



Surrogate Decision-Making

Surrogate Decision-Making is when someone else makes decisions about your health care. With Surrogate Decision-Making, you choose a person you trust to make health decisions for you. This person is called your **surrogate**. You can say who you do, or do not, want to be your surrogate. Your closest family member (for example: your spouse, child, or parent) becomes your surrogate if you do not choose a support person. This is also called the **Healthcare Surrogacy Law**. This information is shared with your doctor.

Where can I use this support in my life?

The table below shows examples of how you can use Surrogate Decision-Making.

Money

Your surrogate cannot make decisions about your money. Your surrogate is not responsible for your medical bills.

Healthcare

Your surrogate can:

- Access your medical records
- Discuss medical care and options with your doctors
- Make decisions about the treatments and procedures you receive

School

Your surrogate cannot make decisions about your schooling.

Personal life

Your surrogate cannot make decisions about your personal life.

Housing

Your surrogate cannot make decisions about your housing.

Post-secondary life

Your surrogate cannot make decisions about your post-secondary life.

Additional information and a full list of references are available at
<https://www.delawareautismnetwork.org/resources/supported-decision-making/>

Steinbrecher, A., Ferrara, N., Mallory, S., & Legal Support Choices Project Advisory Group (2025).
Surrogate decision-making. University of Delaware Center for Disabilities Studies.

More information about Surrogate Decision-Making

Who is the decision-maker?

With Surrogate Decision-Making, someone else is making health decisions for you. You can say who you want to be your decision-maker.

Does Surrogate Decision-Making require a court hearing?

No, a court hearing is not required when choosing a Surrogate for Decision-Making.

Can Surrogate Decision-Making be changed? If yes, by who?

Information about Surrogate Decision-Making is listed in an Advance Health Directive. You can change your Advance Health Directive at any time, either verbally or in writing. To change your Advance Health Directive, you create a new document with your updated medical choices. Next, sign and date the updated form and share it with your healthcare providers and supporters.

Where can I go to learn more about Surrogate Decision-Making?

You have choices when it comes to legal support when you turn 18. Surrogate Decision-Making is a choice that is available in Delaware. Other states may have different rules or may not offer the same legal support choices as Delaware.

Visit <https://delcode.delaware.gov/title16/c025/index.html> to learn more about Surrogate Decision-Making. Visit <https://dhss.delaware.gov/dsaapd/advance1.html> to download a copy of the Advance Health Directive Form.

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