


**Using Guardianship and Other Individual Tools to Support Advocacy**

Prepared for NYSARC Guardianship Conference  
Leigh Ann Kingsbury  
InLeads Consulting and Training  
November 7, 2024

Convene. Facilitate. Plan.



1

---

---

---

---

---

---

---

---

**Decision-making is a learned skill**

InLeads Consulting | All Rights Reserved | 2024

2

---

---

---

---

---


---

---

---

**Everyone Makes Decisions**

- Some people are capable of big decisions (buying a home)
- Some people make day-to-day decisions such as what to wear, but need support for the "big stuff" or the "complicated" decisions (e.g., healthcare)
- Other people make small decisions daily, such as deciding between peas or carrots, but rely on others for more complicated decisions



3

---

---

---

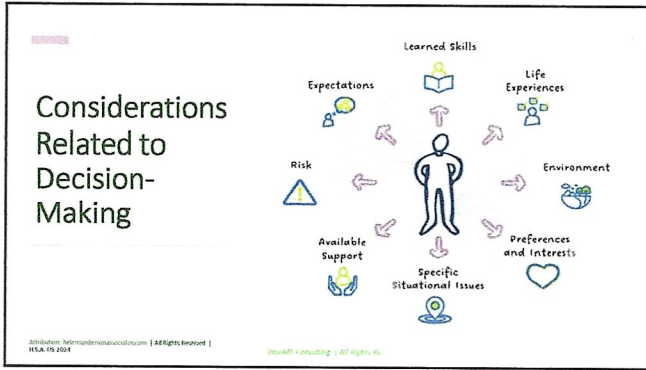
---

---

---

---

---




---

---

---

---

---

---

---

---

4

### A Continuum of Conversations

- Supported Decision-Making, other alternatives to guardianship and guardianship are all part of a continuum of conversations and options
- Almost none of us is fully "independent" – we are "interdependent" because most of us rely on others for certain activities in our life
- We ALL use supported decision-making by asking friends, family, professional advisors for input and advice

---

---

---

---

---

---

---

---

5

### Decision Support Options Matrix

	Informal	Formal
Controlled by the Person	Soliciting advice and support from friends, family, and others Peer coaching or support Requested professional advice Circle of Support	Power of Attorney Supported Decision-Making Agreement Health Care Directives Release of Information Forms ABLE Accounts Planning Teams
Controlled by Others		Representative Payee Special Needs Trusts Health Care Surrogate Decision Making Limited and Plenary Guardians

Attribution: Peer Coaching, TRC Consulting and Foster Vanderhulst Associates (TRC) Supported Decision Making Training | All Rights Reserved | 2014  
InLeads Consulting | All Rights Reserved | 2024

---

---

---

---

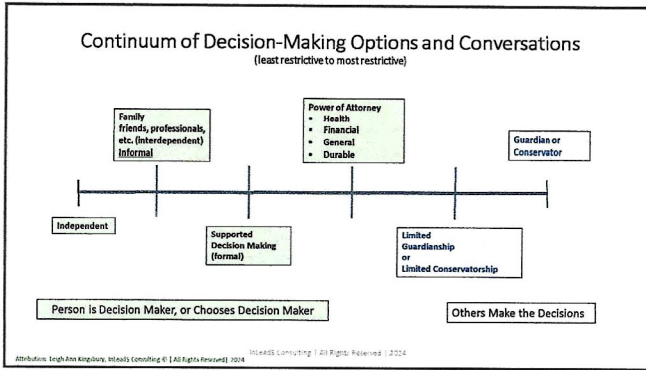
---

---

---

---

6



7

---

---

---

---

---

---

---

---

---

---

## Supported Decision-Making Guiding Principles

- 
- People have the right to make their own decisions
- 
- We always start with what matters *to-the-person* when supporting decision making
- 
- Decision-making is a learned skill, we start where the person is
- 
- All support with decision making must come without undue influence, coercion or exploitation
- 
- None of us is immune from decision making
- 
- Families come with family dynamics. Not good or bad, just existing.
- 
- We do not abandon people in the name of "choice"
- 
- We only consider guardianship when other less restrictive options will not work

