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SUPPORTED DECISION MAKING Vocational Rehabilitation



Supported Decision Making in Vocational Rehabilitation

Federal law says what people with disabilities already know: they are “one of the most disadvantaged groups in society.”¹ It’s a sad truth: far too often, people with disabilities don’t get what they need to lead independent and productive lives. And in just the last 30 years, more than one million people with disabilities have been ordered into guardianship or conservatorship², with the vast majority losing all their rights.³

Of course, for people who truly can’t make decisions, guardianship and conservatorship can be good things. But, if people can make decisions, either by themselves or when they get help, guardianship and conservatorship can have a “significant negative impact on their physical and mental health.”⁴

Congress created the Vocational Rehabilitation program to help people with disabilities learn the skills and get the support they need to work and live as independently as they can.⁵ These skills are the often the same things people with disabilities need to avoid unnecessary guardianship and conservatorship.

In this brochure, we’ll tell you about Supported Decision Making and how it can help people with disabilities make their own decisions, live, and work as independently as they can, and avoid unnecessary guardianship and conservatorship. We’ll also show you ways you can receive Supported Decision Making supports and services through Vocational Rehabilitation services.

Supported Decision Making: What is It?

Supported Decision Making (SDM) is getting help when you need it, from people you choose, so you can make your own decisions⁶. That's how we all make decisions.

EVERYONE.

Think about what you do when you have to make a tough choice, or a decision about something you don't know a lot about, or just want to "talk it out." You may ask a friend for advice or a professional for information, or you may have "go-to" people you talk to about specific things. They help you "think through" the issues and discuss the "pros and cons" of your choices. That way, you can understand your options and you choose the one that's best for you. When you do that, you're using SDM. People give you support, so you can decide. That's it. People with disabilities use SDM, too!



Vocational Rehabilitation can help People Avoid Unnecessary Guardianship and Conservatorship

Vocational Rehabilitation programs help people with disabilities identify, get, and use the supports they need to work.⁷

That's important, of course, but what does it have to do with guardianship and conservatorship? Think about it: why do people get put into guardianship and conservatorship? As one expert said, it's because someone thinks they can't "take care of themselves in a manner that society believes is appropriate."⁸

What if the same things keeping you from working are also keeping you from making your own decisions and "taking care of yourself?" Congress recognized that working and decision-making go together when it created the Vocational Rehabilitation program. It said:

The goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to —

- A** make informed choices and decisions; and
- B** achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency⁹

So, if the same things are stopping people with disabilities from working and "taking care of themselves," the Vocational Rehabilitation program can help them learn the skills and get the supports they need to work and avoid unnecessary guardianship or conservatorship. As we'll show you, that can and should include SDM.

The Basics of Vocational Rehabilitation

In Connecticut, the Vocational Rehabilitation system consists of two different programs, the Bureau of Rehabilitation Services (BRS) and the Bureau of Education and Services for the Blind (BESB). The BESB program serves youth and adults who are legally blind. BRS serves youth and adults with all other types of disabilities who meet its program requirements. Both programs assist people with disabilities get what they need to get a job, keep a job, and advance in their employment.

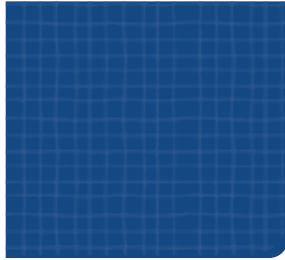
There are BRS and BESB offices throughout the state. To request an application for services from BRS, fill out and submit the form at: https://portal.ct.gov/rehabilitationservices/Contact-Us?language=en_US and someone from BRS will contact you. You can also contact the BRS office nearest to you to request an appointment. You can find your local BRS office at: https://portal.ct.gov/rehabilitationservices/our-offices?language=en_US

BRS will find you eligible for the Vocational Rehabilitation program if it agrees that:

- You have a disability
- You want to work
- Your disability makes it hard for you to work
- Vocational Rehabilitation services can help you work¹⁰

If you meet these requirements, there are no age limits for BRS and BESB vocational rehabilitation programs: you can't be too old for it. The programs must also work with students receiving Special Education services "as early as possible."¹¹ In Connecticut, these pre-employment transition services are called Level Up. The Transition Coordinator at your local school district will be able to provide you with more information about the Level Up program. Finally, if you receive government benefits like Medicaid, SSI, or SSDI, you are presumed eligible.¹²

If you're found eligible, you'll work with a counselor to create an Individualized Plan for Employment. The Plan identifies the job you are trying to get with BRS/BESB's help and the supports they'll provide to help you get and keep that job.¹³



IMPORTANT ADVOCACY TIP

This is a very limited description of the Vocational Rehabilitation system. It is important for everyone looking for Vocational Rehabilitation services to learn and understand their rights to apply, become eligible and receive services and supports. To learn more, contact the Client Assistance Program at Disability Rights Connecticut. They can be reached at (860) 297-4300 or 1.800.842.7303.

