

# SUPPORTED DECISION-MAKING AGREEMENT (Welf. & Inst. Code §§ 21000 – 21008)

*NOTICE: The signature of the disabled adult on this Supported Decision-Making Agreement does not preclude the disabled adult from acting independently of this Agreement and shall not be used by a court or other entity as evidence of incapacity.*

I, \_\_\_\_\_, am an adult with a disability. This is my Supported Decision-Making Agreement (Agreement). In my Agreement, I am listing the people I want to provide me assistance and support with decision-making AND the areas in which I want each of them to provide me support.

## Areas I Want to Receive Support With and the People I Want to Support Me

1. Life Area:  
Type/s of Support Desired:  
Supporter:
  
2. Life Area:  
Type/s of Support Desired:  
Supporter:
  
3. Life Area:  
Type/s of Support Desired:  
Supporter:
  
4. Life Area:  
Type/s of Support Desired:  
Supporter:
  
5. Life Area:  
Type/s of Support Desired:

Supporter:

6. Life Area:

Type/s of Support Desired:

Supporter:

7. Life Area:

Type of Support Desired:

Supporter:

### Acknowledgments

I understand that I have the right to file a report with Adult Protective Services for the county in which I live (under the Elder Abuse and Dependent Adult Civil Protection Act) if I believe that any Supporter or any other person has neglected or abused me in any way.

I understand that I and my supporters are required to review this Agreement at least every two years and update it as needed. Any updated agreement must be signed in the same method as provided below.

I understand that this Agreement is effective from the date of signature until it is terminated in one of the following ways:

(A) By me.

(B) By all of my Supporters. (If I have more than one supporter, the termination by one of my Supporters doesn't terminate the supported decisionmaking Agreement with respect to other Supporters.

(C) By any chosen date of termination if that date is included in the Agreement.

(D) If I pass away.

(E) If all of my Supporters are no longer qualify to be my Supporters (see Welf. & Inst. Code section 21002.)

I understand that either me or any of my Supporters can stop participating in this Agreement at any time by telling me and all of my supporters, or by giving me and all of my supporters a document saying that they want to stop participating.

I also understand that I can terminate this Agreement in other ways, and not just by telling someone or by giving them a document saying I want to end the Agreement, but in any way I show or communicate that I no longer want the Agreement. (for example, by canceling, defacing, obliterating, burning, tearing, or otherwise destroying the Agreement or directing another person present with me to destroy the Agreement for me.)

Attachment

If this box is checked, I have attached to this Agreement the following other decision-making agreements that I have signed (list):

*(Examples would be powers of attorney, authorizations to share medical or educational information, authorized representative forms, representative payee agreements)*

Signatures (Client must sign this document in the presence of a Notary Public OR two disinterested witnesses (not Supporters), who must also sign below).

Dated: \_\_\_\_\_  
Print Name:  
Adult with a disability

Dated: \_\_\_\_\_  
Print Name:  
Witness #1

Dated: \_\_\_\_\_  
Print Name:  
Witness #2

SPACE FOR NOTARY CERTIFICATION  
(if applicable)

## ATTACHMENT 1

### SUPPORTED DECISION-MAKING AGREEMENT SUPPORTER ACKNOWLEDGEMENT & AGREEMENT (Welf. & Inst. Code 21002)

A. A Supporter shall do all of the following:

- (1) Support and implement the direction, will, and preferences of the adult with a disability.
- (2) Respect the values, beliefs, and preferences of the adult with a disability.
- (3) Act honestly, diligently, and in good faith.
- (4) Act within the scope identified by the adult with a disability.
- (5) Maintain confidentiality of any information obtained by a supporter, unless the adult with a disability specifically authorizes its disclosure.

B. A Supporter shall not:

- (1) Coerce an adult with a disability.
- (2) Unless the supporter has a valid legal authorization to do so and the action is within the scope of their authority, a supporter shall not do either of the following:
  - (A) Make decisions for, or on behalf of, the adult with a disability.
  - (B) Sign documents on behalf of the adult with a disability.
- (3) Obtain information not reasonably related to matters with which the adult with a disability has requested assistance, and shall not use or disclose information for any purpose other than supporting the adult with a disability.

(4) Participate in any life decision in which they have a conflict of interest. This includes, but is not limited to, any decision in which the supporter has a financial or other tangible stake in the outcome.

