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# **Supported Decision-Making: Applied Aspects, Supervision, and Defining Optimal Support International Review**

Hila Rimon-Greenspan    Mariela Yabo  
Rinat Namer-Furstenberg    Dori Rivkin

Editor: Ronit Cohen Ben-Nun  
English translation: Evelyn Abel  
Graphic design: Efrat Speaker

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**Myers JDC Brookdale Institute**  
P.O.B. 3886 Jerusalem 9103702, Israel  
Tel: 02-6557400  
[brookdale.jdc.org.il](http://brookdale.jdc.org.il) | [brook@jdc.org](mailto:brook@jdc.org)

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# Abstract

## Background

Supported decision-making (SDM) is an official arrangement to allow individuals with disabilities who find it difficult to understand information and to make decisions concerning themselves to use the help of another person in order to understand information and make decisions about monetary, personal or medical matters. In 2016 the Guardianship and Legal Capacity Law was amended, and Israel joined the states that recognized the practice of SDM as a preferable alternative to guardianship. The amendment emphasizes the need to act on the basis of an individual's wishes and protect their autonomy. It stresses the principal of "less restrictive measures" and suggests SDM as an alternative to guardianship. In fact, the law now requires the courts to consider SDM when ruling on requests for guardianship. It also specifies that regulations shall be put in place by the Ministry of Justice and procedures stipulated for the practice of SDM. In the wake of the amendment, the Ministry of Justice established the SDM Service and is planning inspection provisions for the supervision of SDM. Prior to formulating the final regulations, the Ministry issued provisional regulations for SDM. These steps situate Israel among the leading countries in promoting the use of this arrangement.

This review was prepared at the request of the SDM Service at the Ministry of Justice and of JDC-Israel Unlimited. Its purpose is to make available the latest experience and practical knowledge of SDM from around the world, for purposes of formulating SDM procedures in Israel, including a supervision and inspection system.

The document reviews main issues in SDM based on the practical experience accumulated in five countries and three pilot programs. The appendices provide a description of the status and application of SDM in each of the countries reviewed, as well as a description of the pilot programs reviewed.

## Goals

- To survey how SDM is applied in the countries surveyed and in selected pilot programs around the world
- To examine the various mechanisms of safeguards and supervision or inspection of SDM arrangements
- To define optimal support for decision-making

## **Methodology**

1. In order to provide as comprehensive and up-to-date a picture as possible of SDM, the review included academic publications as well as documents published online such as research reports and program information on various SDM-related aspects.
2. Semi-structured interviews were conducted with experts in SDM in the United States, Australia, and Latvia.

The data were collected during February-June 2020.

The locales chosen for the review have either considerable experience with SDM or detailed programs for its establishment: The province of British Columbia in Canada, the state of Victoria in Australia, the state of Texas in the United States, Sweden, and Ireland. For more details on these countries, see Appendix I. The pilot programs selected operated in Latvia, New York City, and the state of Massachusetts. They were chosen for their comprehensiveness and importance, and due to their role in the acquisition of SDM practical experience, knowledge, and the design of practice. These pilot programs may occasionally precede and promote legislation on the topic. For more details on the pilot programs, see Appendix II.

## **Conclusions**

The review found that currently there is no comprehensive model for SDM safeguards and supervision or inspection, these are addressed only to a limited extent in the countries that practice SDM and in the pilot programs reviewed. Based on the practical experience we reviewed, a range of practices and mechanisms were grouped, mapped, and categorized according to safeguards, supervision, and inspection mechanisms.

Similarly, the review found that there is no comprehensive definition of optimal SDM. Based on the review, preliminary insights were formulated of optimal SDM components.