

Supported Decision Making (SDM) and Achieving a Better Life Experience (ABLE) Account

How are Guardianship and Supported Decision Making Different?

Guardianship, called conservatorship in some states, is a legal process where a judge is asked to take away a person's right to make some or all decisions and gives that power to someone else. This can include a person's right to choose to work, where they will live, what health care procedures they will have, how they can manage their finances, access their funds, which benefits or care they will receive and how their income is being spent. For people who may need help to make decisions, guardianship is no longer the only choice. Supported decision making (SDM) offers a solution that supports learning, growth and self-determination for people with disabilities.

Supported decision making is a less restrictive alternative to guardianship. Within the framework of SDM, decisions or choices are discussed with the individual in a way where supporters can guide a person to understand information and make informed decisions. People with disabilities who have more opportunities to make choices learn to make better decisions. The more they make their own decisions, they can learn new skills, assume more responsibility and protect themselves. The person with a disability is supported to understand, communicate their decision to others and take applicable actions throughout their life stages.

How Can Supported Decision Making Help ABLE Account Owners?

An ABLE account provides a pathway for an account owner to have dialogue about their money. The person can build knowledge through [financial education](#) with the support of their circle of support. An ABLE account owner can take steps to learn what money and benefits they have, what their monthly expenses are considering their needs and wants and how much is available to save at the end of each month. Access to ABLE funds through an ABLE plan's debit card, checks and/or withdrawal of funds to pay for qualified disability expenses (QDEs), with oversight, can help the person safely practice saving and spending skills that will help them in the future. Over time, the skillset of managing money and benefits can provide greater emotional benefits than financial benefits alone. The ABLE account becomes more than a tax-free account that protects eligibility for critical federally funded government benefits.

In the absence of guardianship, in most states, a minor who reaches age 18 assumes full control of their ABLE account. This is a key step of independence for an ABLE account owner who is [transitioning to adulthood](#). With SDM, a family member can feel more assured that the ABLE account owner uses their ABLE account responsibly and has ongoing support, if needed.

With an ABLE account, SDM can be used to help the account owner make decisions about all kinds of things, including money, working and finances. Supporters can help the person:

- Complete a [spending plan and establish goals](#) for the next one to five years.

- Learn budgeting and good money management skills beginning with small sums of money. This can be accomplished through a debit card with spending restrictions which are gradually removed as the person learns new skills.
- Select an ABLE program that best meets their needs by using the state comparison tool on the [ABLE NRC website](#).
- Decide on savings and investment choices within the ABLE account.
- Understand what ABLE account savings can be used for, the choices and the pros and cons of each choice.
- Review their ABLE statement and account balances.
- Maintain receipts for qualified disability expenses paid for with the ABLE account in a folder for the calendar year and maintain for at least three years.
- Review and reassess goals, including timeline for achievement and celebrate successes.

To support someone with financial decision making, it is important that the supporters be aware of all sources of income since they have different rules such as how the income may be spent, who can have access and how much can be saved. This is particularly true if the person has a [Social Security Representative Payee](#) or receives a needs-based benefit like Supplemental Security Income (SSI) or Medicaid. For example, the SSI program disregards up to \$100,000 in the ABLE account as a resource and Medicaid disregards all ABLE funds up to the state limit as a countable resource.

Each ABLE plan may have different options to help account owners manage their money better such as:

- Automatic contributions and record keeping tools for direct deposit of earnings or other sources of contributions such as benefit payments, family, friends, a 529 qualified education plan or deposits from a special needs trust into the ABLE account.
- Automatic payment of regularly occurring bills such as cell phones, cable or rent.
- Debit cards with specific amounts of money downloaded on them or with limits or restrictions that can be set up allowing for various levels of access to ABLE account funds as the account owner learns new skills and becomes more independent with managing their funds.

Create a Supported Decision Making Plan

Some states, but not all, have passed laws or have programs related to SDM. You can find information in your [state](#) or you can visit the [National Resource Center for Supported Decision Making](#) for a model agreement or guides. Some states require a written SDM agreement. It is a best practice to have a written plan to eliminate misunderstandings.

Be sure to have conversations with your circle of support about your plan and be careful to choose people who you trust to participate in your circle of support. Limit access to your personal and financial information to the few who need to know. Members of the [circle of support](#) must be agreeable to helping you. You can change your mind if you do not want the person to help you in this capacity in the future.

In the written SDM agreement, you can choose the area(s) of your life you need or want support with, like managing money, managing the ABLE account and finances or even things like finding a job or a

place to live. The agreement should be unique to your strengths, needs and interests. Once the agreement is signed, you will begin to coordinate activities and build your ability to make decisions with more independence and confidence. Opportunities to make decisions will help you with skill development now and into the future!