



Special Needs Planning Newsletter: So You Have Some Decisions to Make – Here's Where to Start

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People

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Practices

Special Needs Planning

So You Have Some Decisions to Make – Here's Where to Start

by Amy Boulware, Care Manager, (LAP MSW)

The phone rang, and I could see on the screen my daughter Amanda was calling. "Mom," she said. "I have some decisions to make about my insurance and benefits that come with my new job. I need you and dad to help me."

Amanda is 27 years old, has graduated from college, lived in two foreign countries, and traveled all over the world. One would think that she is capable of making these decisions on her own. However, I am sure Amanda's desire to ask for advice is typical of most people. We all check in with trusted advisors when we make big decisions, whether they be professionals, family members, or close friends.

We make decisions on a daily basis. Some of those are big, and some are small. Decisions can range from what to eat today to deciding on a medical treatment. In the world of disability work, this process actually has a name. It is called "Supported Decision Making." This model supports those with disabilities in making and communicating their own decisions about their lives.

[Supported Decision Making](#) is based on the idea of self-determination. This is a heavily debated topic when assisting a family member who has a disability, particularly one with a cognitive impairment. For parents of an adult child with a disability whom they have cared for the child's whole life, it may be very difficult to believe that the individual can make any decisions alone. In some instances that is true, however, in others there may be some alternatives or compromise.

When it comes to making decisions for a loved one with special needs, we often work with clients on using a Supported Decision Making approach. It is a practical tool that helps identify and implement decision-making options that are less restrictive than well-known options such as a conservatorship. Families, attorneys, and teams like ours need to consider several factors that would be helpful in choosing the right path for care. These factors include the individual's capabilities and skills in:

- Money management

- Health care decisions
- Personal decision making
- Employment
- Relationships
- Personal safety
- Community living
- Ability to understand consequences

On the other hand, filing a conservatorship may be more appropriate if a loved one is incapable of making financial or medical decisions on his or her own. **A**

conservatorship or adult guardianship is the legal process by which someone is appointed by a Court to make financial and medical decisions for an individual who is incapacitated or has a disability. In **Tennessee**, the person appointed by the Court is called a **conservator**. Alternatives may include appointing a financial and medical power of attorney, appointing a representative payee for purposes of Social Security payments, creating trusts, or completing an advance directive.

Figuring out the best option is something that families and attorneys can decide together when participating in special needs planning. It is important not to avoid having the conversation at all, or to assume other family members will take on the task when the parents are no longer here. If you or someone you know has questions about decision-making for a family member with a disability, you can contact our Special Needs planning group. Decision-making is hard for everyone, but with Chambliss on your team, you will be guided to find the right path and can feel confident you have good counsel.