

# Supported Decision-Making in Delaware



## What is supported decision-making?

Supported decision-making (SDM) allows people with disabilities to get the help they may need to make choices about their personal lives, healthcare, and/or finances. With SDM, an individual chooses one or more supporters to help them make and communicate life decisions. Types of support provided may differ from person to person, but with SDM, people maintain their right to make choices about their lives.

## Why is supported decision-making important?

When people make their own choices, they are more likely to live happier, fuller, and more independent lives. SDM ensures that people with disabilities have the right to remain self-determined and to make all final decisions in their life.

## How is SDM different from guardianship?

With guardianship, the right to make most or all life decisions is given to the court-appointed guardian. With SDM the individual remains in charge of all life choices. SDM also allows for flexibility in adapting the level of support provided over time, if needed, while the terms of guardianship are fixed and difficult to change. In 2016, Delaware became the second state in the nation to adopt SDM with the passing of the Supported Decision-Making Act (SB 230), which can be found in Title 16, Chapter 94A of the Delaware Code.

## Can there be more than one supporter?

Yes! A person may choose multiple supporters to help across one area or different areas of life. For example, a family member may be chosen to help with health care decisions, while a friend may be chosen to provide support for social life decisions.

## What does it mean to be self-determined?

To be self-determined means to have the autonomy to set life goals and make life decisions. Self-determination is a key part of living an independent and fulfilling life.

## How to become a supporter in Delaware

A valid supported decision-making document in Delaware is an agreement between the person with a disability and their chosen supporter(s) and has all the elements required by law. The agreement identifies the type of support an individual needs and outlines what the supporter is allowed to do to provide the appropriate assistance. A sample form is available from Delaware Health and Social Services (DHSS).

## Relevant Research

Shogren, K.A., Dean, E.E., Linnenkamp, B., Raley, S.K., Martinis, J., & Blanck, P. (2021). Supported Decision Making. In I. Khemka & L. Hickson (Eds.), *Decision Making by Individuals with Intellectual and Developmental Disabilities: Integrating Research into Practice* (pp. 21-46). Springer International Publishing.

## Supported Decision-Making Resources in Delaware

- [Supported Decision-Making in Delaware Site](#)
- [National Resource Center for Supported Decision-Making](#)
- [Disabilities Law Program – Community Legal Aid Society, Inc.](#)
- [Delaware Code Online – Title 16, Chapter 94A](#)
- [Supported Decision-Making in Delaware Courts Information](#)
- [Self-determination in health care for people with disabilities online resource](#)

Additional resource guides and a full list of references at <https://www.delawareautismnetwork.org/>.

Steinbrecher, A., Fletcher, A., Mallory, S., Martinis, J. & DNEA CDS Teams. (2023). *DNEA resource guide: Supported decision-making in Delaware*. Delaware Network for Excellence in Autism.