



Toolkit for Family Support Centers

Supporting Decision-Making of
People with Disabilities Massachusetts



Center for Public
Representation



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WELCOME

For nearly three years, Conexiones Latinx-Massachusetts (CLMA) has been committed to raising awareness about the rights of people with disabilities in the Hispanic community. Since its inception, our organization has promoted a vision centered on family leadership, individual empowerment, and community inclusion, recognizing that every person deserves to live a full, dignified, and meaningful life.

Our work would not be possible without the invaluable collaboration of the Center for Public Representation (CPR) and other partner organizations, as well as individuals with lived experience who enrich every stage of the process. This partnership has been instrumental in disseminating essential and accessible information about legal rights, alternatives to guardianship, and the power of supported decision-making. We invite you to explore our digital library at www.conexioneslatinx-ma.org, where you will find tools, guides, and resources in Spanish on Supported Decision-Making and other topics relevant to our families.

At Conexiones Latinx-Massachusetts, we firmly believe in every person's right to make their own decisions, with the support they need, and to live a life of their own choosing, not one imposed on them.

Keila Torres
Executive Director



Center for Public
Representation

WELCOME

For almost five decades, CPR has advanced the rights of people with disabilities using diverse legal strategies, systemic reform initiatives, and policy advocacy. Our work centers expanding opportunities for inclusion and full community participation and supporting the ability of people with disabilities to exercise choice in all aspects of their lives. Indeed, ensuring that people can exercise self-determination and have opportunities to make meaningful decisions that shape their path in life has been a critical part of CPR's advocacy since its beginning.

CPR is a state-wide, national, and international leader in advancing Supported Decision-Making (SDM) through demonstration projects, training, and technical assistance. CPR established an SDM Training and Technical Assistance Center (<https://supporteddecisions.org>), including a virtual resource library.

CPR has deeply appreciated the opportunity to collaborate with Conexiones Latinx-Massachusetts (CLMA), along with other key community partners and people with lived experience, in educating Massachusetts families about all of the legal options for providing decision-making supports to people with disabilities.

Morgan K. Whitlatch

Director of Supported Decision-Making Initiatives

BACKGROUND

Family support centers play a critical role in the lives of people with intellectual and developmental disabilities (IDD) and their families in Massachusetts. They serve as vital community hubs, offering a wide range of family support services and activities that help people with IDD and their families understand, access, and navigate complex service and support systems in the state. They are also tasked with providing culturally, ethnically, and linguistically competent services to their communities. An invaluable local resource, family support centers are also at the front lines in supporting people with IDD and their families during the transition to adulthood, a time when questions about decision-making rights and support often arise.

In Massachusetts, when people turn 18 years old, they become legal adults. This means the law says they get to make their own decisions regarding their health care, education, finances, and other personal matters. Families of people with IDD may be incorrectly told – by doctors, schools, service providers, and governmental agencies – that going to court to get guardianship is the only way to remain involved. But that is not true.

Getting guardianship is a serious legal step to take, and it is essential to understand the consequences fully. There are also other options – including Supported Decision-Making – that may work better for people with IDD and their families. All families are unique, with different cultures, preferences, needs, and networks. They should get support in understanding all the available options for decision-making support first, so that they can work with their loved ones to pick the tools that will be the right fit for them.



PURPOSE OF THE TOOLKIT

In 2025, CLMA and CPR held focus groups with families of people with IDD from various cultural and linguistic backgrounds. They identified a need for more publicly available and easily understandable resources on ways to provide support with decision-making in adulthood. They saw family support centers as important resource hubs for ensuring families get the information they need about guardianship and alternatives, including Supported Decision-Making. Family support center staff, as well, and many agreed that more resources on these topics were needed.

The purpose of this toolkit is to share with family support centers resources that CLMA and/or CPR developed to help fill this education gap for families and people with IDD in Massachusetts. All were created in collaboration with people with lived experience, and many included other key partners from culturally, ethnically, and linguistically diverse communities. This toolkit describes what the purpose of each of these resources is and how they can be used by family support centers to educate those they support.

LEGAL LANDSCAPE IN MA

What Is Adult Guardianship?

Guardianship for adults is different from guardianship for a child. Guardianship for adults is a formal legal process involving the Probate Court. The court decides whether an adult is "incapacitated." If the court makes that kind of determination, then it will determine whether someone else, called a "guardian," needs to be appointed to make all or some decisions for that adult.

- **To learn more about these terms, please see [Key Words to Know Massachusetts \(English and Spanish\)](#).**

Guardians get a court order that says what they can and cannot do. There are different types of guardianship in Massachusetts. If the judge orders guardianship, it should be in the least restrictive form that meets the person's needs.

To learn more, please see:

- **[Learn About Guardianship \(English and Spanish\)](#)**
- **[Guardianship is Not the Only Option \(English and Spanish\)](#).**



MORE ON GUARDIANSHIP



What Is Adult Guardianship Not?

