Department of Developmental Disabilities

Using a Supported Decision-Making Lens in Assessing Capacity

Decision-making assessments are very important: Decisions about whether a person needs a guardian or can benefit from other decision-making supports have a significant impact on the person's life. Therefore, it is very important that these decisions are based on all relevant factors and options for a person who may need assistance with decision-making.

Competency and capacity are distinct but related: Probate Courts make legal determinations about whether a person is legally incompetent and in need of a guardian based on information presented about the person's capacity to manage various aspects of their life.

Capacity varies by issue: Many people who may be unable to handle their funds are still fully capable of choosing where to live and whom to live with. People who may have difficulty with medical decisions may nonetheless be fully able to live independently.

Capacity is affected by health status and external stressors: An individual's capacity may be temporarily diminished when physically ill, extremely stressed, or in unfamiliar circumstances.

What we do know is that capacity is not a switch that is turned on or off. It may be reduced by the situation, and it may be increased by circumstances or supports.

Typical competency evaluations often involve testing of IQ, reasoning, and problem solving removed from the individual's daily life and regular decisions. Tests are administered without any support or help, even when an individual would know when and how to get help.

This tool focuses on daily life skills and asks for each skill – whether the individual can do the activity unaided, with support, or not at all, even with support.

If an individual can do most tasks independently or with support, they may be a good candidate for Supported Decision-Making.

The best assessment would be in an individual's home, with many hours spent observing how the individual navigates activities of daily living, safety, travel, and finances. Because that is seldom financially or administratively feasible, this form comes in two versions- one for the individual and one for the evaluator. The evaluator tool can also be completed by family members, friends, caregivers, or others who are familiar with the person. Then the team can review all of the responses and assist the person with making a plan for how they will get support where, when, how, and from whom they need it.