Attribution: InLeads Consulting and Helen Sanderson Alcock/InLeads Supported Decision Making Training | All Rights Reserved | 2024. InLeads Consulting | All Rights Reserved | 2024

8

---

---

---

---

---

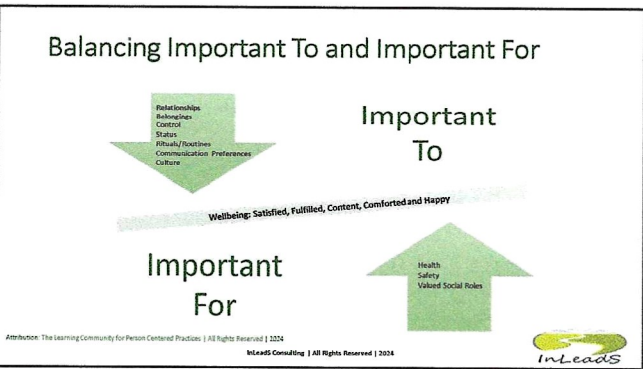
---

---

---

---

---



9

---

---

---

---

---

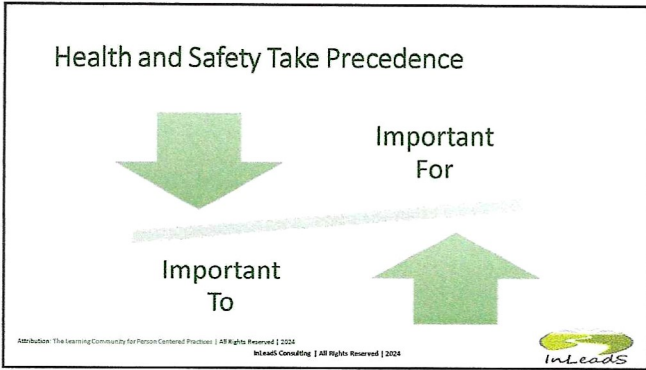
---

---

---

---

---



10

---

---

---

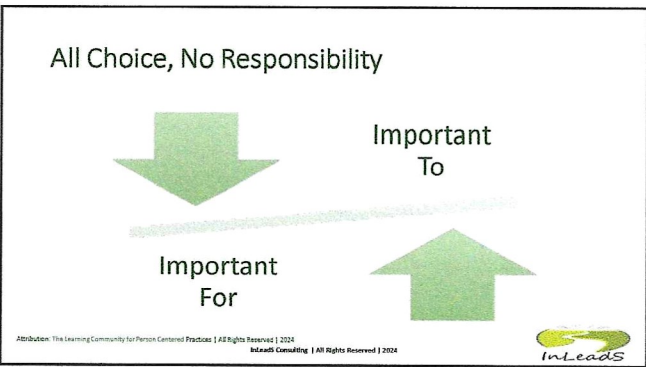
---

---

---

---

---



11

---

---

---

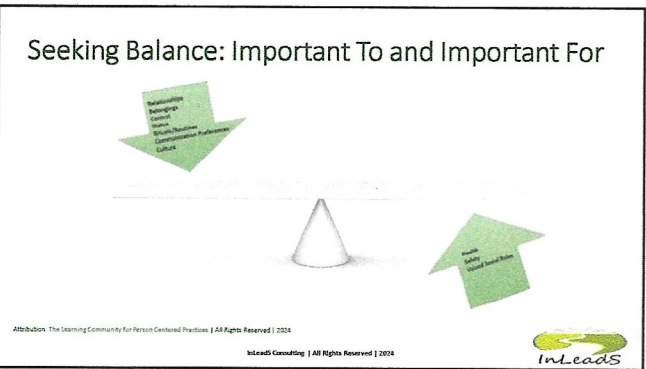
---

---

---

---

---



12

---

---

---

---

---

---


---

---

### Tips for Holding Conversations

- Explore the decision the persons makes regularly and how they make them – seek to understand the person’s capabilities, their experience, and others’ expectations of them
- Explore if the person is comfortable with, or interested in, making more decisions; or, are they okay with how things work now?
- Discover and explore if there are already other tools for decision support in place, such as a power of attorney, representative agreements, FERPA or HIPAA