- **Guardianship is not the only option to consider** – A person may need help making decisions, but that does not necessarily mean they need a guardian or always will need a guardian. We all need help making decisions sometimes. There are other options to consider.
- **Guardianship is not just a piece of paper** - Once a guardian gets the court order from the judge, the legal case is not over. The court becomes part of the guardian's and the person's lives for as long as there is a guardianship. Guardians have a lot of legal responsibilities, including reporting to and monitoring by the court. Judges also can change their minds about who should be the guardian and can order there to be more court hearings and reporting.
- **Guardianship is not all powerful** – Guardian should not see themselves as being able to take control of the entire life of a person. According to Massachusetts law and best practices, guardians should involve people in their own decision-making and help them to build their decision-making skills.
- **Guardianship does not guarantee safety** – Guardianship can be a solution to some problems, but it is not the solution to all of them. People under guardianship are still at risk of being hurt or abused, particularly if they are isolated or segregated from the community. Guardianship does not stop people from being arrested or getting in trouble. The real way to keep people with disabilities safer is to help them build their support networks in the community.
- **Guardianship is not without downsides** – In addition to taking away certain rights of a person to legally act for themselves, guardianship can make it harder for people with disabilities to learn how to make their own choices and learn new skills. Also, if they need in-home supports paid through governmental agencies, there can be legal restrictions on guardians serving as paid caregivers.

WHY EXPLORE OTHER OPTIONS FIRST?



- **It's the law: Massachusetts' least restrictive alternative doctrine** – Before they can order a guardianship, courts must consider whether a person's needs can be met by less restrictive alternatives or appropriate technological assistance.
- **Guardianship can be time-consuming, complex, and costly** – Guardianship is a formal legal process, that involves judges, attorneys, court hearings and filings, and laws and rules that can be difficult to navigate. Because of this, it can be expensive and take a lot of time.
- **Guardianship can be difficult to end or change** – It is a judge, and not the person with a disability or their family, that gets to make the decision about whether to end or change the guardianship. Judges do not end very many guardianships. That's why it is important to think about other options first.
- **Decision-making is a learned skill** – Decision-making is like a muscle. The more you use it, the stronger you get at making decisions. People with disabilities should be given the opportunity to make their own decisions, so they get the chance to learn and practice their decision-making skills over time and get better at it.
- **Self-determination is linked to better life outcomes** – Studies show that people who control their own lives have better life outcomes. They are more likely to live independently and be integrated in the community, to be employed in better paying jobs, and to resist and avoid abuse.
- **Find the right fit** - Families and people with disabilities should know about all the options that are available - such a Supported Decision-Making, Health Care Proxies, Powers of Attorney, and others – so they can work together and pick what will work best for them.

WHAT ARE OTHER OPTIONS?



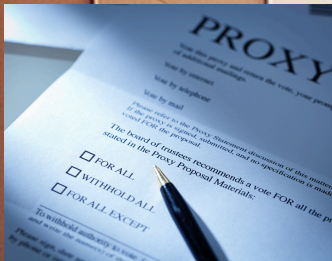
Supported Decision-Making (SDM)

The adult makes decisions with help from trusted supporters



Shared Educational Decision-Making

The adult student and their parent or other trusted adult make decisions together about IEPs and educational services



Health Care Proxy

A legal document that adults use to pick a trusted person to make medical decisions for them when they cannot



Power of Attorney

A legal document that adults use to pick a trusted person to manage their money, property, and business affairs



Delegated Educational Decision-Making

The adult student picks their parent or other trusted adult to make decisions about IEPs and educational services



Representative Payee

The Social Security Administration picks someone else to manage a person's social security benefits when the person cannot

DEEP DIVE INTO SDM



What is Supported Decision-Making (SDM)?

- **The person makes decisions with support** – SDM happens when people, including those with disabilities, make their own decisions with the help of others they pick and trust (“supporters”). Supporters can include family, friends, and professionals. The person decides the amount of support wanted and needed, with the help of their supporters.
- **Supporters provide help, advice, and guidance** – With Supported Decision-Making, supporters help the person understand the situations and choices that come up in life. That way the person can be the one to make the decision and learn how to make better ones over time.
- **SDM can be formal or informal** – Some people use “Supported Decision-Making Agreements,” where they write down who will support them, when their supporters will help, and how their supporters will provide assistance. Other people do not use SDM without a written agreement. SDM works and looks different for different people.
- **People with disabilities keep their legal rights** – SDM does not involve the court removing a person’s legal right to make decisions. People do not need to go to court or hire an attorney to use SDM.
- **SDM can be used in any state, including Massachusetts** – While legislation about SDM has not passed the Massachusetts legislature yet, SDM has been formally recognized in the state in other ways. Over a decade ago, Massachusetts had one of the first of a series of formal SDM demonstration projects, which resulted in the first court order to end a guardianship in favor of SDM in the state in 2015. SDM also can be a reasonable accommodation for a person’s disability under federal and state law. This means that it can be used in any State across the country.

MORE ON SDM



What is Supported Decision-Making (SDM) Not?

