

# **Guardianship or Equality? Is there a choice?**

Presentation to Perth PROBUS

on

## **Supported Decision Making**

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Audrey Cole

### **Introduction (No Slides)**

When I last presented before you, about 10 years ago, it was to introduce myself as a new member of Probus. I recall ending my comments that day by saying that my career changed dramatically in 1964 on the birth of our son, Ian. My last 55 years have been driven solely by the realities of being a parent of a son with a severe intellectual disability in a less than progressive province – at least from a disability perspective – in what is seen by most Canadians as a very progressive country.

Ian and I were blessed. I have spoken often about us eventually arriving home from the hospital to find the coffee table loaded with piles of books, pamphlets, Xeroxed articles, lists, contact information, etc., all relating to disability and to Down syndrome in particular. They represented world wide information, dating from then current materials to the far distant past. That was the work of Fred, Ian's Dad, an avid reader and researcher, a government Librarian (National Health & Welfare) and above all, a truly wonderful Dad.

We also had a very perceptive family doctor who said to us soon after Ian was born that, first and foremost, we must remember that Ian was a baby and babies needed lots of love and lots of attention. Although issues would undoubtedly arise because of Ian's disability, he suggested we concentrate on the love and attention and deal with other matters if and when they arose. They certainly did arise over time but I sincerely believe that was the best possible advice parents could have been given in the circumstances.

So, what has all this to do with the topic?

### **Guardianship or Equality? Is there a choice?"**

The short answers to the questions are that it is not possible in Canada to be under guardianship and enjoy equal citizenship. By definition, there is no equality in guardianship since one of the parties to the arrangement loses all decision making rights. And yes, there is a choice for some people in some provinces in Canada and in some other countries but not, as yet, in Ontario.

That choice lies in what is now known world wide as Supported Decision Making, a notion that originated here in Lanark County in the mid 80s that has been picked up by disability

organizations around the world and is now firmly embedded in the UN Convention on the Rights of Persons with Disabilities.

### **What about Guardianship?**

Guardianship has been of concern to the Community Living Association since its beginnings in the 1940s.

Many people with intellectual disabilities are placed under guardianship, some within their families but many with the Public Guardian and Trustee (PGT). The Office of the PGT recently came under the scrutiny of the Auditor General of Ontario. There follows a quote from the overall conclusion of the 2018 Report.

“Our audit concluded that the Office of the Public Guardian and Trustee (Public Guardian) could not fully demonstrate that it has protected the financial interests of the mentally incapable adults under its guardianship. We found that weaknesses in the Public Guardian’s internal control systems and procedures put the assets it manages on behalf of clients at risk of loss or misappropriation. There have been situations where it has not collected benefits on behalf of clients on a timely basis, resulting in missed income; the process of securing clients’ valuables is weak; and there have also been situations where it delayed acting on time-sensitive legal cases, leading to financial loss.”

Based on Public Guardian data, the Report also says that only about 15% of the 12,000 clients under property guardianship were visited in each of the previous five years. There are also 40 people under Guardianship of the Person. The Report is not clear on whether they received visits!

### **Supported Decision Making: An alternative to guardianship**

Supported Decision Making is a formalization of the natural process that most of us use throughout our lives when making decisions. If we need help, we seek it.

Few of us could say that we have never sought help or advice in making a decision. As long as our decision making capacity is not questioned in the legal sense, we are free to seek and use whatever help we need in reaching decisions. No matter how critical the decision nor how little we truly understand its implications, if we have the capacity to seek support and are able to express our decision, there is no obligation to declare the support we had in reaching it.

Not so for people whose cognitive capacity is questioned whether because of the inherent limitations of intellectual disability as in my son’s case or because of diminishing cognitive capacity often brought on by age. Unlike the rest of us, to maintain equality, those two groups are required to prove they can make decisions independently. If they can’t, they are typically headed for the legal oblivion of incapacity and guardianship. No equal rights there! Members of the Community Living movement believe that to be discriminatory.

Back in the 80s and 90s, in our efforts to get supported decision making into what became Ontario’s Substitute Decisions Act, it was obvious to many of us in the disability rights

movement that seniors losing cognitive capacity in later years face the same potential loss of rights, respect and social identity as people such as my son face from the age of majority.

We attempted to engage senior's groups in Ontario in our efforts for legislative reform. Sadly, those senior's groups showed no interest.

