



Supported Decision-Making Network of Ohio

What is Supported Decision-Making (SDM)?

- Sometimes people need help making decisions.

[We all have the right to make choices to the best of our abilities.](#)

- SDM empowers people to direct their own lives to the greatest extent possible by selecting people to help them make decisions. SDM promotes self-determination and independence.

- SDM is making decisions about: where to work, live, go to school; how to spend money, what supports you need, making mistakes and learning from them, how you spend time, who you spend time with, or anything else in your life!



Why SDM?

People who use Supported Decision-Making say they have greater self-determination, live more independently, are more likely to be employed, have better health outcomes, are happier, have more privacy, and generally feel more safe and secure.

Terms To Know:

Capacity: The ability to make decisions (Capacity can vary depending on the situation)

Competence: Legal ability to make decisions (As determined by the court)

Guardian: A guardian is a person, corporation, or entity appointed by a probate court to be legally responsible for a ward

Guardianship: The legal role given to an individual to manage the personal activities of another person who has been evaluated by a court and determined to be incompetent

Informed Consent: A decision or agreement someone enters into after understanding all relevant facts, including risks involved or alternatives to that decision.

Limited Guardianship: A guardian appointed by the court with only specific, limited powers; the court order must specify those limited powers of the guardian (Can also be for a limited period of time)

Restoration: Courts may terminate a guardianship if an individual regains capacity or develops decision-making supports that make the guardianship unnecessary

Self-Determination: Process of making decisions with independence and free will

Ward: Person for whom a guardian has been appointed



Myths About Guardianship



- 1. **MYTH:** Guardianship is always necessary.
- 2. **MYTH:** Individuals will be exploited without guardianship.
- 3. **MYTH:** Family cannot participate in important decisions related to healthcare and education if they don't get guardianship.
- 4. **MYTH:** I can just get guardianship for now and I can change it later.

- 1. **FACT:** The need for guardianship is personal and specific to each individual! Guardianship is not necessary to sign an IEP, receive government services, receive developmental disability services, etc.
- 2. **FACT:** Guardianship does not remove all risk; even under guardianship an individual may be financially exploited. Other measures are available to address vulnerabilities with financial matters including: representative payee, banking tools (online monitoring), etc.
- 3. **FACT:** There are methods available that allow individuals to include supporters in important decisions related to healthcare and education. A person who has reached the age of majority can invite people to be involved. There are also legal documents which give an individual authority to act for another person in specific circumstances.
- 4. **FACT:** A guardian cannot end the guardianship just by resigning. Once guardianship has been established, the court has legally determined the ward incompetent. Reestablishing a ward's rights requires a court to find the ward competent (Restoration). Resigning as a guardian does not restore the ward to competency nor end the guardianship.



How SDM and Guardianship Work Together:

- Ohio's Guardianship Law: [R.C. 2111](#), See also: [Ohio Rules of Superintendence](#)
- According to Ohio's guardianship rules, the person under guardianship should be involved in decision-making whenever possible.
- Ohio's guardianship rules also require less restrictive options be considered by the court if presented. SDM is a less restrictive option that can be used, either instead of or within a guardianship.

Resources

- 1. **American Civil Liberties Union (ACLU)**
- 2. **Advocacy and Protective Services, Inc. (APSI)**
- 3. **Disability Rights Ohio (DRO)**
- 4. **National Resource Center for Supported Decision-Making (NRC-SDM)**
- 5. **Ohio Self Determination Association (OSDA)**
- 6. **The Center for Disability Empowerment (CDE)**
- 7. **Ohio Network for Innovation (ONI)**
- 8. **Center on Youth Voice, Youth Choice (CYUYC)**

