

DD Services Division – Supported Decision-Making

Program Overview

A Vermont Task Force on Supported Decision-Making was established to create a statewide “culture” of Supported Decision-Making (SDM). The Task Force established work groups to explore SDM-based, collaborative, coordinated, cross-system policies, practices, and educational materials. The expected outcomes are to increase self-determination and access to needed supports for older adults and people with disabilities and to reduce over-reliance on guardianship by empowering older adults and people with disabilities to make their own decisions and direct their own lives.

Staff and Partners

The Task Force was chaired by the DD Services Division Director with staff participation that included the Director of the Office of Public Guardian. Representatives from the Department of Mental Health, Department of Vermont Health Access and the Agency of Education have contributed, as well as those from the court system, community provider groups and advocacy organizations.

Recent Developments and Accomplishments

Two work groups have been active to address goals set by the Task Force. These include:

- A collaboration between Upper Valley Services, Public Guardians, Guardianship Evaluators, attorneys and the Attorney General’s Office. This project is designed to: 1) Identify 5-7 people currently under public guardianship who can direct their own lives with appropriate supports and services; 2) Convene a team for each person that will plan, create a written document that will memorialize the supports and put those supports in place; 3) Conduct a new capacity evaluation for each person that reviews his/her functional ability to direct his/her own life with those supports; and 4) File a petition asking the Court to terminate the guardianship for each person for whom the evaluation shows that he/she can direct his/her own life.
- A collaboration with the Disability Law Project (DLP) of Vermont Legal Aid who represent youth turning 18 in probate court guardianship proceedings in the Northeast Kingdom of Vermont. Working in collaboration with DLP and Green Mountain Self Advocates (GMSA) will develop standard supported decision-making agreements which will assure that youth with

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disabilities are empowered to make their own decisions affecting their lives, with the supports they need to have the information necessary to make those decisions, including decisions concerning their education, employment and health care.

Future Directions

Our Office of Public Guardian and Guardianship Evaluators will continue work to:

- 1) Review Vermont's Capacity Evaluation Guidelines and amend as needed to ensure that they focus on the person's actual and potential functional ability to direct his or her own life in determining whether or not the person should be placed under guardianship;
- 2) Develop model procedures for conducting capacity evaluations (including which abilities and life areas to review); and
- 3) Conduct outreach and training to evaluators and other stakeholders (including providers who may have in-house evaluators) on the model procedures.

Results

In the past year, Vermont Superior Court issued a ground-breaking court order dismissing a petition for guardianship in favor of a Supported Decision-Making Agreement which detailed the type of decision making support the individual needs and the people the individual chose to assist him.