As a 91 years old mother of a man with a severe intellectual disability – of whom I am very proud – I see no difference between us with respect to the need for legal recognition of an alternative to guardianship. Ian has faced the potential loss of equal status for much longer than is likely for most of us – most of us don't have life long intellectual disabilities. [In these circumstances, I must say that I feel very privileged to have been asked by my co-Probians to address the issue today. Although I have been speaking and writing about supported decision for more than 30 years, this is the first time I have had the privilege of speaking to an audience consisting solely of people of my own age group].

I have often wondered why most people of my generation seem comfortable with the notion of guardianship. Perhaps it is because it sounds so benign and safe and has been around forever. I have also questioned why I was always so reluctant to support it. There are two ways to experience guardianship! I wanted neither. It was in December, 1991, when I heard something that clarified the issue for me. In those days, as Chair of the Alternatives to Guardianship Task Forces of both the Ontario and the Canadian Community Living Associations, I seemed to spend a lot of time at Queens Park – often getting up at crack of dawn, driving to Toronto, observing and sometimes presenting at hearings of the Administration of Justice Committee, then driving back home, often more than once a week. Fortunately, Fred was retired and able to care for Ian.

On December 9, 1991, the Minister of Citizenship, the Honourable Elaine Ziemba, made a statement on Advocacy to the Standing Committee on the Administration of Justice. I was there. A question from an Opposition MP related to differences between the legal framework for an advocate (under the Advocacy Act) versus that for a guardian (under the proposed Substitute Decisions Act). Noting the greater need for scrutiny and the review of standards for guardianship, Counsel for the Ministry replied that, "... **guardians acquire massive legal authority over a person. They have significant power. They replace the individual.**" (Hansard, 9 December 1991, J-1619). That statement settled the issue for me.

My subsequent question, in a brief I wrote on behalf of OACL (now Community Living Ontario) in February 1992, was "**How, in this era of equality and justice for all people, can we in Ontario be considering implementation of a guardianship system designed to legally "replace" our most vulnerable citizens?**" (OACL Brief to the Standing Committee on Administration of Justice on Bills 74, 108, 109, 110). February 1992).

We battled on and, believe it or not, we almost had Supported Decision Making in Ontario. 27 years ago in the afternoon of September 25, 1992, I was sitting with colleagues in a room in the Bay Street offices of the Attorney General of Ontario. We were there on behalf of Community Living Ontario (CLO), People First of Ontario (PFO), People First of Canada (PFC) and the Canadian Association for Community Living (CACL) which I represented. We

were the spokespersons for the Coalition on Alternatives to Guardianship. We were there to try to persuade the late Steve Fram, the senior legal bureaucrat responsible for the soon to be enacted Substitute Decisions Act, to accept further amendments (slight changes in wording but not in intent) to the prohibition sections (s.22 and s.55) of the Bill that we had already convinced the government to include. Those prohibition provisions prevent placement under guardianship if the decisions to be made can be made by alternative means that don't require the declaration of incapacity and appointment of a guardian.

We were down to the wire! The deadline for amendments was the following day. A demonstration on the grounds of Queen's Park by Members of PFO and PFC earlier that week (September 21, 92) led to a meeting that day with Steve Fram and the Political Assistant to the AG's Parliamentary Assistant, to which I was invited by People First. It had concrete results. According to my Report of that Meeting to the Coalition, they included: assurances that both the Attorney General and his Parliamentary Assistant were "sympathetic" to supported decision making and "very open to seeing it come forward" as "complementary" to Bill 108 (the SDA). In the meantime, Steve Fram said, "We will be working on building the ramp but it is too soon to tear down the stairs!" That was the first admission by a government spokesperson that, as we had maintained consistently, the issue of supported decision making was one of accommodation to disability: it was, in fact, a ramp to legal capacity and equality. No other group of citizens is threatened automatically with the loss of rights inherent in guardianship from the age of majority throughout life.

We didn't get our final wording exactly but the prohibitions were solidified! They are still there. Sadly, they appear to be rarely heeded. I have no proof but that is possibly because, in most applications for guardianship, there is no-one present to represent the subject of the Application. Only those applying for guardianship are heard. There is no-one there to suggest alternative ways that decisions could be made.

As I said, earlier, I believe that no-one should be "replaced" in the decision making context: not people with severe or profound intellectual or physical disabilities; not people who need occasional or life-long assistance with decision making to whatever degree; not people whose former cognitive capabilities have diminished through age or infirmity; no-one!