- **SDM is not someone else making decisions for and instead of the person** – Supporters are not the person's decision-maker. Supporters help the person make their own decision.
- **SDM is not the person making decisions alone, without any help** – Families are sometimes given the impression that an adult with a disability must either be under guardianship or make decisions without any help. That is not true. Nobody makes decisions without any support, and people with disabilities should not be judged differently.
- **SDM is not the person making decisions only if the supporters agree** – With SDM, the person is the one who makes the final decision. The person may ultimately disagree with the supporters' advice.
- **SDM is not only for people with certain kinds of disabilities** – A person's ability to use SDM is not determined by IQ score or diagnosis. SDM can be used by people who have intellectual and developmental disabilities, who have psychiatric or mental and behavioral health disabilities, or who do not use speech to communicate. When considering whether guardianship is necessary, SDM should be one of the first possible alternatives discussed for everyone.

For more information, please see:

- **Learn about Supported Decision-Making ([English](#) and [Spanish](#))**
- **Guide to Supported Decision-Making ([English](#) and [Spanish](#))**
- **CPR Sample Supported Decision-Making Agreement Form ([English](#) and [Spanish](#)) and Instructions ([English](#) and [Spanish](#)) for Massachusetts Residents**

PRACTICAL TOOLS TO USE WITH MASSACHUSETTS FAMILIES



CLMA and CPR co-developed a series of tools that Family Support Centers can share with families and people with disabilities interested in learning more about ways support with decision-making can be provided in Massachusetts.

- **"Learn About Supported Decision-Making"** ([English](#) and [Spanish](#))
 - This one-page brochure provides an overview of Supported Decision-Making and includes infographics.
- **"Guide to Supported Decision-Making"** ([English](#) and [Spanish](#))
 - This guide shares the fundamental principles of Supported Decision-Making and outlines 5 important steps to consider in using it.
- **"Learn About Adult Guardianship"** ([English](#) and [Spanish](#))
 - This 1-page brochure provides an overview of guardianship in Massachusetts.
- **"Resources and Forms for Massachusetts Families"** ([English](#) and [Spanish](#))
 - This 3-page document provides weblinks to useful resources on alternatives to guardianship for Massachusetts families. It also includes weblinks to specific forms families and people with disabilities can use. It is organized by areas of decision-making, including education, health care, and finances.
- **"CPR Sample Supported Decision-Making Agreement"**
 - Making a Supported Decision-Making Agreement is not required to use Supported Decision-Making, but it can be helpful.
 - Instructions for Massachusetts Residents (as of Aug. 2024) ([English](#) and [Spanish](#))
 - Sample Form ([English](#) and [Spanish](#))
- **"Key Words to Know in Massachusetts"** ([English](#) and [Spanish](#))
 - When it comes to exploring ways to support people with disabilities in decision-making, there is frequently legal jargon used. This three-page document provides definition of key words to help families better understand different options.
- **Videos of "Journeys with Supported Decision-Making"**
 - Omar ([English](#) and [Spanish](#))
 - Keila and Omar ([English](#) and [Spanish](#))

CULTURAL CONSIDERATIONS

A Commitment to Equity and Respect

To truly engage Hispanic/Latinx people with disabilities and their families in Supported Decision-Making (SDM), we must move beyond a one-size-fits-all model and recognize the rich cultural, linguistic, spiritual, and social contexts that shape each person's experience. This toolkit centers cultural humility and respect by honoring the following pillars:

I. Family Involvement

We acknowledge the central role of family in decision-making for many Hispanic/Latinx individuals. Invite family members into the conversation whenever the person with a disability desires. Respect the collective approach to decision-making, rather than focusing solely on individual autonomy.

II. Bilingual Communication

Language access is essential for dignity and understanding. Offer all materials and conversations in Spanish when needed. Use trained interpreters, not family members, to ensure clarity and confidentiality.

III. Empowering People's Voices

Many people with disabilities and their families may hesitate to question providers and professionals due to cultural norms of respect. Encourage providers to explicitly invite questions and opinions. Use inclusive language that affirms the role of people with disabilities in decision-making.

IV. Spirituality and Traditions

Health is often connected to faith, spiritual practices, and traditional remedies. Respect and ask about these practices without judgment. When safe and appropriate, integrate them into the care plan.

V. Addressing Socioeconomic Realities

Using Supported Decision-Making is not as impactful if patients cannot access the care they choose. Consider transportation, income, insurance status, and legal concerns. Connect people with disabilities and their families with community-based supports and culturally competent services.

When we honor these values, we do not just improve care — we build trust.

"I feel that using Supported Decision-Making in my life brings me a sense of empowerment and autonomy, because I'm in control of my choice and the decision-making process, and I know that I am going to have the support and guidance available to help me when I need it."

