



Decision-Making for Adults



Making choices starts when we are children. Everyone has the ability to make choices and decisions. All people have the right to make their own choices, the best way they know how.

All people need others to help make decisions from time to time. Family, friends, co-workers, and other people in the community can all support an individual who needs to make decisions. Teams should ask the individual how they want people to support them in making life choices when they need extra help.

The options below allow individuals with disabilities to benefit from decision-making support. The types of support are listed in order, from least restrictive (for persons needing less help) to most restrictive (for those who need the most help).

What is Supported Decision-Making?

Supported decision-making consists of a team of people the individual chooses to help them make choices. Every person has a right to make decisions and learn from them. This type of decision-making support helps keep the person in charge of making their life choices. It is the least restrictive type of support. Supported decision-making may involve a team. The individual is at the center of the team. The team helps the individual understand situations and choices. This allows the individual to make the best choice.

What is a Health Care Decision Maker?

A person who can make health care treatment decisions for an AHCCCS member.

What is a Designated Representative?

An individual parent, guardian, relative, advocate, friend, or other individual chosen by an AHCCCS member or guardian. They assist the member to protect their rights and voice their service needs.

What is Delegation of Education Rights?

A student who is 18 years of age or older can give their school written approval to let their family members or caregivers be involved in meetings for school decision-making. This is called Delegation of Education Rights.

What is Durable Power of Attorney?

Durable Power of Attorney is for private, business, or legal matters. A Durable Power of Attorney (POA) can be helpful to those who want to choose a trusted person to act on their behalf. The POA can continue to act on the individual's behalf if the individual is unable to communicate their wishes unless a court tells the POA they cannot.

What is a Medical Power of Attorney?

Medical Power of Attorney (also known as a Healthcare Power of Attorney) is only for healthcare and basic needs. The trusted person chosen as the HPOA will have the authority to make healthcare decisions consistent with the individual's wishes. This is only in the event the individual signing the document becomes unable to make or share those decisions themselves.

What is the Durable Mental Health Power of Attorney?

Mental Health Power of Attorney is only for mental health treatment decisions. The Mental Health Power of Attorney makes mental health decisions for the individual if they are unable to communicate treatment decisions about themselves.

What is a private fiduciary?

A private fiduciary is an individual or organization that provides guardianship services for a fee. Members, parents, or guardians can select the fiduciary. They can also end their association with the fiduciary if they are not satisfied with the service received.

What is a Public Fiduciary?

The Office of the Public Fiduciary serves as guardian or conservator for individuals who have limited or no funds. Public fiduciaries can be identified by a court to take the role of guardian or conservator when there is no one willing or able to be the guardian or conservator. Each county offers this service and may charge a fee.

What is a Representative Payee?

A Representative Payee is an individual or organization approved by the Social Security Administration to manage a member's Social Security benefits. Representative Payees are only responsible for managing and accounting all income, both earned and unearned.

What is Guardianship?

A guardian is a person who has the legal authority to care for the personal and property interests of another person. A court appoints a guardian only after a review shows a guardian is necessary. The court appoints a guardian for a person who, because of their disability, cannot give informed consent or make decisions about their affairs. This includes making decisions about their own personal and medical needs. A person no longer has the legal right to make certain decisions when they have a guardian. This may include the right to vote.

There are three types of guardianship.

- Temporary Guardianship
 - May be assigned for a set period of time, usually no more than thirty days unless extended by the court.
- Limited Guardianship
 - Allows a guardian to manage only some of the individual's affairs or for a specific purpose.
- Full (Plenary) Guardianship
 - Allows the guardian to make most legal and medical decisions for the individual. Mental health decisions may require a court order.

See the Disability Rights Arizona [Legal Options Manual](#) for more information.

Equal Opportunity Employer / Program • Auxiliary aids and services are available upon request to individuals with disabilities • To request this document in alternative format or for further information about this policy, contact the Division of Developmental Disabilities Customer Service Center at 1-844-770-9500; TTY/TDD Services: 7-1-1 • Disponible en español en línea o en la oficina local