Guardianship is not truly a "need"! Rather, guardianship is a legal "construct" devised hundreds of years ago primarily as a means of protecting the property (initially by the King) of people whose capacity to manage it themselves had diminished, in effect, people who for various reasons were unable to make decisions alone and unsupported. Guardianship, as the Deputy PGT said, replaces the person in the decision making context. Supported decision making was devised as a less demeaning and more enhancing way of assuring that necessary decisions could be made without destroying the person's legal status and social identity. Its foundation was the natural way in which most people make decisions.

I Googled "Supported Decision Making" last night and there were instantly 294,000,000 hits. This indicates the high level of interest in the subject. Yet it is also noticeable that, around the world, the current focus with respect to people with intellectual disabilities appears, mostly, to be on devising ways of providing the necessary support to enable them to make their own decisions or to assist in that process.

I am concerned that this apparent narrowing of focus could eventually squeeze out those people with severe and profound intellectual disabilities for whom the concept of supported decision making was originally conceived. They are people who, intellectually, might never be able to understand what a decision is, why it has to be made or what its reasonably foreseeable consequences would be yet, ironically, they (my son included) make dozens of personal decisions every day of their lives solely from their experiential knowledge of life. Just watch them! Whether they can be supported to make their own decisions or not, under current Canadian law, they are still equal until found otherwise. Supported Decision making would preserve that equal status.

Looking back to those early days and finding it difficult as the years go by to devise new ways to say the same thing, I will be using quotes from briefs and other pieces I have written about supported decision making during the past 30 years.

So, who am I? I am Ian's Mum! My qualifications to speak about supported decision making come not from any academic interests. I say that because I well recall my shock some years ago when I had been invited to speak on the subject of "genetic screening., at a Human Rights Conference in Vancouver, co-sponsored by the Ministry of Health. In a casual corridor conversation just prior to speaking, I was rudely asked by a psychologist what qualifications I had to speak on the topic. I responded that my qualifications came naturally; my son's future well-being and social image were threatened by the drive to eliminate certain causes of disability - Ian has Down syndrome. My qualifications to speak of my extensive work on alternatives to guardianship over these many years comes from that same source, Ian, who – quite unknowingly, I believe, is the greatest teacher I have ever had!

So, who is Ian? Ian is a gentle, sensitive, warm and caring man. As a child, he was described by clinicians as "profoundly intellectually disabled." Despite persistent effort on our part he was denied access to school until eventually, at the age of 15 he was accepted and placed in a special "developmental" class of five students who did not speak. They were segregated from the other hundred or so students in the also segregated school for "trainable m... r..." students who did speak – I will never understand the logic of our Education System!

As of today, Ian's disability has not diminished and neither has his innate dignity and value as a human being and a Canadian citizen. Ian's future well-being depends on legal recognition of supported decision making. Such law must be fully inclusive. There is no such assurance at this point in Ontario.

### **Where it all began for us**

(Quote from Reflections on a long journey, Coming Together, CACL Spring 2010):

"It seems a bit ridiculous that I would have been worrying about adult guardianship when Ian was only five but it wasn't Ian, himself, who got me hooked on my long anti-guardianship crusade: it was something I read. Ian's dad was a whizz at finding written materials relating to disability and to people with disabilities. It was in late 1969 that a little red booklet appeared on the coffee table. Published by the International League of Societies

for the Mentally Handicapped (now Inclusion International), it contained the conclusions of the Symposium on Guardianship of the Mentally Retarded, held in San Sebastian, Spain.

... What caught my attention in the San Sebastian findings was, the clear recognition that guardianship did not serve people with intellectual disabilities well, that it needed "revitalization," and the comment that "We already know enough to do better." What I took from the deliberations was that we required mechanisms that, literally, would keep the options open for people with disabilities as they gained confidence from new experiences in the broader and gradually more welcoming community. Guardianship, as we knew it, could not do that. Obviously, there had to be a more fluid approach to protection. Always a bit of a radical, that sounded good to me! .... (There being more immediate battles to fight) the perils of guardianship went onto my emotional and functional back burners; they simmered, there, nevertheless." .... Those simmering thoughts boiled over at the trial of the issue of the mental incompetency of Justin Clark, in November 1982, in the County Court House in Perth, Ontario. Ian was 17. At the request of CACL and as a member of CACL's Advocacy Committee, I had agreed to attend.