– Josué “Omar” Torres, “Our Journey with SDM”





APPENDIX PRACTICAL TOOLS

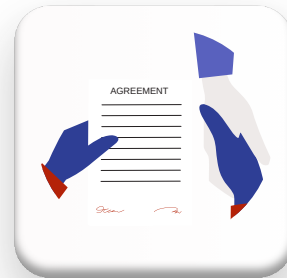
Learn About

Supported Decision-Making



- Supported Decision-Making is an **alternative to guardianship** where a person with a disability relies on the help of trusted “supporters” like family, friends, and professionals to make and communicate their decisions
- Supporters **offer guidance** so that the person with a disability can understand the situations and choices they face and **make their own informed decisions**.

- Supported Decision-Making can be used with **other legal tools** like powers of attorney, health care proxies, and release-of-information forms.
- By using these tools independently or together, a person with a disability can receive the support they need and can **avoid guardianship**.



- Supported Decision-Making empowers people with disabilities to **maintain control over their lives** and let’s them **pick the level of support** they need and **who they want to help them**..
- Supported Decision-Making is important in helping people with disabilities **reach their goals**.

5 SUPPORTED DECISION-MAKING STEPS



If you are interested in learning more, contact us to register for the next event



www.conexioneslatinx-ma.org



Center for Public Representation

www.centerforpublicrep.org

Project: Empowerment and Skills in the Hispanic Community
Funded through a grant from the Massachusetts Developmental Disabilities Council, U.S. Department of Health and Human Services, Administration for Community Living, Federal Award No.. 93.630.

Learn About

Adult Guardianship

1

Adult guardianship is a formal legal process in which a court decides that an adult is “incapacitated” and appoints someone else—a “guardian”—to act on their behalf.

In Massachusetts, “incapacitated” means the adult has a diagnosed condition that makes them unable to make or communicate decisions necessary for their physical health, safety, or self care - even with help.

2

3

Because guardianship limits a person's right to make their own decisions, courts must first determine whether less restrictive options —such as Supported Decision-Making, Health Care Proxies, and Power of Attorney—can meet the person’s needs.

5

The court decides what decision-making authority a guardian has. For example, it may decide that a guardian can make medical, educational, financial, and/or other decisions for the person.

4

The court can limit the guardian's authority and decide that the person can still make some decisions for themselves. This is called limited guardianship.

7

When making decisions, the guardian should encourage the person to participate in the decision-making process. The guardian must also consider the person's expressed wishes and otherwise act in the person’s best interest.

6

Guardianship involves on-going court oversight. The court can change the guardian if it is not satisfied with their actions. Only the court can change or end a guardianship.

Sometimes service providers say that guardianship is the only option to choose, but that is not true. Families should be told about all the options, including less-restrictive alternatives.

8

If you are interested in learning more, contact us to register for the next event



www.conexioneslatinx-ma.org



Center for Public
Representation

www.centerforpublicrep.org

Accessible Resources

The Arc Massachusetts

781-891-6270

arcmass@arcmass.org

thearcofmass.org

Center for Public Representation

413-586-6024

SDM@cpr-ma.org

supporteddecisions.org

Massachusetts Advocates

Standing Strong

info@wearemass.org

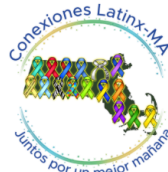
www.wearemass.org

Massachusetts Developmental

Disabilities Council

617-770-7878

tinurl.com/5n8p84n



"People can make informed decisions about their own lives with the support of those they trust."



Empower Ability program is funded through a grant from the Massachusetts Developmental Disabilities Council, US Department of Health and Human Services, Administration for Community Living, Federal Award No. 93.630

Reach out to us



www.conexioneslatinx-ma.org



hola@conexioneslatinxma.org



413-419-8008

Supported Decision-Making Guide

**Your Life. Your Choices.
With Trusted Support.**

Foundation

The fundamental principles of Supported Decision-Making include:

- Every person has the right to self-determination. Supported Decision-Making helps people make decisions about their own lives, with the support they need and want.
- Every person deserves to be able to take risks and learn from mistakes.
- Every person should get the support they need to make and communicate their own decisions. The support will look different for each person.
- We should all honor each others' decisions and preferences.
- People are able to make better informed decisions when they are able to get the advice of people they know and trust.
- Supported Decision-Making can be a reasonable accommodation for a person's disability.

Choice

When picking supporters, the person should think carefully about who they trust and what kind of help they want. The person should pick supporters who will help them make their own decisions and not try make decisions for them.

Dialogue

The person and supporters should discuss what area of life the person wants help in making decisions, like in finances, healthcare, education, and employment

Plan

A person is not required to create a written agreement with their supporters, but it can be helpful to do so. It clarifies what everyone's roles are and lets others know that the person uses Supported Decision-Making.

5 Steps in Supported Decision-Making

Start the conversation.

Identify trusted supporters who are willing and able to help.

Plan and communicate.

Consider writing an SDM agreement.

Share the agreement with people who need to know, like doctors, schools, and service providers.



