, they will follow the “Protocol for Addressing Abuse and Exploitation”, as outlined above.

### **12. Where can I go for more information on Supported Decision-Making and Supported Decision-Making Agreements?**

You can get more information online about Supported Decision-Making and Supported Decision-Making Agreements:

- *The Arc of Northern Virginia*- <https://thearcofnova.org/programs-services/sdm-resource-library/>
- *Charting the LifeCourse*- <http://www.lifecoursetools.com/lifecourse-library/exploring-the-life-domains/supported-decision-making/>
- *DBHDS*- <https://dbhds.virginia.gov/supported-decision-making-supported-decision-making-agreements/>
- *disAbility Law Center of Virginia*- <https://www.dlcv.org/supported-decision-making>
- *PEATC*- <https://peatc.org/services/transition-to-adulthood/>
- *Supported Decision Making*- <http://www.supporteddecisionmaking.org/>