During one of the recesses in the six-day trial, I was chatting to a well-known psychiatrist, an expert witness, there to give evidence of his professional opinion that Justin Clark was, indeed, mentally incompetent. As you probably know, Judge Matheson, rightly, found otherwise! The psychiatrist and I had met on occasions in the past, had even shared conference panels although I do not believe that we had ever spoken on the same side of an issue. As we chatted, he noted that Ian must be about the same age as Justin Clark. "I suppose you will soon be going through this process with Ian, Audrey," he said. My reply, as I recall, was, "Over my dead body!" From that moment, I was hooked on finding alternatives to guardianship!" We could never have done to Ian what Justin's family felt they should do with respect to Justin.

In **1987**, I received in the mail (in a plain brown envelope) an unofficial copy of a draft Report by the Ontario government Committee considering changes to guardianship legislation in light of Canada's Charter of Rights and Freedoms, the Fram Committee.

Despite many well thought out improvements, I saw nothing in the proposed legislation that would safeguard people such as Ian from ultimately inevitable guardianship. Knowing the Association had representation on the Committee. I wrote a "strong" letter of protest to the President of the provincial Association.

**(Quote Reflections on a long journey.....):** "One thing I have noticed over my many years in the Association is that it takes little more than expressing an opinion to plunge one into responsibility for action. I was asked to chair a provincial Association Task Force on Advocacy and Alternatives to Guardianship which gave me the opportunity to express some of those long simmering notions."

In May 1989, I wrote my first brief on behalf of the provincial Association (for Community Living) to the Ontario Guardianship and Advocacy Review Committee. Some excerpts:

Recommendation 1.

"That any legislative changes relating to protection and substitute decision making honour the personal supportive networks within which the wishes and preferences of a vulnerable person are most likely to be determined with the most possible accuracy." And from the text, (page 19, para 5): "The strongest safeguards against the hazards of extreme vulnerability are those that arise from the sharing of natural supportive relationships in a spirit of equality within the broader community." ....

Recommendation 9.

"That lesser levels of consent such as clear desire, however expressed, be recognized as valid consent." And from the text, (page 9 para 1): "... experience indicates that the capacity of a person with an extremely disabling condition, for decision making or indicating preference, is more likely to increase than diminish. The more one knows such a person and the more challenged and supported that person is, the more competent that person becomes and the more able the partner (or supporter) is to understand what preferences are being expressed. Presumption of capacity is not simply a legal concept. It also has significant developmental and social implications."

Page 15 para 1: "Because most people initiate their own search for whatever resources they require in reaching a decision they are rarely called upon to account for how the decision has been made. OACL believes that given the necessary support, all people, irrespective of disability, can participate to indefinable degrees in the decision making process. OACL would take the principles underlying the Fram recommendations on presumption of capacity and carry them through into new and different levels and kinds of decision-making that will validate the process not just the product.

(This latter statement, like Recommendation #1 (slide 12) was an early reference to the quickly growing recognition in OACL that the question should never be "Is this person capable?" but, rather, "What personalised and committed support and capable and accountable process can be put in place in this person's life to ensure that only the best decisions to the benefit of the person would be made, and that those decisions would reflect, to the greatest extent possible, the will and preferences of this person").

(Quoting from my appearance before the Ontario Parliamentary Standing Committee on Administration of Justice, 12 February, 1992): "... When we start by assuming that certain people are unable to exercise their right to self-determination because of their incapacity, we inevitably look for solutions in the appointment of others to make decisions for them. Mindful of the intrusiveness of that process, we seek to temper it by imposing the least restrictive of a known series of confining alternatives, such as full or limited guardianship, all of which take away rights to some degree or other.

Had we asked how decisions are made rather than who decides, we would perhaps have recognized that the road to self-determination is rarely travelled in solitude. Typically, we make that journey interdependently, in the company of those who care about us. It is not usual for us to make decisions alone and unaided. We make decisions with the affection and support of people we trust -- family, friends or others whose opinions we respect. When we enjoy the presumption of competence or capacity, we are never asked to reveal that we had

support in making our decisions, nor are we required to prove our capacity to make them independently. To subject others to such requirements on the basis of disability is discriminatory.

Had we not concentrated on who decides, we would have seen the need to provide for everyone the same opportunities for support in decision-making that most of us take for granted. In the spirit of equality, we would have recognized the need to validate decisions resulting from such support in the name of the person at the centre of it. Perhaps then we would have looked for the most enabling solutions in an infinite and untapped reservoir of alternatives for empowering those of us who are disadvantaged. Rather than competence, we would have been thinking about accommodation.

