SDM and Financial Programs

SUPPORT FOR FAMILIES
EDUCATION • EMPOWERMENT • EQUITY

California State Council on Developmental Disabilities

Learning goals

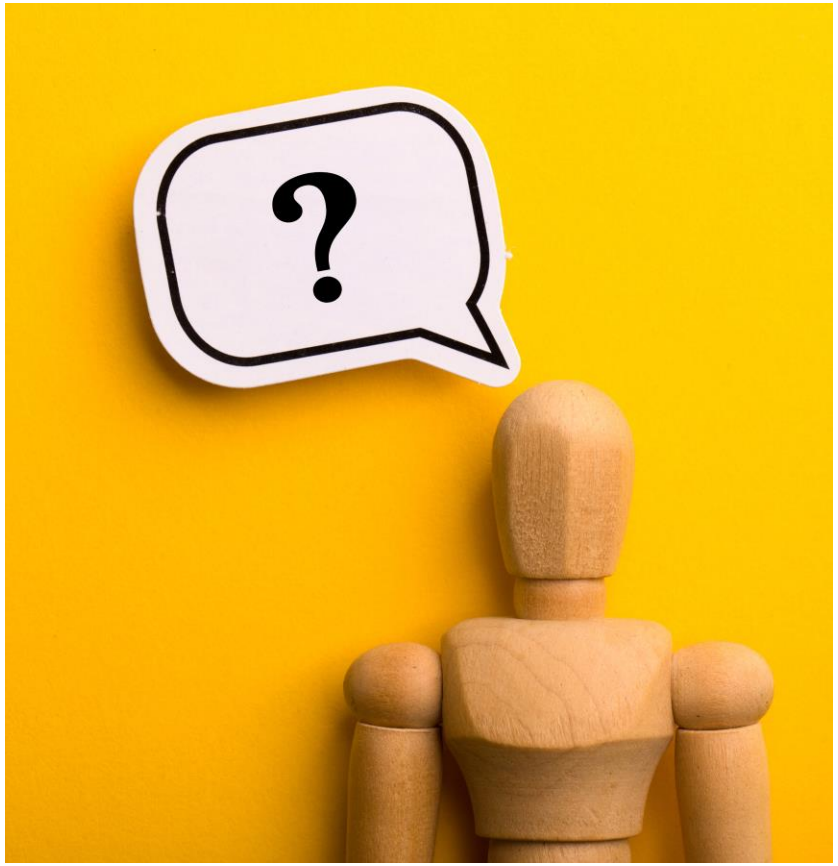
- Learn ways to use supported decision-making while making financial decisions and working with financial programs.
- Planning for conflicts of interests.
- Ways to report suspected instances of abuse.

PLANNING FOR SUPPORTED DECISION-MAKING

Whether or not a person chooses to use companion agreements or a Supported Decision-Making Agreement, planning for the use of Supported Decision-Making in financial settings can improve the decision-making process for people with disabilities (PWD).

Initial questions to consider when planning

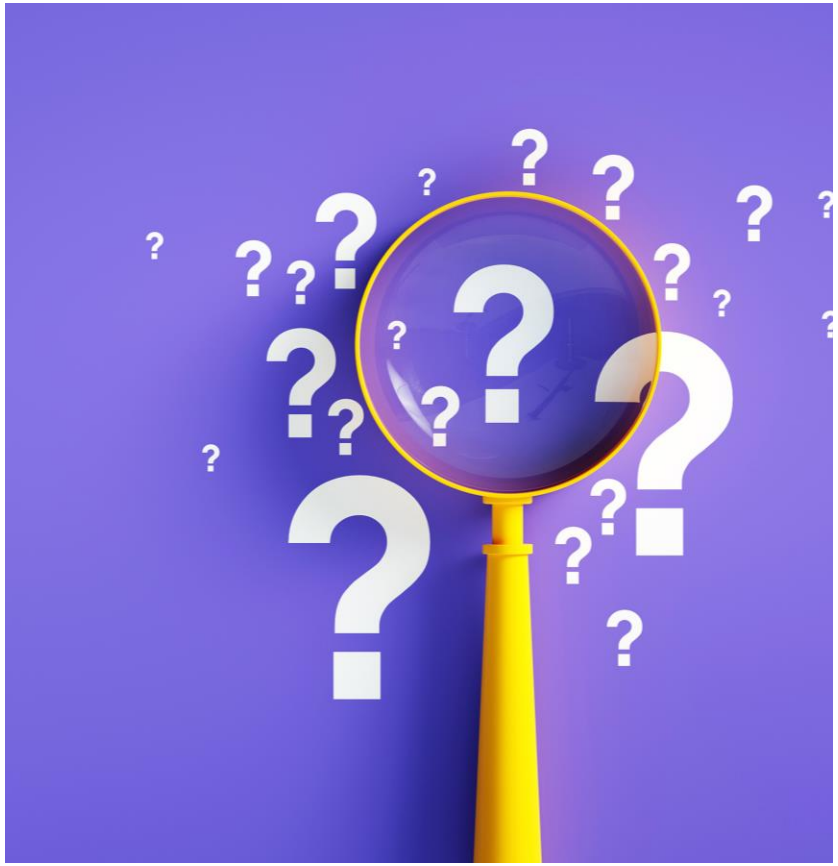
- What types of accounts will the PWD need to make decisions?
- Will the PWD need support applying for support?
- Which supporter(s) will assist in specific situations?



