



Supported Decision Making Agreements

2019-02-07

Supported Decision Making Agreements can be an alternative to guardianship that allows a person to retain their decision-making abilities with the support of people that they choose to help them gather information and make decisions.

- A Supported Decision Making Agreement is a written, signed, and notarized agreement between a decision maker and a supporter about the areas in life for which the decision maker has decided that he or she needs support.
- A supporter does not get to make the decisions on behalf of the person they are decision maker.
- The decision maker still gets to make decisions for themselves, but the agreement will allow the supporter to gather information on the supported person's behalf and help them understand it enough to make an informed decision.

Who can be a supporter?

- The supported person should identify someone (or maybe multiple people) that they trust to gather information and provide them with advice.
- This can be a family member, a friend, or a trusted person in the community.
- Legal requirements:
 - The supporter must be an adult.
 - They cannot be an employer, unless they are also a family member.
 - They cannot be someone who provides paid support services to the decision maker (unless they are a family member).
 - There cannot be a protective order or restraining order between the supporter and the supported person.

What authority does a supporter have?

- There are many different areas where a person may want help gathering information and making decisions. Some of the main ones:
 - Obtaining food, clothing, and shelter.
 - Taking care of physical or mental health.
 - Managing financial affairs.
 - Obtaining education or training.
 - Choosing and maintaining supports and services.
 - Finding a job.
- The agreement should be specific about the areas where a person wants help rather than general so that there is little ambiguity about how far the supporter's authority extends.

A person can have both a Supported Decision Making Agreement and be under a guardianship, as long as the guardian approves of the supported decision making agreement.

Disability Law Center of Alaska is a resource for Alaskans who would like to know about Supported Decision Making Agreements. Please contact us at (800) 478-1234 or through our website at www.dlcak.org for more information.