



BOARD RESOLUTION
Adoption of Policy on Autonomy, Decision-Making Supports and Guardianship
March 27, 2018

WHEREAS The Arc Westchester is committed to the principle that all individuals with intellectual and/or developmental disabilities have the right to recognition as persons before the law; and

WHEREAS The Arc Westchester for many years has operated a guardianship program that is responsive to the needs of the families and individuals for whom we provide supports; and

WHEREAS The Arc Westchester is committed to the development of supports and services beyond guardianship tailored to the individual decision making capacity of those individuals it serves.

NOW, THEREFORE, BE IT RESOLVED The Arc Westchester adopts the attached policy, Autonomy, Decision-Making Supports and Guardianship.

A handwritten signature in black ink, appearing to read "Rosa Rodriguez", written over a horizontal line.

Rosa Rodriguez, President
Board of Directors, The Arc Westchester

3.27.2018

Date



Division: All

Title: Westchester County Chapter, The Arc New York.
Autonomy, Decision-Making Supports and Guardianship
The Arc Westchester

Policy

- I. All individuals with intellectual and/or developmental disabilities (I/DD) have the right to recognition as persons before the law and to enjoy legal capacity on an equal basis with individuals who do not have disabilities. The personal autonomy, liberty, freedom, and dignity of each individual with I/DD must be respected and supported. Legally, each individual adult or emancipated minor is presumed competent to make decisions for him or herself, and each individual with I/DD should receive the preparation, opportunities, and decision-making supports to develop as a decision-maker over the course of his or her lifetime.
- II. **Advocacy** - To make decisions for oneself is a core human and civil right. When someone needs help with making decisions, assistance will be tailored to their unique needs. Advocacy is essential for promoting and protecting the civil and human rights of people with I/DD and for establishing, maintaining or improving their quality of life; exercising their rights, making choices, contributing to society and living independently.
- III. **Supported Decision Making** - Supported decision-making is a process by which a person with I/DD can be supported in making decisions. Supported decision-making draws on our common experience of consulting or seeking assistance from others when we make decisions or choices in our lives. People with I/DD also have a right to make their own choices and decisions, but may need more or different types of support. Supports may include help with accessing information, identifying the pros and cons, assistance with communicating decisions to third parties and in carrying out decisions.
- IV. **Guardianship** - Individuals with disabilities who do not possess the capacity to make autonomous decisions or to provide informed consent for personal or financial affairs may benefit from guardianship to assist them in managing their personal affairs. Guardianship will only be considered when other less restrictive alternatives have been explored: (e.g., designating an advocate or health care agent, appointing an agent under a Power of Attorney, or appointing a rep payee, or utilizing Surrogate Decision Making Committees or

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supported decision-making agreements) and, as appropriate, should be tailored to meet the particular needs of the individual.

- V. A continuum of supports from the least restrictive to greater levels of assistance that includes advocacy, supported decision-making and guardianship are the principle tenets of our guardianship program and each foster consideration of risks, benefits and alternatives.

The practices and procedures to implement and operate this Policy shall be developed and reviewed as needed by the Director of Guardianship Services and Agency Counsel and may be amended by same with the approval of the Executive Director.

Approved and/or adopted by (as appropriate):

Cabinet _____ Date: _____

Executive Director _____ Date: _____

Board Committee _____ Date: _____

Executive Committee _____ Date: _____

Full Board _____ Date: 3/27/18

Filed w/Compliance Comm. _____ Date: _____

Revised: _____ Date: _____

Approved By

Date: _____

Approved By

Date: _____

Approved By

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