Continued: Questions to consider

- How much support does the PWD want applying for, making financial decisions or monitoring spending? For example, do they need supporters who are able to discuss financial decisions, are they responsible for paying a PWD bills, or are responsible for monitoring account balances?

Continued: Questions to consider

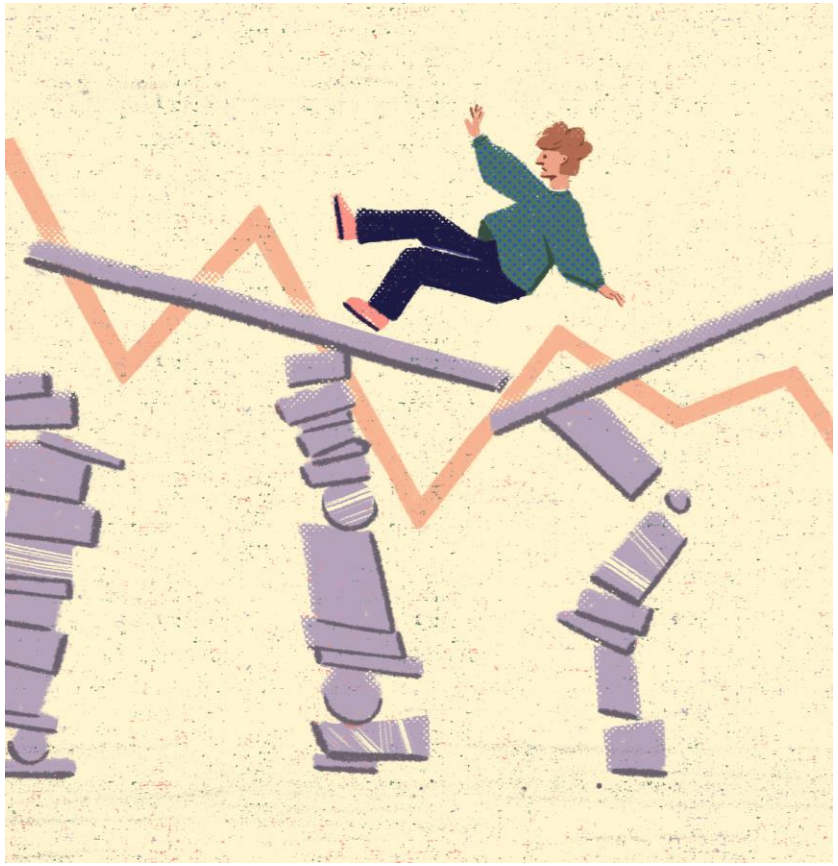


- Is there any information or handouts that the PWD wants to share with the financial representative about SDM or the importance of focusing on the PWD and not the supporters?

- Do supporters need access to any other records or relevant information?

Planning

- In an emergency, what information should supporters have? What is their role? How should they be contacted?
- Do they know how much financial support the PWD receives and from where? What expenses need to be paid on a reoccurring basis? Do they know the different types of account(s) the PWD has?



Continued: Planning

- Do they understand the PWD preferences regarding financial decisions?
- Should one or more supporters be an authorized representative or hold durable financial power of attorney? How will copies of documents be made available in an emergency?

Whether a person decides to use independent, supported or shared decision-making is their decision. A PWD chooses who they want to support them and the type of support they want.

They may find that certain documents, like a permission to exchange information or an SDMA, may make their process clearer to financial institutions.