InLeads Consulting | All Rights Reserved | 2024



13

---

---

---

---

---


---

---

---

### When Situations Challenge Us

- What is important to the person?
- What is important to people who know and love the person?
- Are these two sets of information aligned?
- How does each person feel about – and understand – what the other thinks?



InLeads Consulting | All Rights Reserved | 2024

14

---

---

---

---

---

---


---

---

### What Does Alignment Look Like?

Where there is disagreement...

- What would everyone getting on the same page look like?
- What would need to happen (or not happen)?
- Who would do what (or not do)?



InLeads Consulting | All Rights Reserved | 2024

15

---

---

---

---

---

---

---

---

Listen deeply for the "why" behind the tension

Worry, fear      Control, status

WHY?

Trauma, prior experience      Culture, family norms

InLeads Consulting | All Rights Reserved | 2024

16

---

---

---

---

---

---

---

---

### Helpful Tools

- ✦ A Working and Not Working Process
- ★ The Integrated Star
- ↪ The Stoplight Tool
- The PRACTICAL Tool

InLeads Consulting | All Rights Reserved | 2024

17

---

---

---

---

---

---

---

---

Assess what is working and not working, right now

- Ask about the current state (regarding the situation causing tension):
  - From the person's perspective, what is working?
  - From the perspective of others, what is working?
- From the person's perspective, what is not working?
- From others' perspective, what is not working?
- Look for common ground – where do we agree on what works or doesn't work?
- Use the elements of agreement and disagreement to work on action toward consensus

InLeads Consulting | All Rights Reserved | 2024

18

---

---

---

---

---

---

---

---

## Working and Not Working

(always followed by action)

	What is Working, Going Well, Needs to Stay the Same?	What is not working, is causing difficulty, needs to change?
Person's Perspective	<ul style="list-style-type: none"> <li>Having my own bedroom</li> <li>Deciding my own bedtime and wake-up schedule</li> <li>Wearing a uniform to work</li> <li>Dad coming by my workplace to see me do my job well</li> </ul>	<ul style="list-style-type: none"> <li>My roommate using my toiletries</li> <li>My mom calling to wake me up for work</li> <li>Roommate bringing too many people to the apartment</li> <li>Missing the bus to work sometimes and having to pay for Uber</li> </ul>
Parents' Perspective	<ul style="list-style-type: none"> <li>Having a job he really likes with a boss who supports him</li> <li>Reminding him to get up on time so he isn't late for work</li> <li>Having a roommate to share expenses but having his own space</li> </ul>	<ul style="list-style-type: none"> <li>He goes to bed too late and is too tired in the morning</li> <li>Getting up too late and missing the bus to work</li> <li>Too many people coming and going from the apartment</li> </ul>

Attribution: The Learning Community for Person-Centered Practices | All Rights Reserved

19

---

---

---

---

---

---

---

---

---

---

## Revisit "why", and plan next steps


Knowing what you know now, what is important to the person?

What is important to those who know and love the person?

What options are available?

What would trying one of those options look like?

