



Supported Decision-Making in Vocational Rehabilitation

PEATC's Transition to Adulthood Series



Getting to Work: *Supported Decision-Making in Vocational Rehabilitation*

Federal law says what people with disabilities and their families already know: “Individuals with disabilities constitute one of the most disadvantaged groups in society.”¹ It’s a sad truth: far too often, people with disabilities don’t get what they need to lead independent and productive lives.

Congress created the Vocational Rehabilitation program to help people with disabilities learn the skills and get the support they need to work and live as independently as they can.² These are the often the *same things* people with disabilities need to make their own decisions and avoid unnecessary guardianship.



For people who *truly* can't make decisions, guardianship can be a good thing. But, if people *can* make decisions, either independently or when they get help, guardianship can have a “significant negative impact on their physical and mental health.”³

In this brochure, we'll tell you about an option called Supported Decision-Making that can help people with disabilities make their own decisions, live and work as independently as they can, and avoid unnecessary guardianship. We'll also show you ways you can request and receive supports and services through Vocational Rehabilitation that can help you learn and exercise Supported Decision-Making throughout the VR process and beyond.

Supported Decision-Making:

What is It?

Supported Decision-Making is getting help when you need it, from people you trust, so you can make your own decisions.⁴

Isn't that how we *all* make decisions? When you have to make a tough choice, or a decision about something you're not familiar with, or just want to talk it out, what *do you* do?

You get help, don't you? You may ask a friend for advice or a professional for information, or you may have "go to" people in your lives that you talk to about specific subjects. They help you think through the issues, discuss the pros and cons to clear up your choices, and identify solutions. That way, you can understand your options and choose the one that's best for you.

When you do that, you're using Supported Decision-Making. People you trust give you support, so you can decide. *That's it.*

Supported Decision-Making burst into public view when a Virginian named Jenny Hatch became the first person to win the right, at trial, to use it instead of

being put into a permanent guardianship.⁵ Jenny showed the Judge that she had people in her life who helped her understand, make, and communicate her decisions. Because she had this support, she didn't (and still doesn't) need a guardian.

Jenny's victory was covered in national and international news, and she became known as the "rock that started the avalanche" of Supported Decision-Making.⁶ Since Jenny's case, over a dozen states have passed laws recognizing Supported Decision-Making as an option and alternative to guardianship.



Vocational Rehabilitation, Self Determination, and Guardianship

Vocational Rehabilitation programs help people with disabilities learn about, identify, and access the supports they need to get and keep a job.⁷

That's important, but what does it have to do with guardianship? Think about it: why are people put in guardianship in the first place? As one expert said, it's because someone thinks they can't "take care of themselves in a manner that society believes is appropriate."⁸

What if the same things keeping you from working are also keeping you from making your own decisions and "taking care of yourself?"

Congress recognized that working and decision-making go together when it created the Vocational Rehabilitation program. It said:

The goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

- (A) make informed choices and decisions; and
- (B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency⁹

So, if the same things are stopping people with disabilities from working *and* “taking care of themselves,” the Vocational Rehabilitation program can help them learn the skills and get the supports they need to work. And those same skills, including supported decision-making, may help people avoid guardianship.

Vocational Rehabilitation (VR): *The Basics*

In Virginia there are two VR agencies, the Virginia Department for the Blind and Vision Impaired and the general VR Agency, the Department for Aging and Rehabilitative Services (DARS). There are DARS and DBVI offices located throughout Virginia. To apply for Vocational Rehabilitation services from DARS, contact your local office to schedule an appointment. You can find the office closest to you at <https://www.vadars.org/office.html#gsc.tab=0> or by calling 1-800-552-5019

(TTY 1-800-464-9950). You can find a listing of the DBVI offices at <https://www.vdbvi.org/apps/dbviloc/> or by calling 1-800-622-2155. DARS will find you eligible for its Vocational Rehabilitation program if it agrees that:

- You have a disability.
- You want to work.
- Your disability makes it hard for you to work.
- Vocational Rehabilitation services can help you work.¹⁰

As long as you meet these requirements, there are *no* age limits for the Vocational Rehabilitation program: you can't be too old for it and the program must work with students receiving Special Education services "as early as possible."¹¹ If you receive SSI or SSDI through Social Security you are *presumed* eligible.¹²

Once you're found eligible, you'll work with a counselor to create an Individualized Plan for Employment (IPE). Your IPE identifies the job you are trying to get with the DARS' help and the supports they'll provide to help you get and keep that job.¹³

Vocational Rehabilitation:

Using “Informed Choice” and Supported Decision-Making

Informed Choice is a key part of the Vocational Rehabilitation program. It is required by law. DARS must make sure that you can exercise “Informed Choice.”¹⁴ That means your DARS counselor must give you the help you need to choose:

- The job you want to get with their help;
- The supports and services you need to get and keep that job; and
- The agencies and organizations that will provide those supports and services.¹⁵

Isn't “Informed Choice” just another way to say Supported Decision-Making? In both, people with disabilities work with professionals to help them understand their situations and choices, so they can decide what they want to do.¹⁶ The program supports you, and you decide. *That's* Supported Decision-Making.