Making a plan for financial decisions (as well as for emergency situations) can help the decision-maker meet their needs and priorities.

Planning for Conflicts of Interests

How to Plan for Conflicts

PWD and supporters should take proactive steps to prevent real, perceived, or potential conflicts of interest.

More than most other areas of decision-making, there is a potential for conflicts of interest when using SDM for financial decision-making.

The best practice is to plan ahead to address these conflicts before they happen. Many SDM templates include a separate role for financial monitoring.

Example:

A live-in provider who is not a family member is the representative payee for the SSI benefits of the PWD. They are responsible for paying all of the PWD bills, purchasing household supplies and food.

A live-in provider should not be the representative payee as well as being paid to take care of the PWD. This creates a conflict of interest as they are being paid as an employee as well as they have full access to the PWD money. This creates an area where abuse could happen.

Making financial decisions can be overwhelming to anyone. A PWD may have limited resources available making financial management important. Supporters and PWD may disagree on how to manage funds. PWD and possible supporters should discuss these point of views.

If a supporter has any fears, they should express them in a respectful manner. It may take time patience and lots of discussion having at least 3 people involved helps during challenging conversations. Even after those conversations the PWD may want support from a different supporter. Supporters need to respect the PWD final decision.

- At times, the fear supporters have with financial decisions are "being taken advantage of" or "the person not being aware of how-to manage their funds". Supporters may want to work with the PWD to build financial management skills to help reduce these risks.

How can I Report Suspected Abuse or Neglect?

You can report any incident of abuse or neglect to the police or local law enforcement agency.

Or, If the incident of abuse or neglect occurred in:

- The community, you may report the incident to Adult Protective Services.
- A long-term health facility, like a nursing home or board and care home, you may report the abuse to the local long-term care ombudsman.
- A licensed health facility, such as a nursing home or hospital, you may also report the incident to the Department of Public Health.
- A licensed community facility, such as a group home or board and care home, you may report the incident to Community Care Licensing.
- A jail, you may report it to the Office of the Inspector General.

Disability Rights California (DRC)

https://www.disabilityrightsca.org/publications/summary-of-disability-rights-californias-authority-under-state-and-federal-law

In protecting and advocating for the rights of persons with disabilities, DRC may do the following:

- **Investigate incidents of abuse and neglect** if the incident is reported to DRC or if DRC determines that there is probable cause to believe the incident occurred.
- **Pursue administrative, legal, and other appropriate remedies** or approaches to ensure the protection of rights of eligible persons with disabilities.
- **Provide information, referral and training** concerning programs and services addressing needs of eligible individuals, and training about individual rights and services available from DRC.

Adult Protective Services (APS)

https://www.cdss.ca.gov/inforesources/adult-protective-services

Adult Protective Services (APS) is an agency to help elder adults (60 years and older) and dependent adults **(18-59 who are disabled)**, when these adults are unable to meet their own needs, or are victims of abuse, neglect or exploitation.

County APS agencies investigate reports of abuse of elders and dependent adults who live in private homes, apartments, hotels or hospitals, or who are, or soon will be, experiencing homelessness.

Types of Abuse APS can Investigate

- Physical: e.g. Hitting, kicking, burning, dragging, over or under medicating
- Sexual Abuse: e.g. Unwanted sexual contact, sexual exploitation, forced viewing of pornography
- Abandonment: e.g. Desertion or willful forsaking by anyone having responsibility for care
- Isolation: e.g. Preventing the individual from receiving mail, telephone calls, visitors
- Financial: e.g. Theft, misuse of funds or property, extortion, duress, fraud
- Neglect: e.g. Failure to provide food, clothing, shelter, or health care for an individual under one's care when the means to do so are available.
- Self-neglect: e.g. Failure to provide food, clothing, shelter, or health care for oneself.
- Mental suffering: e.g. Verbal assaults, threats, causing fear.
- Abduction: e.g. Removal from this state and restraint from returning to this state of any elder of dependent adult.

To report suspected abuse, call this number **1-833-401-0832** and when prompted enter your **5-digit zip code** to be connected to the Adult Protective Services in your county, 7 days a week, 24 hours a day.

Planning ahead can help ensure that any real, perceived, or protentional conflicts of interests are addressed.

PWD may want to choose multiple supporters to help them make financial decisions and monitor their finances.

Supporters more so than in any other area of SDM need to ensure that they do not coerce or manipulate the PWD into making any decision and respect that the final decision shall be made by the PWD.

QUESTIONS ?

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