GUARDIANSHIP IS NOT THE ONLY OPTION: Supports for Decisions in Adulthood

March 21, 2024

RESOURCES & FORMS FOR MASSACHUSETTS FAMILIES

I. GENERAL

- **Center for Public Representation** – <https://supporteddecisions.org>
- **Massachusetts Advocates Standing Strong** - <https://www.wearemass.org/supported-decision-making>
- **Conexiones Latinx-MA**, <https://conexioneslatinx-ma.org>
- **Disability Law Center**, <https://www.dlc-ma.org>
 - **"Alternatives to Guardianship and Guardianship" Self-Advocacy Materials**
 - **English:** <https://www.dlc-ma.org/wp-content/uploads/2023/11/Alternatives-to-Guardianship-and-Guardianship.pdf>
 - **Spanish:** <https://www.dlc-ma.org/wp-content/uploads/2023/12/Spanish-Alternatives-to-Guardianship-and-Guardianship.pdf>

II. EDUCATION

- **Sample Supported Decision-Making Agreement Form**
 - **English:** <https://supporteddecisions.org/wp-content/uploads/2024/03/CPR-SDM-agreement-FOR-WEBSITE-English.pdf>
 - **Spanish:** <https://supporteddecisions.org/wp-content/uploads/2024/03/Acuerdo-de-Toma-de-Decisiones-Apoyado-desarrollado-por-Centro-de-Representacion-Publica.pdf>
- **Sample "FERPA Release" Form – Family Educational Rights and Privacy Act**
 - **U.S. Department of Education Model Form (English)**
 - <https://studentprivacy.ed.gov/resources/model-form-disclosure-parents-dependent-students-and-consent-form-disclosure-parents>
- **Shared or Delegated Educational Decision-Making**
 - **English:** <https://www.dlc-ma.org/wp-content/uploads/2023/11/Alternatives-to-Guardianship-and-Guardianship.pdf> (pages 3-4)
 - **Spanish:** <https://www.dlc-ma.org/wp-content/uploads/2023/12/Spanish-Alternatives-to-Guardianship-and-Guardianship.pdf> (pages 3-4)

III. HEALTH CARE

- **Sample Supported Decision-Making Agreement Form**
 - **English:** <https://supporteddecisions.org/wp-content/uploads/2024/03/CPR-SDM-agreement-FOR-WEBSITE-English.pdf>
 - **Spanish:** <https://supporteddecisions.org/wp-content/uploads/2024/03/Acuerdo-de-Toma-de-Decisiones-Apoyado-desarrollado-por-Centro-de-Representacion-Publica.pdf>
- **Sample "HIPAA" Release Forms – Health Insurance Portability and Accountability Act**
 - Many health care providers have their own release forms that they may prefer you use. For example, Mass General Brigham (in English, Spanish, and Portuguese):
 - <https://www.massgeneralbrigham.org/en/patient-care/patient-visitor-information/medical-records#accordion-63572c023e-item-ff392db125>
 - **Massachusetts Department of Public Health Form (English)**
 - <https://www.mass.gov/doc/dph-model-authorization-for-release-of-confidential-information-pdf/download>
 - **Greater Boston Legal Services Example of a HIPAA Release (English)**
 - https://www.masslegalservices.org/system/files/library/Med%20release%20HIPAAcompliant_0.pdf
 - **American Bar Association Model Form (English)**
 - https://www.americanbar.org/content/dam/aba/administrative/law_aging/samplehipaaauthorizationformforfamilymembers.authcheckdam.pdf
- **Health Care Proxy Form**
 - **English:** <https://www.honoringchoicesmass.com/wp-content/uploads/2016/10/09.16-Health-Care-Proxy-Instructions-Document.pdf>
 - **Spanish:** <https://www.honoringchoicesmass.com/wp-content/uploads/2015/04/MA-Health-Care-Proxy-Spanish-V2-w-border1.pdf>
- **Current MOLST Form (coming soon POLST)**
 - **English:** <https://www.molst-ma.org/download-molst-form>
 - **Spanish:** [Órdenes médicas relacionadas con el tratamiento de prolongación de la vida | Massachusetts Medical Orders for Life-Sustaining Treatment \(molst-ma.org\)](https://www.molst-ma.org/ordenes-medicas-relacionadas-con-el-tratamiento-de-prolongacion-de-la-vida)



IV. FINANCES

- **Sample Supported Decision-Making Agreement Form**
 - **English:** <https://supporteddecisions.org/wp-content/uploads/2024/03/CPR-SDM-agreement-FOR-WEBSITE-English.pdf>
 - **Spanish:** <https://supporteddecisions.org/wp-content/uploads/2024/03/Acuerdo-de-Toma-de-Decisiones-Apoyado-desarrollado-por-Centro-de-Representacion-Publica.pdf>
- **Durable Power of Attorney**
 - Honoring Choices Mass, Durable Power of Attorney Guide, <https://www.honoringchoicesmass.com/dpoa/> (English)
- **ABLE Accounts**
 - ABLE National Resource Center: <https://www.ablenrc.org>
 - ABLE Materials Tool Kit:
 - **English:** <https://www.ablenrc.org/able-materials-toolkit/>
 - **Spanish:** <https://www.ablenrc.org/kit-de-herramientas-del-material-de-able/>
- **Representative Payee**
 - Social Security Administration: <https://www.ssa.gov/payee>

Projects: “Empower and Ability in the Hispanic Community” & “Supported Decision-Making: Diversity, Equity & Inclusion” Funded through a grant from the Massachusetts Developmental Disabilities Council, USA. U/S. Department of Health and Human Services, Administration for Community Life, Federal Award No. 93,630.

