



# Supporting Supported Decision-making in Canada— Research Findings

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1. Legal research
2. Law reform
3. Legal education
4. Outreach



# Research Scope

Four-month research project—

1. Review of Canadian legislation

2. Telephone interviews with key informants (20)

3. Interviews with people who use supported decision-making in their personal lives in BC (10)

# Questions

1. How is SDM working?
2. What are the roadblocks and uncertainties?
3. What issues needs clarifying?
4. What is working really well?
5. What recommendations do you have?

# Findings—key informants

1. SDM is an important option for self-determination, dignity and rights protection
2. SDM works best when a person has a strong circle of support, engaged and committed families



## Findings—key informants

Discomfort inhibits SDM's potential:

3. Professionals are uncomfortable formalizing SDM relationships in legal documents
4. Third-parties like financial institutions are often uncomfortable accepting SDM documents unless they know the family well

## Findings—key informants

5. There is a lack of understanding of both supported and substitute DM. Lack of training and education.
6. Due to cost of formalizing SDM, people often get broadest powers and go for guardianship
7. Sometimes SDM tools are used for substitute DM not supportive DM

## Findings—SDM users

1. The process of creating an agreement is difficult, expensive and confusing
2. SDM is not generally a two-person relationship—more a network of three or more, not all named in the agreement
3. Giving authority to a supportive DM is scary but empowering



## Findings—SDM users

4. Frustration is high—representation agreements are not universally understood or accepted by social services, hospitals and health care staff
5. Being a supportive DM can be a challenging, pressure-filled responsibility

## Findings—SDM users

6. Supportive and substitute DM are not totally distinct practices:
  - Slippage but calling it supportive
  - Planning for supportive DM to become substitute in future
  - Rep Agreement and POAs at same time

## Recurring theme

Education and greater awareness is needed to better support SDM in Canada—for:

- Professionals (lawyers and notaries) who may help with documents
- Agencies and institutions that should recognize SDM
- Supportive decision-makers



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# Questions?

1. What support do people involved with SDM need for supported decision making to work well?
2. What is needed at individual, family and institutional levels for SDM to be effective and workable?
3. What are the barriers to SDM?