

# Supported Decision Making (SDM)

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# What is Supported Decision Making (SDM)?

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Appears to have been created in 2014

Administration for Community Living. (2023, July 17). Supported Decision Making Program. Retrieved from <https://acl.gov/programs/consumer-control/supported-decision-making-program>

American Civil Liberties Union (ACLU):

“Supported decision making (SDM) is a tool that allows people with disabilities to retain their decision-making capacity by choosing supporters to help them make choices. A person using SDM selects trusted advisors, such as friends, family members, or professionals, to serve as supporters. The supporters agree to help the person with a disability understand, consider, and communicate decisions, giving the person with a disability the tools to make her own, informed, decisions.”

“SDM will look different for everyone.”

American Civil Liberties Union. (n.d.). Supported Decision Making: Frequently Asked Questions. Retrieved from: [https://www.aclu.org/wp-content/uploads/legal-documents/faq\\_about\\_supported\\_decision\\_making.pdf](https://www.aclu.org/wp-content/uploads/legal-documents/faq_about_supported_decision_making.pdf)

# What it is not

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- Not a durable power of attorney, in which a person is identified as a substitute decision-maker
- Not guardianship or conservatorship where someone has the right to make the final decisions about the ward / conservatee's life
- Not a single guardian or conservator
- Not a court process; courts are not involved

# How does it work?

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Based on the ideas that everyone has the Right to Make Choices, and that even if someone finds it hard to make decisions, it doesn't always mean they need a guardian

1. Think about the type of decisions you or the person you support need help making, and the type of help needed
2. Talk to people who can help and discuss what type of help is needed and when
3. Then, when the person needs to make a decision and needs help to understand it, the person and supporter get together so the person can get the help and make the decision

# How does it work? Cont...

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4. You may want to, but don't have to, create a written plan saying the people who will provide support, when they will provide it, and how. And you may want to share the plan with others.
5. So, if you want your sister to support you in making medical decisions, you'd write up a plan between you and your sister saying she'll help you do this and that. Then you could share that plan with your doctor, so the doctor knows that your sister is part of your health care "team."

# What are some examples of the “tools” and supports?

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Things such as:

- Plain language materials or information in visual or audio form
- Extra time to discuss choices
- Creating lists of pros and cons
- Role-playing activities to help the person understand choices
- Bringing a supporter into important appointments to take notes and help the person remember and discuss options
- Opening a joint bank account to manage financial decisions together

# Does Hawaii have SDM?

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National Resource Center for Supported Decision-Making:

“Hawaii has not specifically passed supported decision-making legislation. There are no new supported decision-making bills pending. We have not located any case law specifically recognizing supported decision-making, but it may still be required as a less restrictive alternative to guardianship.”

# Does Hawaii have SDM?

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This means SDM is currently not formally recognized in Hawaii.

In states where it is formally recognized, the person with a disability can sign a formal document with all their supporters in which they agree to SDM. The document helps doctors, bankers, lawyers, and other third parties to feel confident in accepting the decision of the person with a disability without fearing lawsuits or malpractice claims.

National Resource Center for Supported Decision-Making. (2023, June 16). Hawaii. Retrieved from <https://supporteddecisionmaking.org/in-your-state/hawaii/>

However, you can still use it, even if there isn't a law. Biggest challenge often is to make sure others understand what it is, and how it works.

CPR Supported Decision-Making. (2024). Frequently Asked Questions. Retrieved from <https://supporteddecisions.org/about-supported-decision-making/frequently-asked-questions/>



# Are there any drawbacks to Supported Decision Making?

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- In the presence of formalized agreements, third parties might not accept decisions made by the person unless a recognized supporter is present
- Concerns that appointed supporters could exploit the individual, exert undue influence, or engage in substitute decision-making
- State statutes that give supporters legal status, which enables them to enforce decisions without requiring the individual's presence or consent, also removes the right of the supported individual to hold a service provider liable for acting upon the direction of a supporter
- Individuals who are supported may not report abuse

# Resources

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- [Administration for Community Living – Supported Decision-Making Program](#)
- [Administration for Community Living – How to Make a Supported Decision-Making Agreement: A Guide for People with Disabilities and Their Families](#)
- [American Bar Association – Less Restrictive Options](#)
- [American Civil Liberties Union \(ACLU\) – Supported Decision Making: Frequently Asked Questions](#)
- [National Resource Center for Supported Decision-Making](#)

# Mahalo for your time and attention

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## Any questions?

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