

Supported Decision-Making

Considering *Safe* and *Legal* Alternatives to Guardianship



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Supported Decision-Making: Addressing Inconvenient Issues

Societal Interests: Promoting Freedom vs. Providing Protection

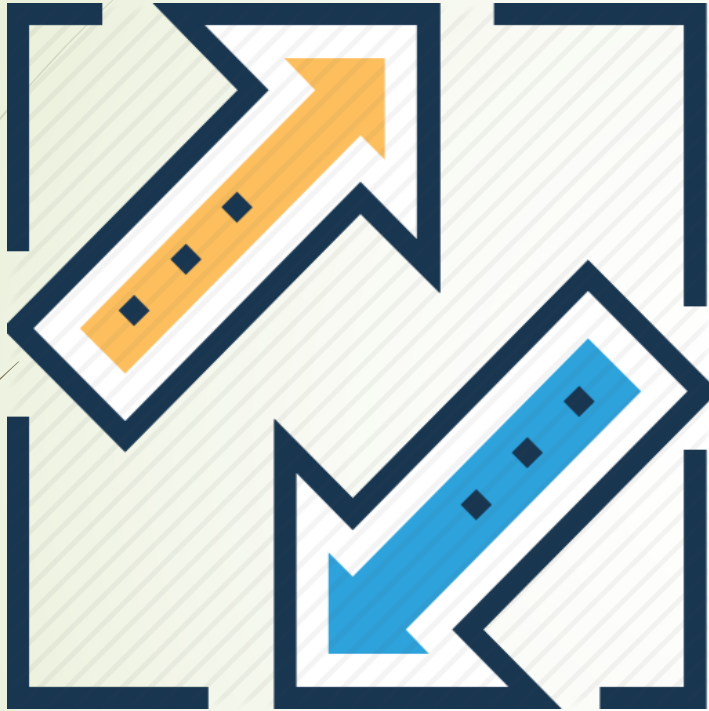
Types of Decision-Making: Distinguishing Between Methods

Application of SDM: Good for Some but Not for All

Definition of Capacity: Scientific Evidence vs. Legal Fictions

Interference: Conflicts of Interest and Undue Influence

Accountability: Fiduciary Status, Legal Liability, Monitoring



Societal Interests:

Promoting Freedom

vs.

Providing Protection

Types of Decision-Making: Distinguishing Between Methods

Totally Independent



Independent with Help (SDM)

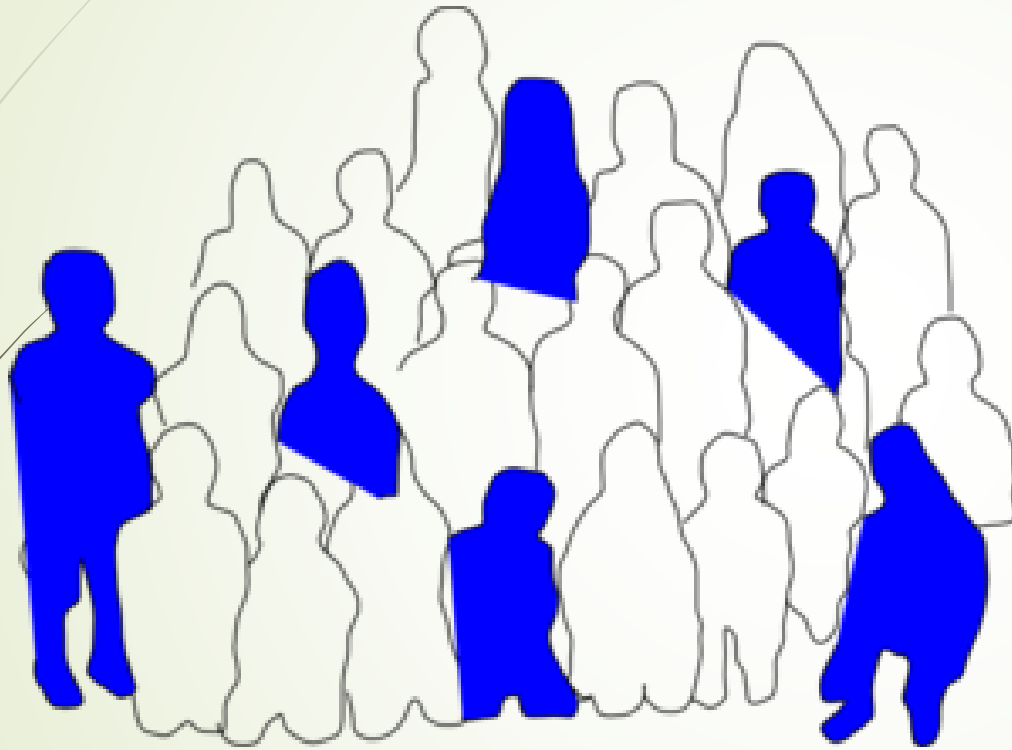


Delegating to Another (POA)



Substituted Judgment (Court)





Application of SDM:

Good for Some

but Not for All

Definition of Capacity:

Scientific Evidence vs. Legal Fictions



Rebuttable Presumption of Legal Capacity

shifts to

Conclusive Finding of Legal Capacity

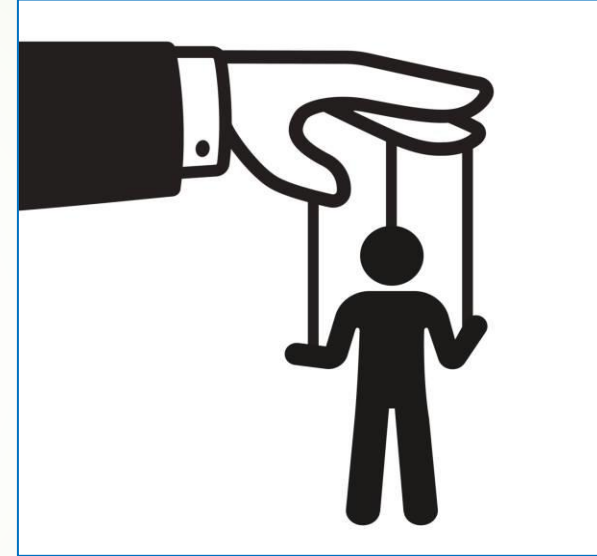
based on

Politics Rather Than Fact

Interference:



Conflicts of Interest



Undue Influence

Accountability:

Fiduciary Status

Legal Liability

Monitoring



SDM Designated Agent

SDM Must be Safe and Legal

Because There is So Much at Stake

Medical Care
Confidentiality
Finances
Housing
Education



Employment
Marital
Social
Sexual
Voting

Supported Decision-Making

Considering *Safe* and *Legal* Alternatives to Conservatorship

For More Information

www.spectruminstitute.org/sdm