C. A Supporter is bound by all existing obligations and prohibitions otherwise applicable by law that protect adults with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment. This division does not limit a Supporter's civil or criminal liability for prohibited conduct against the adult with a disability, including liability for fraud, abuse, neglect, breach of fiduciary duty, if any exists, coercion, or mistreatment, including liability under the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9), including, but not limited to, Sections 15656 and 15657.

D. An individual shall not be selected as a Supporter or continue as a Supporter of an adult with a disability in any of the following circumstances:

(1) The adult with a disability previously made, or makes, an allegation against the Supporter under the Elder Abuse and Dependent Adult Civil Protection Act.

(2) The adult with a disability has obtained, or obtains, an order of protection from abuse against the Supporter.

(3) The Supporter is the subject of a civil or criminal order prohibiting contact with the adult with the disability, or is subject to a restraining order with respect to the adult with a disability.

(4) The Supporter has been removed as the conservator of the adult with a disability, based upon a finding that they did not act in the conservatee's best interest.

(5) The Supporter is found criminally, civilly, or administratively liable for abuse, neglect, mistreatment, coercion, or fraud.

I agree that I have read and acknowledge and agree with all of the above, and that I meet the criteria described in section D above to act as a Supporter for \_\_\_\_\_ in the areas and ways stated in the attached Supported Decision-Making Agreement.

Dated:

\_\_\_\_\_  
Printed Name:

## **ATTACHMENT 2**

### **SUPPORTED DECISION-MAKING AGREEMENT GLOSSARY/DEFINITIONS**

Adult with a disability means an adult with any disability, including an older adult with a disability or an age-related disability. Disability includes, but is not limited to, an intellectual or developmental disability, cognitive disability, communication disability, psychiatric disability, physical disability, sensory disability, learning disability, dementia, cognitive impairment, Alzheimer's disease, major neurocognitive disorder, or chronic illness or condition.

Life decision means any decision that affects the adult with a disability, including, but not limited to, a decision regarding any medical, psychological, financial, educational, living arrangement, access to home and community-based services, social, sexual, religious, or occupational matter.

Support may include, but is not limited to, helping the adult with a disability obtain and understand information related to a life decision, communicating the decision to others, and assisting the individual to ensure their preferences and decisions are honored.

Supported decisionmaking means an individualized process of supporting and accommodating an adult with a disability to enable them to make life decisions without impeding the self-determination of the adult.

Supported decisionmaking agreement means a voluntary, written agreement, written in plain language accessible to the adult with a disability and in conformance with Section 21005. A supported decisionmaking agreement shall be signed in conformance with subdivision (b) of Section 21005 and may be revoked orally or in writing at any time by either party. A supported decisionmaking agreement may include images, be



read aloud, or be video or audio recorded, in addition to the written version.

Supporter means one or more adults who meet the requirements in Section 21002 and who enter into a supported decisionmaking agreement to help the adult with a disability make decisions.

## ATTACHMENT 3

### SUPPORTED DECISION-MAKING AGREEMENT INFORMATION FOR RECIPIENTS (Welf. & Inst. Code §§ 21003 and 21004)

You have been provided a Supported Decision-Making Agreement for an adult with a disability. Please be informed of the following:

1. An adult with a disability may choose to enter into a supported decisionmaking agreement with one or more chosen supporters. Support may include, but is not limited to, helping the adult with a disability obtain and understand information related to a life decision, communicating the decision to others, and assisting the individual to ensure their preferences and decisions are honored.
2. An adult with a disability is entitled to have present one or more other adults, including supporters, in any meeting or discussion, or to participate in any written communication, including, but not limited to
  - a. individual planning meetings required by state or federal law
  - b. service and care planning meetings
  - c. discharge planning meetings
  - d. meetings with health care providers and individuals who provide residential services or long-term services and supports, and
  - e. communications with a bank, financial institution, or financial planner.
3. An adult with a disability may indicate that they wish to have one or more adults attend a meeting or discussion or participate in any written communication through oral statement, gesture, or any augmentative or alternative communication method used by the adult with a disability.

4. A third party may only refuse the presence of one or more adults, including supporters, if the third party reasonably believes that there is fraud, coercion, abuse, or other action by the individuals requested to be included that the third party is required to report pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9).