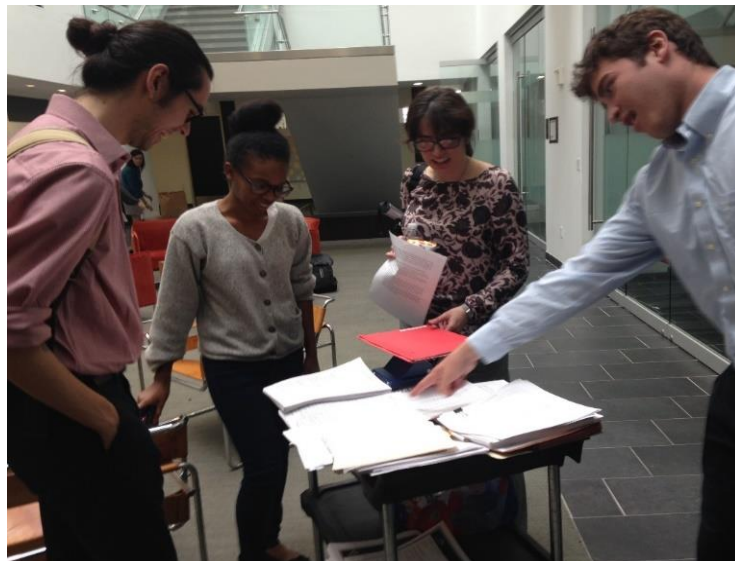


# SUPPORTED DECISION MAKING AGREEMENTS



## WHAT WE KNOW IN SHORT FORM AND WHAT COMES NEXT

A Project of INCLUDE  
University of Texas School of Law

**TEXAS**  
**LAW**

Richard and Ginni Mithoff  
Pro Bono Program



William Wayne Justice  
Center for Public Interest Law

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

# SDMA BASICS

## What is Supported Decision Making?

Last session, the Texas Legislature passed a law requiring all attorneys, judges, and would-be guardians involved in creating guardianships to look first at Supported Decision Making (SDM) as a way for adults with disabilities to continue to develop independent living and decision-making skills. SDM enables adults to continue to make decisions and grow in the ability to exercise safe choices with the guidance of their chosen supporters. It builds on the person-centered planning process often used in special education programs and can be used as a way to continue a transitioning youth's educational development beyond age 22.

## What is INCLUDE at UT Law?

INCLUDE is an initiative sponsored by the William Wayne Justice Center for Public Interest Law that works to advance the rights of persons with disability and to involve law students in serving families touched by disability.

Beginning in the fall of 2015, INCLUDE partnered with the Austin Independent School District (AISD), later expanding to work with more than fifteen other school districts, to conduct evening clinics at which volunteer law students supervised by pro bono attorneys provided individualized legal counseling sessions on guardianship alternatives. Families were invited to return to "Signing Clinics" for more in-depth counseling with law students and lawyers assigned their cases. INCLUDE has counseled approximately 300 families interested in guardianship alternatives.

## Parents on the Path

Most parents and other supporters counseled were interested in promoting the independence of their children. A number were very motivated to avoid judicial involvement and the costs of guardianship.

- "We don't want to go to court or have expenses."
- "Our son is real high functioning. He is able to make choices. So we don't want to take away his rights."
- "We want to support our daughter's independence but don't want to do too much too soon."
- "We think that we would have benefited from learning about SDM sooner."

## Youth in Transition

Individuals counseled had the following things to say about SDM:

- "I think [SDM] is fun. I think it's cool!"
- "I make my own choice. But I'll listen to my mom if she wants to help."
- "I want to make decisions on my own, but I want help with the important decisions of my life."
- "I wish I had learned about the SDMA at 15 or 16. I only heard about guardianship."

## A FATHER AND SON STORY

“When he was early 17, we were looking at what we had to do when he turned 18, and we were discussing it knowing that the one that we knew of we really didn’t like because of all the work involved in it—guardianship. **But we didn’t know of any other options...** That was the only thing we knew that we could do, so that was the direction we would’ve been going.”

“I think he was nervous about turning 18 and knowing that there are a lot of legal responsibilities, and he was just nervous not really knowing all that could happen...He has veto power over these decisions and he knew that there was a structure in place that we are agreeing to help him with his medical, with his banking, with all these decisions in life, to the extent he needs, and we were there for him. **So [the SDMA] gave him a sense of security and calm.**”

“It gives him that security blanket and that comfort level that he knows that we’re there to help him. **As he takes more of his own responsibilities, we’re still there to help advise, and when he doesn’t feel certain about things, that we can help him out.** So he knows. That’s the biggest thing, too, as he’s maturing; he knows that this is in place and we’re there for him. We’re in his corner and he’s not on his own.”

**A CENTRAL TEXAS FATHER/SUPPORTER,  
ONE YEAR AFTER SIGNING AN SDMA WITH HIS SON**

## A NEW BEGINNING



**Kendra**<sup>1</sup> learned about SDM her senior year of high school. It was “great to know there were options other than guardianship,” says Kendra’s mother, who is now Kendra’s supporter. “We both wish we had learned about it a long time ago.”

**Jackie** learned about SDM years after graduating high school. “I can’t believe this! I really wish they taught me about this in school!”



### What’s Next?

There is strong support from the SDM community for the idea that all families should be notified of the option much earlier in transition and through the special education process — where independent living skills are already the focus. Where appropriate, this will help families avoid the stress and cost of unnecessary court proceedings.



<sup>1</sup> All client names have been changed to protect confidentiality, though many families were eager to share their family photographs.