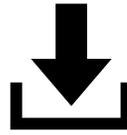


The Download



Guidance on the HCBS Settings Rule



What Does “Presumed Competence” Mean?

Presumed competence is a strengths-based approach that assumes people with disabilities have the ability to learn, think, and understand. It is the belief that every individual should be treated as capable and competent, regardless of any perceived limitations or challenges.

Too often, people with disabilities are underestimated because of biases within their support systems. Labels such as “high functioning” or “low functioning” can create preconceived notions about what someone can or cannot do. These labels influence attitudes and limit opportunities.

The role of staff and natural supports is to help individuals exercise their rights and make informed choices. Assuming someone will make a poor decision or cannot exercise their rights is an example of presuming incompetence. Presuming competence means recognizing and respecting the inherent worth and potential of every person. It involves giving individuals the benefit of the doubt and creating opportunities for meaningful participation and learning.

Common Mindset Barriers Have you ever heard these phrases in a meeting?

- “Yeah, but they can’t...”
- “I don’t think that will work because...”

These statements reflect a mindset that does not presume competence. To change this, we must shift our thinking:

- Focus on what individuals *can* do, not what they can’t.
- Build on strengths, not deficits.

Remember:

“When you presume competence, you open the door to possibility — and often, the person will walk through carrying more brilliance than you imagined.”



Examples of Presuming Competence

Communication: When interacting with someone who has limited verbal skills, assume they understand and have ideas to share, even if they cannot speak. Use alternative communication methods such as pictures, sign language, or assistive technology.

Decision-Making: Presuming competence means including individuals in all decisions that affect their lives and the services they receive.

Workplace: A person with a developmental disability may be given only simple tasks because of the assumption they cannot handle more complex work. When employers presume competence, they provide training and opportunities for the individual to take on challenging tasks. This allows the person to contribute meaningfully and experience pride and accomplishment in their work.



Believing in Possibility

Below is an excerpt from an article written by Gage Perryman, who is a self-advocate and public speaker in Minnesota.

“As a person with a disability, one of the most powerful things people can do for me (Gage) is to presume I am competent. Presuming competence means believing I am capable of learning, growing, and achieving. It means approaching me with the mindset that I can do something, even if I might need extra support along the way.

Those who work with or support individuals with disabilities should always presume competence. Believe that we are capable. Give us opportunities to try, even if we might need adaptations or support along the way. Success may look different for each person, but the chance to pursue it should always be there. Let us show you what success looks like.

To friends and family: We value your high expectations and support in reaching our valued life outcomes. Help us use our voices and follow our dreams.

To educators: Challenge stereotypes and hold high expectations for students with disabilities.

To employers: Believe in the talents of disabled workers and create opportunities for meaningful employment.

To communities: See us as full participants who bring value, ideas, and leadership.

The message is simple. Assume ability, not limitation. When you believe in us, you might be surprised at just how we can accomplish.”

For the full article, view this link:

[40 Big Ideas | Volume 38, Number 2 | 32. Presuming Competence Believing in Possibility | Institute on Community Integration Publications](#)

“If you want to see competence, it helps if you look for it.”
–Douglas Biklen

DECISION MAKING RESOURCES



Getting help with making decisions is a normal part of everyone’s life and it is important for Virginians to understand the different ways they can get help with making decisions, while also keeping their fundamental rights. The Supreme Court WINGS network (Working Interdisciplinary Network of Guardianship Stakeholders), in collaboration with the Virginia Center on Aging, developed a new resource regarding less restrictive alternatives to guardianship- [Less Restrictive Options in Virginia: Guardianship and Conservatorship Are Not the Only Options.](#)

This plain language guide was developed in order to provide an overview of a variety of formal and informal support options that can help people maximize self-determination and avoid unnecessary court orders for guardianship. You can find it and other helpful resources by going to the Virginia WINGS website- www.guardian.vacourts.gov and looking under “Quick Start Resources”.

[Supported Decision-Making and Supported Decision-Making Agreements - Virginia Department of Behavioral Health and Developmental Services \(DBHDS\)](#)

What do I do if I see a HCBS Settings Rule Violation?

Report it to your local Human Rights Advocate at the link below and they will forward your concern through the appropriate channels:

[OHR Contact Information - Virginia Department of Behavioral Health and Developmental Services \(DBHDS\)](#)

When in doubt, report it!