

# Practical Tools for Decision-Making Support

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# My Story



**Guidance Carolina**

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Providing person-centered financial and  
healthcare decision-making support since 1979.

# About Guidance Carolina

*Guidance Carolina is a private, non-profit organization providing fiduciary services and care management to vulnerable persons based on person-centered principles.*

# About Guidance Carolina

We offer personalized and compassionate services that safeguard our clients' right to choice, dignity, respect, and self-determination.



These services include:

Guardianship

Trustee of  
Special Needs  
Trusts

Power-of-  
Attorney

Representative  
Payee

Elder Justice  
Care  
Management

# Who Needs Decision-Making Support?



- ▶ Traumatic or Acquired Brain Injury
- ▶ Intellectual/Developmental Disability
- ▶ Mental Illness
- ▶ Dementia/Alzheimer's Disease
- ▶ Autism
- ▶ Substance Abuse/Addiction

# Signs that Someone May Need Decision-Making Support



- ▶ Memory loss that disrupts daily life
- ▶ Challenges in planning or solving problems
- ▶ Difficulty completing familiar or routine tasks
- ▶ Confusion with time and place
- ▶ Decreased and poor judgement

# When You Notice These Signs & Symptoms... Then What?



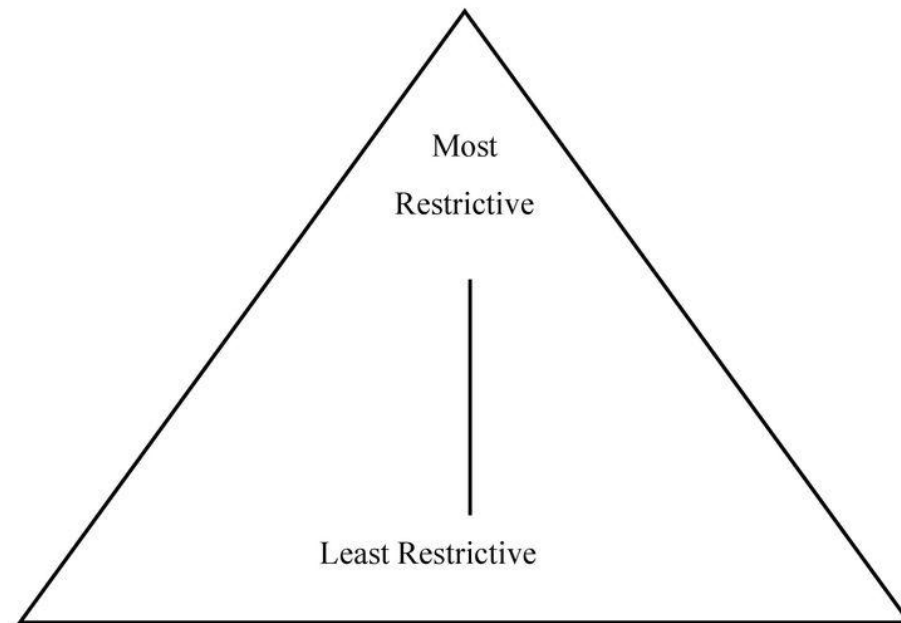
- ▶ Capacity is decision-specific.
- ▶ Even someone with obviously impaired capacity may still be able to indicate a choice and show some understanding.
- ▶ Generally, capacity requires that individuals be able to understand:
  - ▶ The situation they are in
  - ▶ The decision in question
  - ▶ The consequences of making a given choice