InLeads Consulting | All Rights Reserved | 2024



20

---

---

---

---

---

---

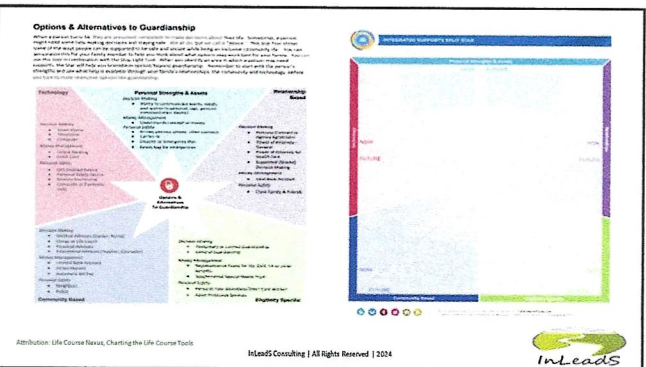
---

---

---


---

## Options & Alternatives to Guardianship



Attribution: Life Course Nexus, Charting the Life Course Tools

InLeads Consulting | All Rights Reserved | 2024



21

---

---

---

---

---

---

---

---

---

---

### The Stoplight Tool

**IDENTIFYING ALTERNATIVES TO GUARDIANSHIP**

Name of individual: \_\_\_\_\_  
 Name of person completing this form: \_\_\_\_\_  
 Relationship to individual (Date and time spent together should be indicated): \_\_\_\_\_

**Step 1:** Identify all possible alternatives to guardianship. List them in the table below.

**Step 2:** For each alternative, answer the questions in the table below. Use the following color coding to indicate the level of concern:

- Green:** Person can do this
- Yellow:** Support may be needed
- Red:** Support is necessary (right now)

**Step 3:** Based on your answers, identify the most appropriate alternative to guardianship. Explain why this alternative is the best choice.

**Step 4:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 5:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 6:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 7:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 8:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 9:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Step 10:** If you identify an alternative to guardianship, describe the supports that would be needed to make this alternative work.

**Attribution:** Adapted by the DC Department on Disability Services, in partnership with the DC Developmental Disabilities Council, Disability Rights DC, University Legal Services, Georgetown University Center for Excellence in Developmental Disabilities and Quality First, from tools developed by University of Kansas, Kansas City, Institute for Human Development, University Center for Excellence in Developmental Disabilities (2013). (Last revised 2/2018)

InLeads Consulting | All Rights Reserved | 2024

22

---

---

---

---

---

---

---

---

---

---

### Adapted Stop Light Questions

- **Green – person can do this**
  - Is this something the person has done before with, or without support?
  - Is this something the person does well most of the time, with or without support?
  - Is this something the person can get better at over time with or without support?
- **Yellow – support may be needed**
  - Has the person ever tried this?
  - Is this something the person tried, but is unable to do with current supports?
  - Is this something we can help the person learn to do?
- **Red – support is necessary (right now)**
  - Is something happening that needs to be addressed immediately?
  - Is something happening that presents significant risk to the person?

**Attribution:** InLeads and associates.com | All Rights Reserved | U.S.A., US 2024

InLeads Consulting | All Rights Reserved | 2024

23

---

---

---

---

---

---

---

---

---

---

### The PRACTICAL Tool

- Presume
- Reason
- Ask
- Community
- Team
- Identify abilities
- Challenges
- Appoint
- Limit

### PRACTICAL Tool for Lawyers:

#### Steps in Supporting Decision-Making

**Source:** The American Bar Association, Commission on Law and Aging

InLeads Consulting | All Rights Reserved | 2014

24

---

---

---

---

---

---

---

---

---


---



**RESOURCES**

- [The Stop Light Tool](#)
- [Working and Not Working Template](#)
- [The Integrated Star](#)
- [Another version of the Integrated Star](#)
- [The PRACTICAL Tool for Lawyers](#)

InLeads Consulting | All Rights Reserved | 2024



25

---

---

---


---

---

---

---

---



Leigh Ann Kingsbury  
[leighann@inleadsconsulting.com](mailto:leighann@inleadsconsulting.com)

InLeads Consulting | All Rights Reserved | 2024

26

---

---

---

---

---

---

---

---

# RESOURCES

- [The Stop Light Tool](#)
- [Working and Not Working Template](#)
- [The Integrated Star](#)
- [Another version of the Integrated Star](#)
- [The PRACTICAL Tool for Lawyers](#)