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Indiana woman makes judicial history by seeking supported decision making agreement

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In a first-of-its-kind case in Indiana, a 27-year-old woman who believes she is no longer incapacitated as defined by state law will petition the Wayne Circuit Court Wednesday to terminate her guardianship and replace it with a Supported Decision Making Agreement.

Jamie Beck, who has been diagnosed with a mild intellectual disability and attention deficit hyperactivity disorder, was adjudged by the Wayne Circuit Court to be incapacitated in 2010 following the death of her parents and stepfather. Dan Stewart, president of Achieva Resources Corp., Inc., was appointed as her permanent legal guardian.

Since then, Beck has moved from a nursing home to a supported-living home and has secured full-time employment at Ball Memorial Hospital in Muncie. She asserts she is able to manage her affairs with help from Medicaid waiver services. With a formalized Supported Decision Making Agreement, Beck told the court she will have additional assistance from a team to help her in such areas as finances, healthcare, legal matters and housing.

The [petition for termination](#) of Beck's guardianship was filed May 4, 2018, by Indiana Disability Rights. According to the petition, Beck does not dispute that she will continue to require formal and informal assistance to live safely and independently in the community. But she believes she no longer qualifies as an "incapacitated person" as defined by Indiana Code section 29-3-1-7.5. Beck proposes that termination of the guardianship is appropriate pursuant to Indiana Code section 29-3-12-1(b)(1)."

This is the first time in Indiana that a guardianship has been terminated to use a Supported Decision Making Agreement, according to Indiana Disability Rights. The process and form are part of a pilot project sponsored by a grant from the Administration for Community Living and Indiana's Working Interdisciplinary Network of Guardianship Stakeholders.

Currently, adults in Indiana under plenary or total guardianship do not have the right to make any decisions, including choosing where to live, consenting to medical treatments, deciding how to spend and save money, and choosing to get married. All of these decisions are made by the guardian.

In some instances, according to Indiana Disability Rights, being under guardianship is considered a “civil death” because of the significant removal of independence and rights. However, Indiana Disability Rights said Supported Decision Making allows adults with disabilities to retain their rights as the ultimate decision-maker with the help of a team of supporters.

“This project marks a shift in the way that Indiana treats adults facing guardianship,” Melissa Keyes, legal director at Indiana Disability Rights and Beck’s attorney, said in a statement. “... While guardianship is sometimes appropriate, it is a significant infringement on a person’s individual rights and should not be entered into lightly. Tools like Supported Decision Making allows someone, like Jamie, to have support in making decisions while still maintaining their independence and decision-making authority.”

Stewart, Beck’s current guardian, is among those advocating for her.

“Jamie has worked so hard the past five years to regain capacity,” he said in a statement. “... I am excited that she will be the first in Indiana to use this Supported Decision Making Agreement.”

After the death of her stepfather, the Wayne Circuit Court placed Beck in Heritage House Nursing Home in 2010. In November 2011, she was approved for Medicaid waiver services through the Bureau of Developmental Disabilities Services, which is administered by the Indiana Family and Social Services Administration.

Beck then moved into a supported-living home. She soon began working at Benchmark Human Services through the company’s pre-vocational program. Later, she was hired part-time by Pizza King in Richmond.

Since 2012, according to the petition, Beck has saved more than \$8,000 in a special needs trust.

In October 2017, Beck began a 13-week vocational training program that included a placement at Ball Memorial Hospital. There she cleaned patient rooms, nursing stations and common areas. Before the training program ended, she was offered a full-time position with benefits.

Beck will be moving into an apartment in Muncie. Also, she will continue to receive transportation, environmental and living support from Help at Home and case management services from Indiana Professional Management Group.

In a statement about Supported Decision Making, Beck said, “This is a good opportunity for people like me. They get more choices and be (sic) able to make more decisions on their own to help them spread their wings and see what they want to do and open the door to new possibilities. It’s endless.”