The disadvantage for people with intellectual disabilities is that their decision-making capacity is doubted or denied. Guardianship law cannot accommodate to that disadvantage. To place people under the control of others can, instead, contribute to greater vulnerability.

We must design enabling legislation that validates the decision-making process of those people whose decision-making is discredited, without diminishing either their personal rights or their human identity. Such legislation must be based on clear principles which assert the inviolability of the rights to self-determination and presumption of competence. Such legislation must recognize not only entitlement to support in decision-making, but also that the amount of support that goes into interdependent decision-making is not a ground for either discrediting decisions or compromising autonomy. It does not do it for those of us who we presume to be competent. Why should it do it for people who we suspect are not?

Such legislation must recognize that decision-making can, and usually does, take place within chosen and trusted relationships, that choices and wishes can be made known with or without assistance, through typical and non-typical means of communication, and that some of those non-typical means of communication may only have evolved and may only be expressed within those trusting relationships. It must also recognize that it is the duty of the state to accommodate to disability by enabling the necessary support to be built around people who have severe intellectual disabilities. Only by such principles can the presumption of competence and the right to self-determination be ensured for everybody." AC

([http://www.ontla.on.ca/web/committee-proceedings/committee\\_transcripts\\_details.do?locale=en&Date=1992-02-12&ParlCmmID=79&BillID=&Business=Bill+74%2C+Advocacy+Act%2C+1992%2C+and+Companion+Legislation&DocumentID=17111#P69\\_3351](http://www.ontla.on.ca/web/committee-proceedings/committee_transcripts_details.do?locale=en&Date=1992-02-12&ParlCmmID=79&BillID=&Business=Bill+74%2C+Advocacy+Act%2C+1992%2C+and+Companion+Legislation&DocumentID=17111#P69_3351))

We appeared again before the Administration of Justice Committee in August 1992 and I quote from my presentation. (Page 1 para 3) "... The handicapping effects of the traditional legal guardianship paradigm are particularly damaging to people with intellectual disabilities.... Guardianship is discriminatory and unjust because it removes the fundamental right to self-determination, classifies and stigmatizes the person on the basis of disability, reduces his or her status to that of a legal non-person for all official purposes and offers no commensurate benefit in return. In fact, guardianship increases rather than reduces the person's vulnerability."

Page 2, para 3 "The Minister said he was looking for ways to "extend supportive, consensual decision-making" to respond to our concerns. OACL has been given to understand that the

amendments related to powers of attorney for personal care represent the Attorney General's solution. With all due respect, OACL submits that the amendments do not remove the discriminatory and unjust effects of the proposed legislation."

Page 2, para 4 "The fundamental purpose is still 'substitute' decision-making. In that model, a competent or capable decision-maker makes decisions for the person presumed to be or determined to be incompetent or incapable. A process designed to legally replace a person in this way inherently jeopardizes people with severe intellectual disabilities. Replacement is not an equitable substitute for empowerment. Third-party interests are legitimate and real. It is both unnecessary and morally repugnant to provide this security for professionals and other non-disabled persons at the expense of declaring people to be mentally incapable and assigning their decision-making rights to other persons. The same protection can be built into the consensual or supported decision-making model as is presently built into the substitute decision-making model."

Page 3, para 2 "OACL's concerns cannot be addressed by loosening some of the rules in the traditional legal paradigm of guardianship, such as these amendments do with respect to granting powers of attorney. Powers of attorney increase the empowerment only if people already exert control over their own lives. Powers of attorney, validated or unvalidated, are, in effect, guardianship. They should be an option only for people who fully understand their implications."

Page 3, para 4 "When OACL suggested looking to powers of attorney as an avenue for change, it saw them as a way of stepping into a new and different paradigm. It saw some form of power of attorney as a potential vehicle for sanctioning partnerships in supportive decision-making. In this different way of thinking, there is no such legal fiction as incapacity or incompetency, since the necessary support is provided to enable people with intellectual disabilities, and others, to be regarded as capable of self-determination. That's the way it typically is for most of us. We are all free to accept support in our decision-making. We do so. We are never called upon to declare the extent of that support. That principle of presumption of capacity must be maintained for all people."

Page 4, para 3: "We believe these (alternatives) will be helpful not only to people who always need support in making decisions, but also to those of us who would really like to retain our natural status as presumed decision-makers in our own right, rather than eventually being replaced in the decision-making process at the very time we need the most support.