CENTER FOR PUBLIC REPRESENTATION SAMPLE SUPPORTED DECISION-MAKING AGREEMENT

Instructions for Massachusetts Residents

1. What is "Supported Decision-Making"

Supported Decision-Making (also called "SDM") is a way you can make your own decisions with the help you need and want. To use SDM, you select friends, family members, and other trusted individuals to serve as your "supporters."

Supporters do not make decisions for you. They help you make or communicate your own decisions, such as where or with whom you want to live, what services, supports, or medical care you want to get, where you want to work, how you want to save or spend your money, and more.

If you want them to, supporters may explain what choices you have in ways you understand, ask other people questions for you, help you gather information, or let others know what you decide. SDM is one alternative to guardianship. It does not take away your legal rights or give your supporters the right to overrule your own decisions. To learn more about getting started with SDM, visit <https://supporteddecisions.org/getting-started-with-supported-decision-making/>.

2. What is a "Supported Decision-Making Agreement"

A Supported Decision-Making Agreement is the way to put an SDM relationship in writing. That way, other people and organizations – such as doctors, hospitals, banks, schools, service providers, and governmental agencies – know who your supporters are, what decisions you want them to help you with, and how you want them to help you. Supported Decision-Making Agreements do not allow a formal supporter to make decisions for you or act in your place. YOU are the decision-maker.

As part of its Massachusetts projects, the Center for Public Representation developed a sample Supported Decision-Making Agreement form. We have worked with many people who have used SDM and have made this Agreement form work with their needs — but it is just an example. As of August 1, 2024, unlike some other states, Massachusetts has not passed a law requiring a specific Supported Decision-Making Agreement form or rules to be used. If you live in a different State with a Supported Decision-Making law, we do not recommend that you use this sample form. You should instead talk with someone in your own state to make sure that your Supported Decision-Making Agreement will work where you live.



Center for Public
Representation



3. How do I fill out this Supported Decision-Making Agreement form?

Remember, this form is just one example. There are sections of the form that you can personalize. You might want to add more supporters, or you might want to state how your supporters should work together.

Before filling out this version of a Supported Decision-Making Agreement, you will need the following:

- Your supporter(s)
- A blank copy of the form
- A notary public

Top of the Form – Who are you?

You — as the person with a disability who is being supported — should fill in your name, date of birth, address of where you live, telephone number, and email, if you have one. Your supporters can help you fill out the form, but it must be you who approves what they write in it, and you who signs the form.

Section A - What decisions do you want help with?

Put an X in the boxes for the type of decisions in your life you want supporters to help you make decisions about. If you do not want help with a certain type of decision, leave the box blank. For example, if you want help with decisions about your money, you would check the box that says "Taking care of my financial affairs, like banking." You can also put an X in the last box and write more kinds of decisions you want help with on the last line, where it says "Other matters."

Section B - How do you want your supporters to help you?

Supporters can help you in many different ways, and you can tell them how you want to be helped. Put an X in the boxes of the type of help you want. For example, if you want your supporters to explain what things mean, you can put an X in the box that says "Giving me information in a way I can understand." You can also place an X in the last box and write more ways you want help on the last line.

Section C - How do you communicate?

On this form, you can let people know how you express yourself and show others what you want. Some people communicate with words, or gestures, or technology. Put an X in the boxes to show how you communicate. You can put an X in one or both of the last two boxes and write more kinds of ways you communicate on the last two lines.



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Section D - Who do you want to support you with decisions?

This form lets you list up to three people as your "Network Supporters," and you can list more supporters on the back of it. For each:

- Write in the supporter's full name, date of birth, address, telephone number, email, and relationship to you (for example: mother, father, sister, friend)
• Put an X in the boxes to show which decisions in life you want help with. For example, if you want your supporter to help you make decisions about money and doctors, you would put an X in the boxes for "Finances" and "Healthcare." If you want help with types of decisions that are not listed on the form, you can put an X in the "Other" box and then write in what those other types of decisions are (for example, "School" if you want help with educational decisions).
• If there are areas of life with which you specifically do not want your supporter to help you make decisions, you can list them here, too.

Section E - If you have more than one supporter, how do you want them to work together?

If you want all your supporters to work together to help you, put an X in the box that says "Jointly." If you instead want Supporter #2 to help you only if Supporter #2 is not available, put an X in the box that says "Successively." If you do not check any box, your Supporters will work "Successively."

Section F - Your Signature

In front of a notary public, sign and date the form if you agree with everything that is in it. It is also essential to understand that you can choose to end the agreement at any time by letting others know that you want to end it. You can also choose to add, replace, or remove a network supporter.