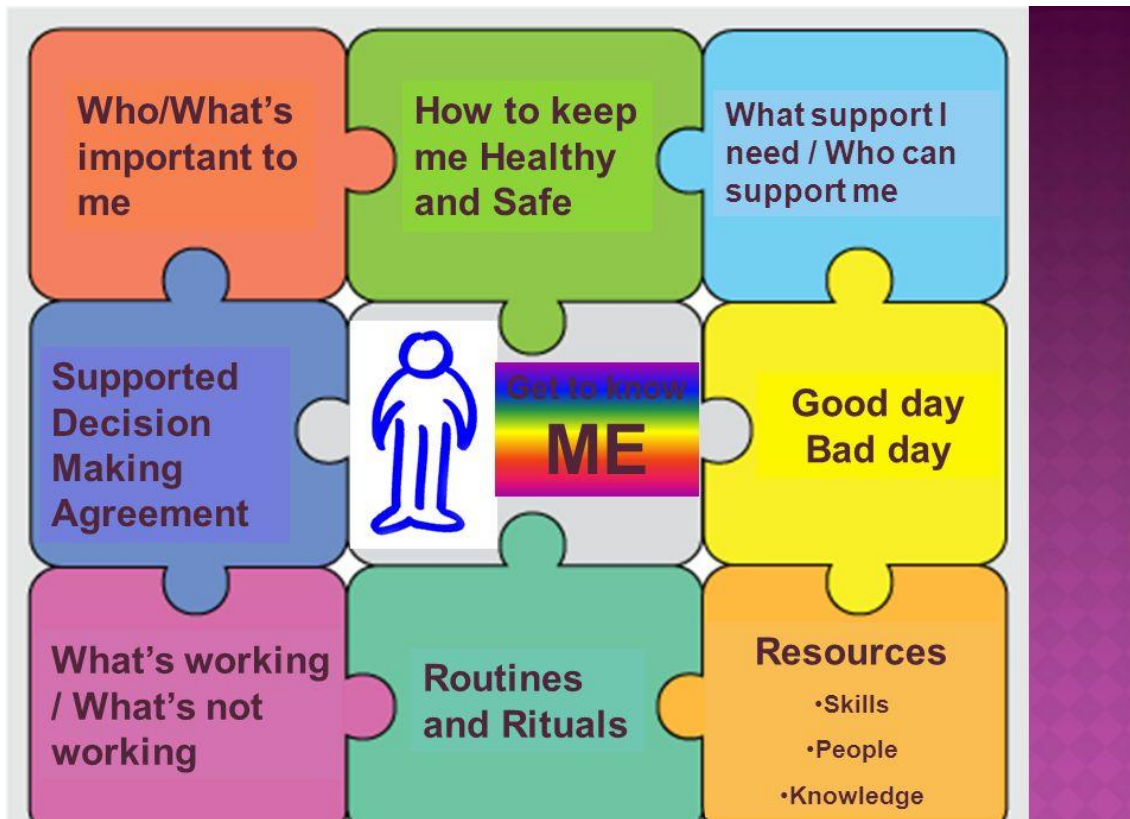
Tools for Supporting Adults who Need  
Decision-Making Assistance



## Pyramid of Intervention Strategies



# Interventions



## ► Informal Supports

- Care management
- In-home care, adult day care, personal attendant, home delivered meals, transportation
- Assistive technology, home modifications
- Supported housing or assisted living/nursing home
- Support from an individual's circle of friends and family

# Interventions



## ► Power-of Attorney

- A power of attorney (POA) is a document authorizing a primary agent or attorney-in-fact to handle financial, legal and health care decisions on another adult's behalf.
- Financial powers of attorney allow the agent to make decisions regarding finances and property
- Healthcare powers of attorney allow the agent to make decisions regarding health care needs.

# Interventions

A Special Needs Trust (SNT) is a legal arrangement designed to hold and manage assets for individuals with disabilities without affecting their eligibility for government benefits like Medicaid or Supplemental Security Income (SSI).

- ▶ First-Party SNT  
funded by beneficiary's own assets
- ▶ Third-Party SNT  
funded by family, friends, or another party to provide for the beneficiary's long-term needs



# Interventions

## ► Representative Payee

- A Representative Payee is a person or an organization appointed by the Social Security Administration to receive the Social Security or SSI benefits for anyone who can't manage or direct the management of his or her benefits due to mental illness, substance abuse, or other conditions that limit the beneficiary's capacity.





# Interventions

- ▶ Guardianship
  - ▶ Guardianship is a legal relationship between the guardian and the person who, because of incapacity, is no longer able to take care of his or her own affairs (the "ward").
  - ▶ Ultimately, the court will decide:
    - ▶ Is the individual incapacitated?
    - ▶ Who will serve as guardian?
    - ▶ What are the responsibilities of the guardian?

# Interventions

- ▶ When is guardianship **NOT** appropriate?
  - ▶ Guardianship is an extreme form of intervention in another person's life.
  - ▶ Once established, it can be difficult to revoke. Therefore, guardianship should only be used as a last resort.
  - ▶ Having appropriate legal documents in place avoid many guardianships.

# Ethical Decision-Making

## Person-Centered Philosophy

### Important to

- What is important **TO** a person is what they say through their own words and behaviors about what really matters to them.

### Important for

- What is important **FOR** a person are the things that help them stay healthy and safe, whether it is important to them or not.

