

The background features a complex network diagram with numerous nodes of varying sizes (dark blue, light blue, and grey) connected by thin grey lines. Some nodes are highlighted with larger concentric circles. The overall aesthetic is modern and tech-oriented.

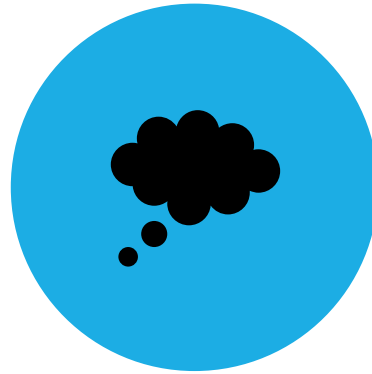
SUPPORTED DECISION MAKING & GUARDIANSHIP: WHAT'S THE DIFFERENCE?

Panelists: Brad Linnenkamp, Shane Lewis, Phillip McGruder & Colin Olenick

WHAT IS SUPPORTED DECISION-MAKING (SDM)?



SDM is a process that allows adults, especially those with disabilities to keep their legal rights and make choices about their lives by choosing trusted supporters.



Instead of giving up their decision-making power to someone else, like in guardianship or conservatorship, supporters use tools like plain language, extra time, & trusted advisors to help people with disabilities understand their options & communicate their own informed decisions.



Supporters can be family, friends, or other community members. They are trusted and chosen by the person with a disability. They assist by giving information, talking about pros and cons, and acting as a reliable resource.

WHAT IS GUARDIANSHIP/CONSERVATORSHIP?



Guardianship is a legal arrangement where a court gives someone the authority to make decisions for another person. This can be for money (conservatorship), healthcare, or living arrangements, or any combination of those things.



In guardianship, the guardian makes the choices. Sometimes without the input of the person with a disability. And with some guardianships, the person loses their right to vote, the right to marry, travel freely, & seek employment, among other rights.



The guardian must always act in the best interest of the person with a disability, however they do not have to consult with the person on the decisions they make.

HISTORY OF SDM

Supported Decision-Making got its start in Sweden in 1988, when Sweden abolished full guardianship in favor of a 2 tier system.

One tier allowed for a “god man” or good person to be appointed to help in decision-making for a person with a disability but ONLY with consent from the person with a disability.

This model limits the power of the helper AND protects the rights of the person with a disability.



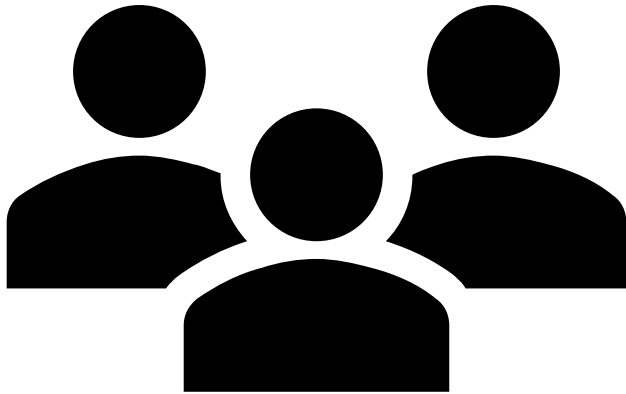
- 1993 – Canada approves the Representation Agreement Act legalizing SDM as an alternative to guardianship
- 2006 – United Nations Convention on the Rights of Persons with Disabilities
- 2012-2013 – Jenny Hatch contests guardianship & wins!
- 2015 – Texas passes the first SDM statute providing a formal agreement template & legal recognition for SDM
- 2025 – As of April, 24 states have comprehensive SDM Agreement Laws. Another 15 states, including Kansas, recognize SDM as a less-restrictive alternative to guardianship. A few states recognize SDM in Healthcare, Educational & Transition Planning & Organ Donation Access.

SDM OUTCOMES FOR PERSON WITH A DISABILITY

- Retain legal control & autonomy
- Choose their supporters & decide what they want support for as well as the type of support.
- Formal or informal supports, or a combination of both. Whatever works best for the person with a disability.

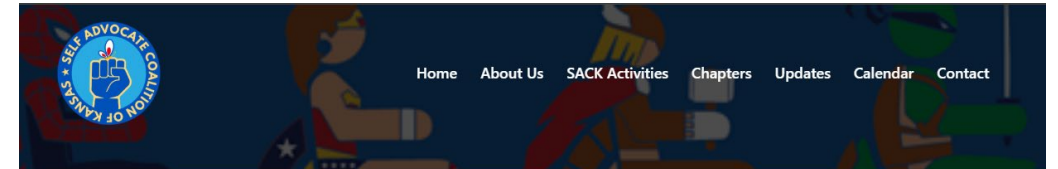
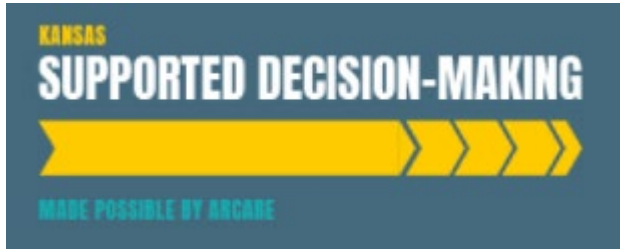


SDM RESPONSIBILITIES FOR SUPPORTERS



- Provide information in plain language, use visuals, or help create pro/con lists
- Provide extra time to participate in important conversations
- Help attend meetings & appointments, take notes, remember key details
- Provide advocacy for the person with a disability's choices with doctors, bankers, & other professionals
- Allow for Dignity of Risk, which is the right to make choices that may end up in failure or harm

QUESTIONS? SACK CAN HELP!



ABOUT SACK

WHO WE ARE

The Self Advocate Coalition of Kansas (SACK) is a statewide advocacy group made up of adults with intellectual and/or developmental disabilities, the majority of whom receive services through the Kansas Developmental Disabilities Service System. SACK encourages and teaches people to speak up for themselves and to obtain the highest possible level of independence.

OUR MISSION

Our mission is to promote empowerment and independence for adults with developmental disabilities.



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Find us on Facebook & Instagram!



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