

Supported Decision Making

The Council supports meaningful alternatives for protecting individual rights, such as Supported Decision Making, that should be explored when guardianships are being considered. In Florida, guardianships come in several forms and always remove some civil rights. Less restrictive options are available and must be considered before more restrictive options.

ISSUE

For years, the Florida Developmental Disabilities Council has been a leader in informing families about guardianship alternatives for individuals with developmental disabilities. The Council's *Lighting the Way to Guardianship* is a popular publication outlining different alternatives to guardianship.

Supported Decision-Making (SDM) is an alternative to guardianship that allows people with disabilities to make their own decisions with the support of people they trust. It is a unique tool proven successful in 8 states and D.C., that will further the Florida legislature's intent to ensure guardianship is only imposed when there is no alternative.

Regardless of legal status, individuals with a disability should be meaningfully involved in making decisions about their lives. The individual's wishes and preferences should be followed to the greatest extent possible.

Parents of children with disabilities are often told they need to seek guardianship as soon as their child turns 18 – the age of majority in Florida. While Florida law states that you cannot place someone under guardianship if there is a “less restrictive” alternative available, the law does not suggest one. Both judges and loved ones need more information about alternative means of protecting rights, like SDM.

Importantly, SDM may provide people with disabilities with a better quality of life. Research shows that increased self-determination leads to better outcomes in employment and community integration. Increased independence can also help people with disabilities be better prepared to identify situations of potential abuse and exploitation.

RECOMMENDATIONS

- ➔ List alternatives to guardianship in Florida Statute, including SDM, and ensure judges have the information they need to appropriately protect people with disabilities.
- ➔ Require anyone trying to place another person under guardianship or guardian advocacy to show why an alternative, including SDM, will not suffice.
- ➔ Support an SDM system that allows loved ones to stay involved without the need for extensive reporting and paperwork.



For more information, contact:

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