Rather than assessments of capacity, people must be enabled to identify their supportive decision-makers by whatever means they choose; by identifying them actually in writing, if that's possible, by indicating choice by any other means, or by demonstrating even the existence of a trusting relationship with certain other people in which choices and wishes can be determined and interpreted." Ref. Submission to the Standing Committee on Administration of Justice on Government Amendments to Bills 74, 108, 109 & 110. OACL. August, 1992)

We spoke consistently in those early days about recognising "trust" in relationships, particularly in those relationships in which there was little if any verbal communication on the part of the person being supported. My son does not speak or vocalise. It is not always

easy to communicate with him. It is particularly distressing when he is ill as he has no way to describe his discomfort. He is not demanding in any way but clearly he has his likes and dislikes. He finds often surprising ways to make them known and he expects them to be respected.

It is important to remember that, no matter how severe the disability all human beings have innate "will." Discussing guardianship and limits on capacity in **1976**, Michael Kindred talked about the need to recognise expressions of "clear desire" in people with severe disabilities. (Ref. Kindred, Michael. Guardianship and Limitations Upon Capacity. President's Committee on Mental Retardation. The Mentally Retarded Citizen and the Law. N.Y. Free Press, 1976). Since those early days, we, in Canada, have talked about that "clear desire" in terms of human "will" being inherent no matter how severe the disability.

I have been asked on occasion to describe what I understand as "will" in the context of decision making. I quote from one of my responses:

**Quote:**

"I do know that I have talked many times about human will - that instinctive and inherently human imperative, that sense of being, that thing that tells us we are here, that we can feel. I honestly don't think it has anything to do with intellect. It's basic!

Ian has it! It is what makes him stop, suddenly, and listen to the sounds of the birds or of the wind blowing through the trees. I am sure it is what makes him sensitive to music. It is also what makes him instinctively draw back or resist things he doesn't understand (an unfamiliar medical procedure, for example). And it is certainly the thing that has prompted him on a couple of occasions when Fred has been in intensive care to gently reach out and stroke Fred's arm - an intimacy that is not typical of Ian who, usually, would have to be prompted to make such personal contact.

I don't know what it is but I do know we all have it! And if we take the trouble to get to know people who do not communicate in typical ways, we become very conscious of it. Now, all we need to do is to put it in terms that lawyers can understand (Ref. Personal response to request from Michael Bach [Audrey Cole to Michael Bach, October, 2010]).

We also talked in those days about the need to build new kinds of "ramps." Just as the building of ramps contributed significantly to expanding access to equality for people whose disabilities affected their mobility, we saw the need for different kinds of "ramps" to ensure access to equality in decision making control for people whose disabilities affected the typical presumption of legal capacity. We needed both legislative ramps to change the law and personal support ramps to ensure the necessary support for people. Inclusion International, in its negotiations with the UN Committee on the matter of legal capacity leading eventually to Article 12, used, amongst other instruments, that 1992 Report of the CACL Task Force on Alternatives to Guardianship to the CACL Board of Directors which raised the issue of ramps. Around the world, there are thousands of people who need those ramps, desperately, if they are ever to be considered equal citizens of their countries. Sadly, many of them don't have families or friends, or others who care enough about their future to ensure those ramps will be built.

A final quote: "People who do not usually have their capacity questioned in everyday life, feel no imminent threat from guardianship. They probably see it as a practical and beneficial solution to a problem someone else might have - a natural kind of responsibility they would assume if necessary were a family member or friend to "need" it. People do not usually give much thought to their own possible incapacity or, if they do, it is as something that might only happen in the far distant future. Even when people make arrangements for such an eventuality, it is usually with intentions similar to those of making a will - to maintain control over their own lives by making their wishes known.

It is unlikely that the majority of people consider the less enhancing and less dignifying aspects of guardianship, of undergoing a major change in legal and human status; of losing legal identity and social image; of being deprived of the rights to self-determination and to be regarded as equal; and of being under the control of another person, possibly a complete stranger." ("The potential impact on persons with intellectual disabilities of BILL 19, The Advocacy, Consent and Substitute Decisions Statute Law Amendment Act 1995: Submission to the Standing Committee on Administration of Justice", OACL February 1996)

The essence of supported decision making and its fundamental principle is that,

"Every person, no matter how severe his or her disability, can maintain control over his or her life solely by means of the commitment that other people are willing to make to that person's well-being: people should be enabled and supported to maintain that control."

Audrey D. Cole

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