

Section I – Making Choices



People without disabilities have the human right to make choices, whether they are wrong or right. This is one of the most basic freedoms individuals are guaranteed. However, people with disabilities cannot take this freedom for granted. This is especially true for people with intellectual and developmental disabilities. Sometimes, well-intended family members think they need to protect you and take legal action to remove this freedom. Often, all you need is a trusted support system to help you make the right decision.

You need to start thinking about the type of support you will need in making decisions. These are conversations you need to have with trusted family members, friends, and teachers. There is no one-size-fits-all when it comes to decision-making abilities or limitations. Many people without disabilities make bad or wrong decisions. It's part of the learning process. Sometimes people need to be impacted by the consequences of making the wrong decision to fully understand why it was the wrong decision. For example, if you are hungry but trying to lose weight, and you pick the chocolate cake instead of the salad, the consequence may be gaining weight. Fortunately, Louisiana offers several legal options, ranging from very flexible to very restrictive. Ideally, you will want to choose an option that allows you to make the most choices you can about your own life.

Supported Decision Making

In August 2020, Louisiana passed the Supported Decision Making Law, also called the Dustin Gary Act. This is an alternative to the more restrictive options of Interdiction, Limited Interdiction, and Continuing Tutorship. Supported decision-making allows **YOU** to decide what type of decisions you need support with and who you'd like to get support from. For example, some people may need help in deciding on where they want to live. Whereas someone else may know exactly where they want to live but needs help with figuring out transportation. In all honesty, this isn't much different for individuals without disabilities. Most people at some point in their life will seek support from a trusted family member or friend in making a decision. Always remember, just because you need support in making some decisions, it doesn't mean you can't successfully live independently.



Don't Confuse Needing Support with the Inability to Live Independently!

The **Independent Living, Here We Come Toolkit** is designed to help you identify the areas you will need continuous support. Knowing this information will help you make independent living decisions. More restrictive alternatives to Supported Decision-Making include the following:

Full Interdiction

A Full Interdiction means that the person interdicted does not have the legal capacity to enter into a contract of any kind. The person would be 18 years of age and older or an emancipated minor.

Limited Interdiction

Limited Interdiction provides greater flexibility for the individual with a disability who needs assistance with some decision-making, but who is capable of making other decisions. The person would be 18 years of age and older or an emancipated minor.

Continuing Tutorship

Tutorship is when a person is legally responsible for caring for a minor child until the age of majority, which is 18 in Louisiana. Continuing Tutorship is a continuation of the tutorship after the 18th birthday. This process is done after the 15th birthday and before the 18th birthday.

Resources

Legal Status Manual by Disability Rights Louisiana	https://disabilityrightsla.org/wp-content/uploads/2020/02/2019-10-15-Updated-Legal-Status-Manual-DRLA.pdf
Supported Decision Making Users Handbook by Disability Rights Louisiana	https://disabilityrightsla.org/wp-content/uploads/2021/08/Supported-Decision-Making-User-Handbook.pdf

Checklist

Independent Living Skills	I Can Do This	I Need to Practice	I'm Going To Start	I Will Always Need Support	This doesn't apply to me	Notes
DECISION MAKING SKILLS						
<input type="checkbox"/> I know who I want to be involved in supporting me.						
<input type="checkbox"/> I know where I need support.						
<input type="checkbox"/> I know I need a written agreement to do Supported Decision Making officially						
<input type="checkbox"/> I know that a Supported Decision Making agreement can be terminated.						
<input type="checkbox"/> I understand the purpose of a Representative Payee for Social Security						