Using “Informed Choice” and SDM in Vocational Rehabilitation

Supported Decision Making is a key part of BRS/BESB’ Vocational Rehabilitation programs. For example, the programs must make sure that you can exercise “Informed Choice.”¹⁴ That means your counselor must give you the information, advice, and other help you need to choose:

- The job you want to get with their help;
- The supports and services you need to get and keep that job; and
- The agencies and organizations that will provide those supports and services.¹⁵

Isn’t “Informed Choice” just another way to say SDM? In both, people with disabilities work with professionals to help them understand their choices, so they can decide what they want to do.¹⁶ BRS/BESB supports you, and you decide. That’s SDM!

In other words, SDM is built-in to the BRS/BESB system. When the program gives people support to choose their job goals and supports, it’s helping them get what they need to work and make their own decisions. Aren’t those two of the main things people with disabilities need to avoid unnecessary guardianship or conservatorship?



Developing Supported Decision Making and Independent Living Skills through Vocational Rehabilitation

What if you need education or training to get a job? What if you have trouble keeping a job because you need help making good decisions about your physical or mental health? What if you need to develop better organization or judgment? If you need those or other “independent living” and decision-making skills to work, BRS/BESB can help you learn them.

What do independent living and decision-making have to do with getting a job? Think about it:

- Would you hire someone who has trouble understanding and following office policies?
- Would you promote people who don't take care of their health and are always out sick?
- Would you keep paying someone who makes bad on-the-job decisions that could hurt their co-workers or customers?

Of course not.¹⁷ So, if your decision-making or independent living skills are keeping you from working, BRS/BESB must provide the supports and services you need to overcome those challenges. Aren't those the same challenges that keep people from “taking care of themselves” without a guardian or conservator?

BRS/BESB must provide access to more than 20 types of support if these supports and services will help you work, including:

- Assessments and Testing
- Employment and Benefits Counseling
- Services to help you find and keep a job
- Education and Training
- Assistive Technology
- Medical and Mental Health Care
- On the job training
- Job Coaches and Mentors

- Transportation to access Vocational Services
- Childcare services while you are accessing vocational services
- “Other Goods and Services” people need to work¹⁸

For example, assessments can help people discover what they need to work. Then, other supports - like job counseling, job coaching, medical and mental health care, and assistive technology – can help people learn and use the skills and supports they need. So, if you’re having trouble getting or keeping a job because you need better decision-making skills or have trouble managing your life, the Vocational Rehabilitation program must provide the support you need to build those abilities. This can help you work, live independently, “take care of yourself,” and avoid unnecessary guardianship or conservatorship.¹⁹

Remember, SDM is built-in to the Vocational Rehabilitation process – so it can help you learn to make better decisions and practice SDM. The program must help you use Informed Choice to identify and choose the supports you need. This means, they must give you information about:

- Supports and services that can help you
- Providers who can help and the support they can provide
- Whether other people were happy with the support they received from those providers
- Whether people who worked with those providers got and kept jobs²⁰

Isn’t that a great description of SDM? The program gives you the information you need, so you can choose. That’s SDM!

As a result, BRS/BESB’ Vocational Rehabilitation programs can help people with disabilities learn to make their own decisions, “take care of” themselves, and avoid unnecessary guardianship in two ways:

- By helping them learn and use the decision-making, independent living, and other skills they need
- By helping them learn and use SDM in the Informed Choice process





We Can Help!

While some people may need guardians or conservators, we think the National Guardianship Association's position makes sense: you should at least try SDM.

Wherever you are on your SDM journey, whether you're just gathering information or you're ready to write a plan, we can answer your questions or connect you with people and organizations that may be able to help. Feel free to contact us at: Info@ctsilc.org or visit ctsilc.org

References

¹29 U.S.C. §701

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⁴Wright, J. (2010). *Guardianship for your own good: Improving the well-being of respondents and wards in the USA*. *International Journal of Law and Psychiatry*, 33(5). 350-368

⁵29 U.S.C. §701

⁶Blanck, P. & Martinis, J. (2015). “The right to make choices”: The national resource center for SDM. *Inclusion* 3(1), 24-33.

⁷29 U.S.C. §701

⁸Kapp, M. (1999). *Geriatrics and the law: Understanding patient rights and professional responsibilities*. New York: Springer Publishing.

⁹29 U.S.C. 701

¹⁰34 C.F.R. § 361.42

¹¹34 C.F.R. § 361.22

¹²34 C.F.R. § 361.42

¹³34 C.F.R. § 361.46

¹⁴34 C.F.R. § 361.52

¹⁵34 C.F.R. § 361.52

¹⁶Blanck & Martinis, 2015

¹⁷Blanck, P. & Martinis, J. (2019, in press). *Supported Decision Making: From justice for Jenny to justice for all*. AAIDD

¹⁸34 C.F.R. §361.48

¹⁹Martinis, J. (2015). “The right to make choices”: How vocational rehabilitation can help young adults with disabilities increase self-determination and avoid guardianship. *Journal of Vocational Rehabilitation* 42(3), 221-227.

²⁰34 C.F.R. § 361.52

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