

PLANINJ
Planned Lifetime Assistance Network of New Jersey

Does My Child Need a Guardian? Supported Decision Making and Alternatives to Guardianship

For The ARC of New Jersey
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Executive Director, PLANINJ

AGENDA

- Understand forms of guardianship and alternatives to guardianship
- Identify methods to promote
 - Self-determination
 - Informed consent
 - Supported decision making
- Review the role of a life plan
 - promote choice and control
 - communicate to supporters and guardians



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About PLAN|NJ

- Statewide non-profit organization
- Established in 1988
- Member of the National PLAN Alliance

The PLAN|NJ mission is to help families answer the question:

“Who will care for my loved one when I am gone?”



How Can PLAN|NJ Help People with Disabilities and Their Families?

- Trustee for Special Needs Trusts
- Guardian / POA, Support for Family/Sibling Guardian
- Representative Payee
- Life Planning
- Case Management, Advocacy, Home Visit Monitoring
 - Proactive eyes on the person
 - Service coordination
 - Advocacy for quality services
 - Expertise in public benefits, I/DD and mental health service systems



Supporting Families and Siblings



WHAT IS LEGAL GUARDIANSHIP?

- At age 18, parents no longer have legal rights to make decisions or gain information
 - medical, housing, legal, financial
- Court appoints a person or agency to act on behalf of the individual
 - Limited Guardianship
 - Guardian of Person; Property or both



WHAT ARE THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN?

- Personal visits; Annual report to the courts
- The balancing act: promoting autonomy and independence while protecting from harm
- Promote self-determination
- Assist with revocation if appropriate



GUARDIAN RESPONSIBILITIES: HELPING YOUR LOVED ONE HAVE A GOOD LIFE

- *Self-determination means choice and control*
 - Informed consent: options, opportunities
 - Supported decision-making
- Help to achieve and respect person's
 - Goals, needed supports
 - Wishes and preferences



WHAT ARE ALTERNATIVES TO GUARDIANSHIP?

- Powers of Attorney and Health Care Proxy
 - Capacity to understand POA is required; revocable; no Court involvement
- Representative Payee for Social Security Benefits
- Trustee for a Special Needs Trust
- Conservator



Supported Decision Making

- What is Supported Decision Making?
 - Assisting a person to make informed choices
 - Help to understand, consider and communicate decisions
- Why Supported Decision Making?
 - Promotes self-determination and dignity
 - Does not remove rights
 - Avoids Court actions



Ways to Support Decision Making

- Disclose information: facts, benefits and risks, supports
 - Use plain language / audio or visual forms
 - Ample time to discuss choices
 - Role play to understand choices
 - Make pro's and con's list
- Assess person's understanding
 - Ask and rephrase questions in different ways so as to avoid "yes or no" responses
 - Multiple conversations



The Need to Recognize SDM Under Law

- Secure individuals' control over decisions: person makes choices
- Accept formal SDM agreement for supporter's participation
- Reduce doctors, bankers, and lawyers fear of malpractice
- Limit Court involvement and removal of rights: less restrictive options
- Enable ease of changing supporters and agreements



Supported Decision Making Resources

- National Resource Center for Supported Decision Making <https://supporteddecisionmaking.org/>
- ACLU SDM Library <https://www.aclu.org/other/supported-decision-making-resource-library>
- CPR Supported Decision Making <https://supporteddecisions.org/>
- SDM Agreement Texas https://www.thearcoftexas.org/wp-content/uploads/Blank_SDMA_2016-06.pdf



LIFE PLANNING FOR SDM: PLANNING AHEAD - FAVORITE THINGS

- What are the person's favorite ways to spend his/her time?
- Who does the person like to spend time with?
- What places does the person like to go?
- What are the person's hobbies?



LIFE PLANNING: THINGS THE PERSON DOES NOT LIKE

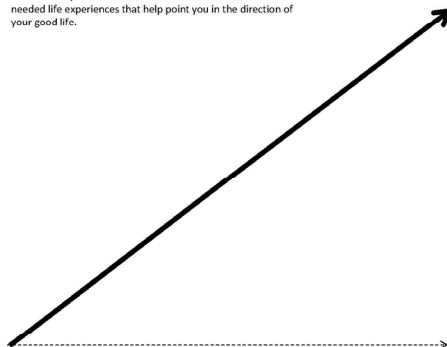
- What things does the person not like, what annoys him/her?
- Who does the person not want to be around?
- What makes him/her bored or grumpy?
- What is the person afraid of?
- Are there procedures that are necessary but that the person doesn't like (e.g. dialysis)?



CHARTING the LifeCourse

Life Trajectory Worksheet: Individual

Everyone wants a good life. The bubbles on the right will help you think about what a good life means for you or your family member, and identifying what you know you don't want. You can use the space around the arrows to think about current or needed life experiences that help point you in the direction of your good life.



VISION for a GOOD LIFE

What I DON'T Want



Developed by the UMKC Institute for Human Development, UCEDD. More materials at lifecoursetools.com

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How Can PLAN|NJ Help?

- Successor (back-up) for key legal roles
 - Sibling guidance and family support
 - Eyes and ears for out-of-state siblings, Guardians and Trustees
- Life Planning consultations
- Routine home-visit monitoring and advocacy
- As needed statewide support services

FOR MORE INFORMATION CONTACT:
Planned Lifetime Assistance Network of New Jersey

PLAN|NJ

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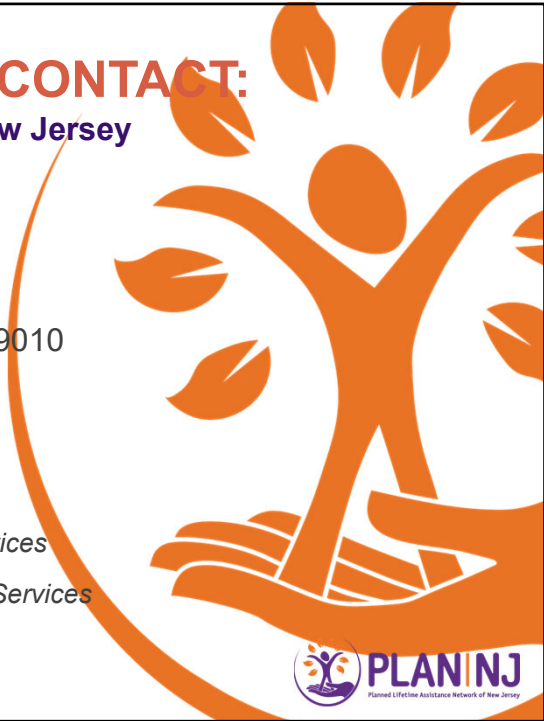
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Title Here and Here
In Two Lines if Necessary

For Name of Company
Month xx, 2021

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