

ND PROTECTION & ADVOCACY PROJECT

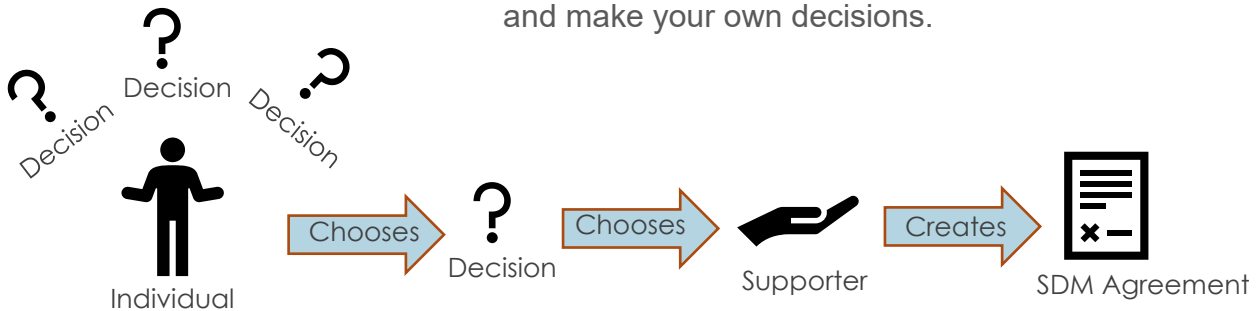
SUPPORTED DECISION-MAKING IN NORTH DAKOTA

THREE PARTS:

- 1) The Individual (you)
- 2) The Supporter (person or people you ask for help)
- 3) The Supported Decision-Making Agreement

What is Supported Decision-Making (SDM)?

- Supported Decision-Making is a way to help you make your own choices. Where to live, who to live with, where to work, where to go to school, and more.
- SDM lets you choose what kind of things you want help deciding and then what kind of help you want to make your decision
- SDM is different than guardianship. Many of your rights, including rights to choose, may be limited in guardianship. Supported Decision-Making allows you to keep your rights and make your own decisions.



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

How does Supported Decision-Making work?

You (the **Individual**) decide that you want some help making a decision or some decisions.

You ask someone to be a Supporter to help you make the decision(s). Your Supporter should be:

- A person you trust and can talk to.
- A person that listens to you and understands who you are.

Your **Supporter** can help you to:

- Understand the options, responsibilities, and consequences of your decision(s).
- Get and understand information about your decision(s).
- Communicate your decision(s) to people who need to know.

SUPPORTED DECISION-MAKING IN LAW:

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

- Important words
- What must be kept private
- What people can and can't do
- How to end a SDM Agreement

The **Supported Decision-Making Agreement** is a **written, signed, dated, and witnessed** understanding between you and a trusted Supporter who agrees to help you with decision-making.

The following format is not mandatory, but any Supported Decision-Making Agreement template must be substantially equivalent as described in North Dakota Century Code: [N.D.C.C. Chapter 30.1-36](#)

Supported Decision-Making Agreement

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 the following Supporter whom I have chosen, and we agree will help me make some decisions. My Supporter does not have authority to make decision(s) for me.

Supporter's Name: _____ Date of Birth: _____

Address: _____

Phone: (work) _____ (home) _____ (cell) _____

Email: _____

Relationship to me: _____

You can list what kinds of decisions you do and do not want help with making on the Agreement.

You can have multiple Supporters. For example, one Supporter can help you choose where to live and a different Supporter can help you choose where to work. Fill out a separate Agreement with each Supporter.

Supported Decision-Making Agreement and other people

People who are given or shown a copy of your Supported Decision-Making Agreement need to accept it as true unless:

- There is a reason for them to believe you are being abused, neglected, or exploited by your Supporter.
- They know or have notice that the Supported Decision-Making Agreement is no good or it has been ended.

Someone who counts on the Agreement believing it is true and acting with good intentions generally will not get in trouble for things done wrong or things not done.

How to End a Supported Decision-Making Agreement

Supported Decision-Making Agreements can be Ended by:			
	You (Individual) notifying Supporter	Supporter notifying You (Individual)	Court
By saying it out loud	X		
Through an assistive technology (AT) device	X		
By any other act showing you want to end the Agreement	X		
In writing	X	X	
By any additional method specified in the SDM Agreement	X	X	X
Convicting Supporter of a crime involving abuse, neglect, or exploitation			X
Issuing a restraining order to protect you (Individual) from the Supporter			X
Determining that the Supporter lacks capacity to make or communicate responsible decisions concerning matters affecting your health or safety			X

Supported decision-making and other guardianship alternatives should be considered before creating a legal guardianship.

Want more information?

Protection & Advocacy Project
 400 E. Broadway, Suite 409
 Bismarck, ND 58501
 Phone: (701) 328-2950
 Toll Free: 1-800-472-2670
www.ndpanda.org
panda_intake@nd.gov



If you need this handout in an alternative format, please contact the Protection & Advocacy Project.