In other words, Supported Decision-Making, through the concept of informed choice, is built-in to the Vocational Rehabilitation program. When DARS or DBVI gives people

support to choose their job goals and supports, it's helping them get what they need to work *and* make their own decisions. Aren't those two of the main things people with disabilities need to avoid unnecessary guardianship?

It is important to point out that Federal regulations for the VR program require that individuals applying for and receiving services must provide consent for VR staff to discuss or share information about the client. So if there is a supported decision-making team, consent would be needed in order for the team to be involved. The VR Program is also required to follow any guardianship orders or powers of attorney that address decision-making authority.

Vocational Rehabilitation: *Developing Supported Decision-Making and Independent Living Skills*

What if you have trouble keeping a job because you need help making decisions about your physical or mental health? What if you need to develop better time-management, organization, or judgment? If you need those or other “independent living” and decision-making skills meet your employment goal, DARS can help you learn and practice them.



What do independent living and decision-making have to do with getting a job? Think about it:

- Would you hire someone who has trouble understanding and following office policies?
- Would you promote people who don't take care of their health and are always out sick?
- Would you keep paying someone who makes bad on-the-job decisions that could hurt their co-workers or customers?

*Of course not.*¹⁷ Therefore, if your decision-making or independent living skills are keeping you from working, DARS must provide the supports you need to overcome those challenges - *the same challenges* that keep people from “taking care of themselves?”

There are over 20 types of support that the Vocational Rehabilitation program can provide. Whether you receive these services depends on if they are necessary to meet your employment goal, are included on the Individualized Plan for Employment (IPE), and whether or not they are available from another source such as Medicaid (this is called comparable benefits.)

Potential services include:

- Assessments and testing.
- Counseling.
- Services to help you find and keep a job.
- Education and training.
- Assistive technology.
- Medical and mental health care.
- On the job training.
- Job coaches and mentors.
- Transportation.
- Services to family members, like day care.
- “Other goods and services” people need to work.¹⁸

For example, assessments can help people discover what they need to work. Then, other supports - like counseling, job coaching, medical and mental health care, life skills training, and assistive technology – can help people learn about and get what they need in order to be employed.

So, if you're having trouble getting or keeping a job because you need better decision-making skills or have trouble managing your life, DARS must provide the support you need to build the abilities that will enable you to get or keep a job and live independently. These same skills will help you “take care of yourself,” and avoid unnecessary guardianship.¹⁹

Remember, although not a formal part of the VR Program, Supported Decision-Making is directly relevant to VR through the concept of informed choice and through client training in areas like life and independent living skills development. Through the supports provided by VR, you can learn to make better decisions and *practice* Supported Decision-Making. DARS must also help you use Informed Choice to identify and choose the supports you need. This means, they must give you information about:

- Supports and services that can help you.
- The providers who can help and the support they can provide.
- Whether other people were happy with the support they received from those providers.
- Whether people who worked with those providers got and kept jobs.²⁰

Isn't that a great description of Supported Decision-Making? The program gives you the information you need, so you can choose. *That's* Supported Decision-Making.

So, the VR Program works with eligible people with disabilities to get a job and live more independently. This is done through an Individualized Plan for Employment (IPE). The IPE must include the services and supports needed to obtain their vocational goal and as needed, to help people make their own decisions and take care of themselves. These supports can help people avoid guardianship by:

- Helping them learn and use the decision-making, independent living, and other skills they need, and
- Helping them learn and use Supported Decision-Making through the Informed Choice process.

We Can Help!

Wherever you are on your Supported Decision-Making journey, we can answer your questions or connect you with people and organizations that may be able to help. Feel free to contact us at:

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This brochure was adapted, with permission, from material published by the [Missouri Developmental Disabilities Council](#). This document was developed in partnership with Jonathan Gerald Martinis, LLC (jgmartinisllc@gmail.com).

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