

Additional Resources

There are many additional resources available to help you determine the correct level of assistance an individual may need as they reach the age of majority.

Iowa Legal Aid

- [*Determining if Guardianship or Conservatorship is Necessary*](#)
- [*Standards and Principles of Substitute Decision Making*](#)

Iowa Developmental Disability Council

- [*Guardianship and Conservatorship in Iowa*](#)

Iowa IDEA Information (i3)

- [*i3*](#) - Guidance, resources and procedures relate to special education in the state of Iowa

Iowa Department of Education

- [*Age of Majority*](#)

Iowa State Bar Association

- [*Find a Lawyer*](#)

Content for this brochure was taken, in part, from information provided by [Disability Rights Iowa](#) (DRI).

This brochure is a high-level overview of supported decision-making that provides links to additional resources and more detailed information.



Supported Decision-Making



What is Supported Decision-Making?

Supported decision-making is the act of supporting an individual with a disability to make their own decisions. This can include natural supports, case management, etc. Some examples of supported decision making can include, but are not limited to, the following:

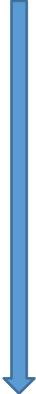
- Helping the individual understand issues and choices
- Answering questions or providing advice
- Providing an explanation in a way the individual can understand
- Communicating decisions with others

As individuals mature, they are called upon to make many decisions in their day-to-day lives. Life is full of choices and decisions and every individual should have the opportunity to make as many of those decisions as possible on their own. This can, and probably will, include poor choices, errors of judgment and/or mistakes. For an individual to improve their decision-making skills, they will need to practice the skills and learn from their mistakes. Individuals will never be able to show what they can do if they are not given the opportunity to try. These opportunities determine where, and how much, support is needed for that person.

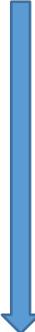
Remember that all individuals, with and without disabilities, need assistance from time to time. This can be in their personal lives as well as in their work life. Have you ever had to ask a co-worker or boss for help on a project? This is very similar concept. Learning from experiences, including our mistakes, helps us grow and expand our skills.

Supported Decision-Making Options

Financial Management

- Self-directed
 - Third party assistance
 - Representative Payee
 - Financial Power of Attorney
 - Limited Conservatorship
 - General Conservatorship
- Least restrictive
- 
- Most restrictive

Personal Care

- Self-directed
 - Third party assistance
 - Medical Power of Attorney
 - Limited Guardianship
 - General Guardianship
- Least restrictive
- 
- Most restrictive

Considerations for Supported Decision-Making

The diagrams on the previous page provide a look at the various options available for the individual. Up to the point of limited and general conservatorship and/or guardianship, court involvement is not required; therefore, changes can be made in a relatively quick and easy manner.

Multiple factors, such as natural supports and/or third-party assistance, should be considered when determining the level of decision making assistance that is needed. Decisions should be based on the individual's capabilities.

Here are **some** questions to consider as you are deciding upon the level of assistance an individual may need:

- Can he/she manage a bank account on their own, including paying necessary bills?
- Can he/she make decisions about where they want to live and with whom while staying safe?
- Does he/she have the basic understanding of medical terms and procedures to manage their own health-care needs?

Since supported decision-making processes can take time to put into place, these conversations should begin during transition planning. Initial decisions need to be made before the individual reaches the age of majority (age 18), but these decisions can continue to be adapted as the individual matures and builds skills in these various areas.

Note: Additional resources to help you through this process can be found on the back page of this brochure.

Guardianship Options

Court involvement is required (cost involved)

Limited – Guardian makes decisions in some areas such as medical care, while the individual makes the other decisions on his/her own.

General – Guardian has broad control over the individual's non-financial decisions.

The final decision as to the level of guardianship needed by an individual is determined by the court and is reviewed annually.

Supported decision-making is the act of supporting an individual with a disability to make their own decisions.

Conservatorship Options

Court involvement is required (cost involved)

Limited – Conservator makes decisions in some areas related to finances, while the individual makes the other decisions on his/her own.

General - Conservator has broad control over the individual's financial decisions.

The final decision as to the level of conservatorship needed by an individual is determined by the court and is reviewed annually.

Note: A temporary guardian or conservator may be appointed by the court in the case of an emergency. This temporary appointment can only last 30 days.

Definitions

Age of majority

The age at which a child is legally responsible for his or her own decisions. In the state of Iowa, this occurs when a child turns 18 or gets married.

Self-Determination

Having the opportunity to make both routine and major choices in everyday life. Supported decision-making can help an individual build their self-determination skills.

Self-Advocacy

Learning how to speak up for oneself to get what a person wants or needs; making decisions for oneself.

Protected person

The person for whom guardianship and/or conservatorship is being considered. This term replaced “ward” in the law in January 2020. For guardianship or conservatorship to be awarded, the protected person must be deemed incompetent by the court.

Guardian

Someone appointed by the court to make decisions about the protected person’s physical care. Guardianship changes (e.g., establish, modify or terminate) must happen through the court.

Conservator

Someone appointed by the court to make decisions about the protected person’s property and/or finances. Conservatorship changes (e.g., establish, modify or terminate) must happen through the court.

Representative payee

A person who manages a protected person’s government benefits (e.g., SSI, SSDI). This person is required to report on the use of funds.

Medical power of attorney

A written document authorizing a person to become a patient advocate and make medical decisions for the protected person if he/she becomes unable to do so for him/herself. No oversight by the court is required. Can be revoked or amended at any time.

Financial power of attorney

A written document that gives a person the authority to make financial decisions on behalf of the protected person. No oversight by the court is required. Can be revoked or amended at any time.