

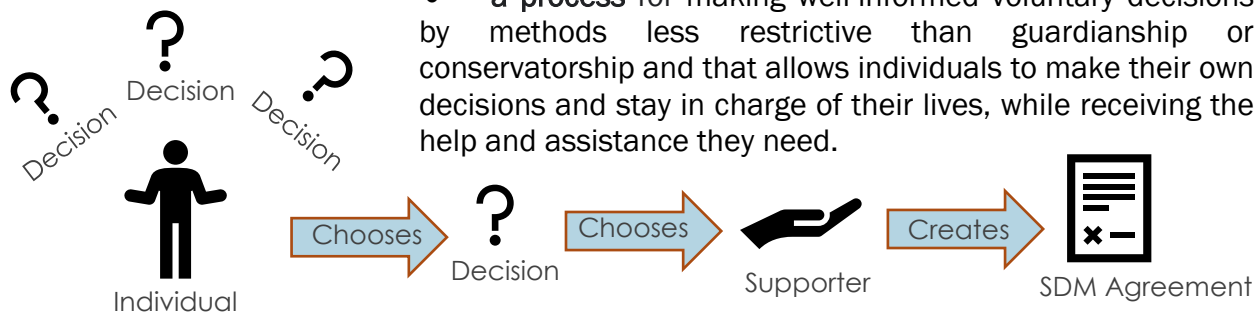
# SUPPORTED DECISION-MAKING IN ND

## THREE COMPONENTS:

- 1) The Individual
- 2) The Supporter
- 3) The Supported Decision-Making Agreement

What is Supported Decision-Making?

- a **flexible alternative to guardianship** and can provide more opportunities for independence. Many elderly individuals or individuals with disabilities can manage their own affairs with assistance and guidance from a Supporter whom they trust.
- often defined as “**Supports and Services**” that help an older adult or an adult with a disability make his or her own **decisions** by relying on trusted friends, family members, professionals, and others.
- a **process** for making well-informed voluntary decisions by methods less restrictive than guardianship or conservatorship and that allows individuals to make their own decisions and stay in charge of their lives, while receiving the help and assistance they need.



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*The Supporter cannot make the decision. The Individual makes the final decision.*

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How does Supported Decision-Making work?

**Individual** selects a Supporter to help make decision(s):

- from someone they trust; and
- with whom they can discuss choices and decisions.

The **Supporter** can help the Individual to:

- understand the options, responsibilities, and consequences of their decisions,
- obtain and understand information relevant to their decisions, and
- communicate their decision to the appropriate people.

The **Supported Decision-Making Agreement** is a **written, signed, dated, and witnessed** understanding between an Individual and a trusted adult (Supporter) who agrees to aid with decision-making to maximize the Individual’s ability to make informed, voluntary choices.

## SUPPORTED DECISION- MAKING IN LAW:

[North Dakota Century Code  
Chapter 30.1-36](#)

- terminology
- confidentiality
- liability
- legal requirements and presumptions
- termination of an agreement.

**Supported Decision-Making Agreement**

**1. This is a Supported Decision-Making Agreement of the following "Named Individual":**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_ (cell) \_\_\_\_\_

Email: \_\_\_\_\_

I am voluntarily entering into this Agreement with...  
 ("Supporter's" name) \_\_\_\_\_, whom I have  
 chosen to be my "Supporter" of decision making. We have agreed he/she will  
 help me make some decisions.

**My "Supporter" does not have authority to make decision(s) for me.**

The Individual can specify what kinds of decisions he or she does and does not want help with making on the Agreement.

The Individual can have multiple Supporters to help with different kinds of decisions. It is recommended the Individual fill out a separate agreement with each Supporter.

### Reliance on a Supported Decision-Making Agreement

Any third person receiving a copy of the Supported Decision-Making Agreement shall rely on the Agreement, unless the third person:

- has cause to believe the Individual is being abused, neglected, or exploited by the Supporter;
- has actual knowledge or notice the Supported Decision-Making Agreement is invalid or has been terminated.

A third person is not subject to liability if an act or omission is done in good faith and in reliance on the Agreement.

### How to Terminate a Supported Decision-Making Agreement

By the Individual giving notice to the Supporter	By the Supporter giving notice to the Individual	By the Court
orally	in writing	convicting Supporter of a crime involving abuse, neglect, or exploitation
in writing	by any additional method specified in the SDM Agreement	issuing a restraining order to protect the Individual from the Supporter
through an assistive technology device		determining that the Supporter lacks capacity to make or communicate responsible decisions concerning matters affecting the health or safety of the Individual
by any other act showing intent		by any additional method specified in the SDM Agreement
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*Supported decision-making and other guardianship alternatives should be considered prior to establishment of a legal guardianship*

Want more information?

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