Section G - Notary Certification

Once you have finished writing your SDM agreement, you can choose to have someone, called a notary, observe you when you sign it. A notary is someone with a special license from the state who is a witness for people who are signing important documents. The notary can watch you sign your SDM agreement and will check your identification. Then the notary will apply a stamp or seal to your SDM Agreement, which means the Agreement will be "notarized." Having your Agreement notarized is a way of making your SDM Agreement more official.



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Section H – Network Supporters’ Statements

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Each of your supporters should fill out, sign, and date this statement. This statement says that they understand that, as your supporters, their job is to honor and present your expressed wishes to other people. They should also list who they will contact in the event they cannot perform their job under the agreement.

IMPORTANT NOTE – Release of Information Forms

Even after you fill out this agreement, you may still be required to fill out additional paperwork by your school or health care provider to comply with federal privacy laws.

- To give your supporters access to your health care information, you should complete a release form under the Health Insurance Portability and Accountability Act (HIPAA).
- You can fill out a [HIPAA release of information form from the Massachusetts Department of Public Health](#) (in **English**). However, many healthcare providers have their own forms that they want you to fill out as well.
- To give your supporter access to your educational information, you should complete a release form under the Family Educational Rights and Privacy Act (FERPA). If you are a student and want your school to share information with one of your supporters, ask your school district for its FERPA release form.

DISCLAIMER – These examples of a Supported Decision-Making Agreement form and instructions are for informational purposes only, and they do not constitute legal advice. Laws relating to Supported Decision-Making can be state-specific. We recommend you speak to an attorney before completing any form to make sure that your form meets all legal requirements in your State.



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Supported Decision-Making Agreement
developed by Center for Public Representation

This is the Supported Decision-Making Agreement of

Name : _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

A. I need supporter(s) to help me make decisions about:

- Taking care of my financial affairs, like banking
- Hiring a lawyer if I need one and working with the lawyer
- My health care, including large and small health care decisions
- Personal care (like where I live, the support services I need, managing the people who work with me, my diet, exercise, education, safety and activities)
- Other matters: _____

B. I expect my supporter(s) to help me in the following ways:

- Giving me information in a way I can understand
- Discussing the good things and bad things (pros and cons) that could happen if I make one decision or another
- Telling other people my wishes
- _____

C. I express myself and show what I want in the following ways:

- Telling people my likes and dislikes.
- Telling people what I do and do not want to do.
- _____
- _____

D. I designate the following individual(s) to be part of my Supported Decision-Making Network to assist me in making decisions.

Network Supporter #1

Name: _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #1: *Check all that apply:*

- Finances** **Healthcare** **Living Arrangements**
- Relationships/Social** **Employment** **Legal Matters**
- Other** (*please specify*):

Areas I don't want Supporter #1 to assist me with:

Network Supporter #2

Name: _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #2: *Check all that apply:*

- Finances Healthcare Living Arrangements
- Relationships/Social Employment Legal Matters
- Other** (*please specify*):

Areas I don't want Supporter #2 to assist me with:

Network Supporter #3

Name: _____ Date of birth: _____

Address: _____

Telephone: _____ Email: _____

Relationship: _____

Areas of Assistance for Supporter #3: *Check all that apply:*

- Finances Healthcare Living Arrangements
- Relationships/Social Employment Legal Matters
- Other** (*please specify*):

Areas I don't want Supporter #3 to assist me with:

Use the reverse side of this document to list additional supporters.

E. If I have more than one Supporter (Optional, but if you do not fill out this section, your Supporters will act “Successively”.)

My Supporters will act (*choose one*)

Jointly (work together to help me)

OR

Successively (For example: Supporter #2 helps me if Supporter #1 is not available)

F. I understand that at any time I can choose to end this agreement. I understand that at any time I can choose to add, replace or remove a network supporter.

Signature

Date

G. Notary Certification

Commonwealth of Massachusetts, County of _____

On this ___ day of _____, 20___, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

(seal)

Notary Public Signature

H. Network Supporters' Statements

Network Supporter #1

I understand that as _____'s supporter, my job is to honor and present his/her expressed wishes. In the event I cannot perform my job under this agreement, I will contact _____.

Signature

Date

Network Supporter #2

I understand that as _____'s supporter, my job is to honor and present his/her expressed wishes. In the event I cannot perform my job under this agreement, I will contact _____.

Signature

Date

Network Supporter #3

I understand that as _____'s supporter, my job is to honor and present his/her expressed wishes. In the event I cannot perform my job under this agreement, I will contact _____.

Signature

Date

**This form was developed by Center for Public Representation
www.supporteddecisions.org**

What Happens When My Child with a Disability Turns 18 Years Old?

Key Words to Know in Massachusetts

Guardianship

Guardianship is a legal term. If a court decides that an adult is "incapacitated," the court can give someone else (called a **legal guardian**) the power to make decisions for that adult. When a court determines someone needs guardianship, it decides what types of decisions the person cannot make. If the court determines that a person is incapable of making most decisions, it can place them under general guardianship. If the court decides that the person can make some decisions, but not others, it can limit the guardianship only to cover the decisions that the person cannot make. Only the court can change or end a guardianship.