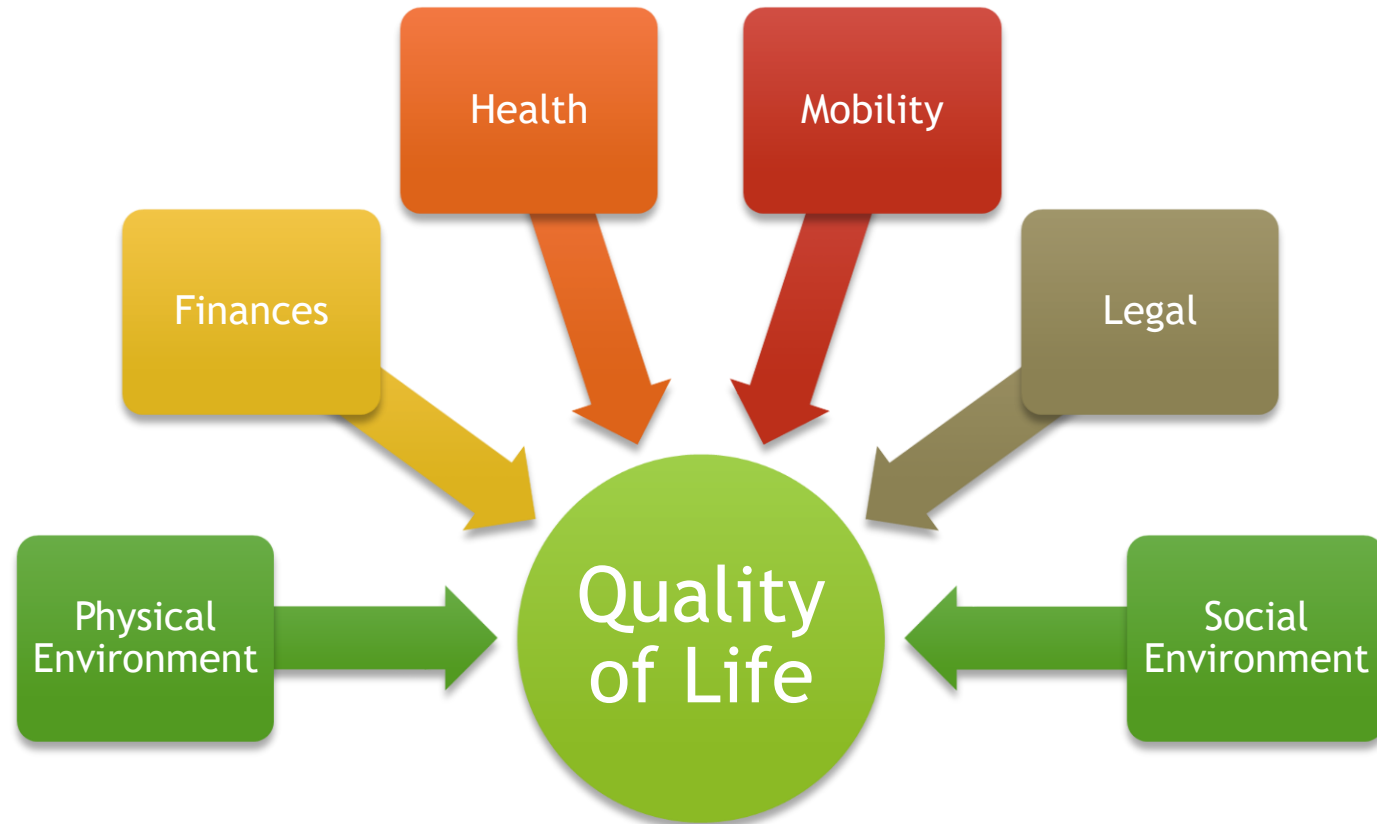




# Ethical Decision-Making

Recognize	Recognize each individual's right to direct their own life.
Support	Support each individual in developing self-determination and communication skills.
Use and build	Use and build natural support networks.
Incorporate	Incorporate the wishes and needs of the individual into the decision-making process, rather than focusing solely on protection.
Maximize	Maximize the individual's dignity, autonomy, and independence.

# Considerations



# Resources



National Academy of  
Elder Law Attorneys, Inc.



Attorneys for special needs planning.

# Resources

Our experienced staff want to be a resource for you!

Contact us for information:

***GuidanceCarolina.org***

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***mary@guidancecarolina.org***



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Questions?