

Key Points

It is important to discuss decision making options at least six months prior to an individual's 18th birthday. When an individual turns 18 years of age, they obtain all the legal rights of being an adult in the State of NH. There are four options:

1. Individual retains ability to make own decisions. **(Least Restrictive)**
2. Supported Decision Making – Individual retains decision making but has a formal agreement on who their supporters are for assisting to make decisions in identified areas. **(Less Restrictive)**
3. Durable Power of Attorney (DPOA)– Appoint someone to make decisions for them in one or several areas. DPOA has the right to make the decisions. **(More Restrictive)**
4. Guardianship – A court appointed guardian is identified to make all or some decisions. This option removes the right to make decisions. **(Most Restrictive)**

Supported Decision Making

Supported decision making is a strategy where the individual remains their own guardian and decision maker. They create a formal written document that appoints “Supporters” in identified areas of their life. For example, “Education.” This person is to receive all information the individual receives on that area/ decision. Their role is to review the pros and cons of each decision with the individual. The individual makes the final decision. The supported decision-making agreement is either notarized or witnessed by two individuals. The NH Department of Education has developed a fact sheet and a template that can be used to develop these agreements. These agreements can change anytime. See memo #20:

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/memorandums-by-number>

Durable Power of Attorney

Durable Power of Attorney is typically specific to certain areas of your life such as financial, medical, or educational. Using a notarized agreement, the individual appoints and documents their selection to make decisions and to what degree on their behalf. Some people use a lawyer to prepare these documents and others use online template. DPOA can be revoked verbally by the individual at any time.

Guardianship

To file for Guardianship, paperwork can be obtained through the local probate courthouse, or online at www.courts.state.nh.us. Please note that several forms need to be signed by a notary. There is a filing fee that will be due the date the petition is submitted. Guardianship removes the right of the individual to make their own decisions in the areas approved in the Guardianship decree. If an individual no longer feels that they need a guardian or wants a change in guardian, they most go back through the Probate Court.

Guardianship documents will specify the powers a Guardian may possess.

- Guardianship should only be sought when impaired judgment poses a major threat to a person's welfare.
- Guardianship is not intended to protect a person from normal daily risks.
- A Guardian should not be appointed simply because a person shows poor judgment or has trouble sticking to a decision.

(continued on other side)

Unless specified in the Guardianship decree, no Guardian has the right to:

- Choose friends
- Choose personal clothing styles, hairstyles etc.
- Decide how a person spends personal free time
- Limit or censor mail
- Prevent individual from having visitors
- Speak on behalf of individual if they can speak themselves
- Prevent the individual from being involved in an intimate relationship

Your Service Coordinator is available to help you to understand these options.