Legal guardian

When a court decides that an adult needs a guardianship, the court gives legal authority to someone else, called a legal guardian, to make decisions on behalf of the adult. The legal guardian has responsibilities and reports to the court. If the court believes the legal guardian is not doing a good job, it can replace them with a different legal guardian. While a guardian makes decisions for a person, the person should still be included in decision-making as much as possible

Incapacitated

Massachusetts law defines an "incapacitated person" as an adult who has a clinically diagnosed condition that makes the person unable to receive and evaluate information or make or communicate decisions necessary to meet the person's essential requirements for physical health, safety, or self-care – even with help.



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Supported Decision-Making

Supported Decision-Making (SDM) is a way for people with disabilities to make choices about their own lives. They can select trusted individuals—supporters—to be part of a support network that helps with decision-making. Instead of having a guardian decide for them, Supported Decision-Making enables the person with a disability to make decisions with assistance. In Massachusetts, Supported Decision-Making can be used with or without a written agreement. For a sample Supported Decision-Making Agreement form, see:

<https://supporteddecisions.org/getting-started-with-supported-decision-making/sdm-agreement-form/> ([English](#), [Spanish](#))

Supporter

When people with disabilities use Supported Decision-Making, the other people that they choose to be part of their support network and help them understand their choices are called their “supporters.” Supporters provide assistance, information, and guidance, so the person with disability can make decisions. Supporters do not make decisions for the person with a disability.

Shared Educational Decision-Making

In Massachusetts, when a student turns 18, the student can choose to share educational decision-making authority with one or more parents or other adults. This means that the adult student and their trusted shared decision-maker make choices together about the student's Individualized Educational Program (IEP) and educational services. The student's choice to share decision-making must be documented and witnessed by representatives of the school district. The student or parent can obtain the necessary form through the school district. The student can revoke or cancel the shared decision-making agreement at any time. If a disagreement arises between the student and the other shared decision-maker, the choice of the adult student rules

Delegated Educational Decision-Making

An adult student can choose to delegate educational decision-making authority to a parent or other adult. This means the parent(s) or chosen adult makes all the choices about the student's IEP and educational services, because the student picked them to do so. The student or parent can get the necessary form through the school district. Students can revoke or cancel this arrangement if they want to make their own educational decisions.

Health Care Proxy

A health care proxy is a legal document that an adult can sign to choose a trusted person to make medical decisions when the adult cannot make them. The adult must understand what a health care proxy is and what it does to be able to sign it. The adult can also revoke or cancel a health care proxy. An adult does not go to court to use a health care proxy. For health care proxy forms in nine languages (including English), see:

<https://www.honoringchoicesmass.com/multilingual-planning-documents/>

Durable Power of Attorney

A "power of attorney" is a legal document that allows an adult to choose a trusted person to manage the adult's money, property, and business affairs. The document can specify exactly when the trusted person has that power – either right away or only in certain circumstances, such as when the adult becomes unable to make decisions. A "durable power of attorney" allows the agent to continue acting for the person, even after the person has become incapacitated. The adult signing the power of attorney must first understand what it is and what it does. The adult may also revoke or cancel the power of attorney. An adult does not need to go to court to use a power of attorney. Powers of attorney can be complicated, depending on the situation, so consider talking to a lawyer before using one. For more information, see:

<https://www.honoringchoicesmass.com/dpoa/> (in English)



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Agent or Health Care Agent

When signing a power of attorney or a health care proxy, the adult picks a trusted person to make decisions if the adult is unable or unwilling to do so. That trusted person is called an agent. When the adult signs a health care proxy, sometimes the agent is called a health care agent.

Representative Payee

A representative payee is someone who manages another person's Social Security benefits. The Social Security Administration (SSA) will appoint a representative payee for someone if it thinks that person cannot manage or tell others how to manage their Social Security benefits. A person does not need to be subject to guardianship to have a representative payee. To apply to become someone's representative payee, contact your local SSA office <https://secure.ssa.gov/ICON/main.jsp> (type in your Zip Code).

Release of Information

A release of information form is a legal document that an adult can use to let service providers – like doctors' offices or schools – share private information with others.

- For health care information, the adult should complete a release form under the Health Insurance Portability and Accountability Act (HIPAA). For a sample HIPAA form, see: <https://www.mass.gov/files/documents/2016/07/rh/model-authorization-eng.pdf> (in English). However, many health care providers have their own HIPAA forms that they want to be filled out as well.
- For educational information, the adult should complete a release form under the Family Educational Rights and Privacy Act (FERPA). Ask the school for the FERPA release form it uses.





Contacts::

Conexiones Latinx-Massachusetts
413-419-8008
hola@conexioneslatinxma.org
www.conexioneslatinx-ma.org

Center for Public Representation
413-486-6024
SDM@cpr-ma.org
supporteddecisions.org
www.centerforpublicrep.org

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