



Supported decision-making



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Part 1:

What's so important about decision-making?

Making decisions is important.

It is a normal, every-day part of our lives.

People make every-day decisions about things such as:

- What to eat;
- Where to go;
- What to buy or do with their money;
- Where and with whom to live, and who to have relationships with;
- Who to vote for.

Decisions shape who we are and how we take part in the community.

Decision-making affects all areas of life, from everyday choices to major life decisions.

We grow by deciding.

We try things out and learn from those decisions.

This is something most people take for granted. But for people with intellectual disabilities it is not the same.

People with intellectual disabilities are denied their right to decide.

Making decisions about your life is a right¹.

But many people with intellectual disabilities are denied this right.

This happens when their legal capacity is removed.

It means the law no longer recognises them as people who can make decisions for themselves².

This stops them from making decisions and use of other rights, including:

- how to use their own money,
- deciding about medical care and procedures,
- having access to the justice system,
- choosing where and with whom to live,
- and the right to vote.

Someone else is given the power to decide about their life.

Some people believe that people with intellectual disabilities are unable to make decisions in their own interests and therefore need to be “protected” by others.

This belief is wrong.

¹ This right is guaranteed by the United Nations Convention on the Rights of Persons with Disabilities. It says: “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.”

² [General Comment 1 by the UN Committee on the rights of persons with disabilities](#) says that the right to legal capacity means the law must recognise people with disabilities as people with rights, and as people who can act on those rights by making decisions.

Giving another person the right to make decisions for someone else is known as substitute decision-making.

In many countries, it takes the form of guardianship.

“I would like to decide more things for myself and have a life like other people, to have support people who explain to me so that I understand and decide.”³

Everyone makes decisions with support from others.

Everyone decides with support from someone else:

- by asking questions,
- getting explanations,
- asking for and getting advice,
- receiving help to understand information,
- getting help to say what they want to say.

Relying on support from others is something everyone does when making a decision.

But when people with intellectual disabilities do it, it’s often used as a reason to take away their right to decide.

³ [Inclusion Indicators 2024](#). Inclusion Europe.

Some people with intellectual disabilities need help understanding information about what different choices would mean and how to make those choices.

“I am happy when I speak on my own behalf and others listen to me carefully and hear what I have to say. I also like to consult with others before making decisions and I really like that I can decide for myself what I want to do.”⁴

Providing this help to them is called supported decision-making.

It recognises the person as the decision-maker.

It respects the person’s way of making decisions.

It ensures they have access to the support they may need to make decisions.

Supported decision-making can help the person:

- understand information
- consider options
- communicate their choices
- have their will and preferences respected.

⁴ [Hear Our Voices! 2025 Final Report](#). Inclusion Europe.

Supported decision-making can take many forms:

- The person chooses someone they trust to help make a decision.
 - A family member, a friend, a peer, a professional or others who can share their knowledge and experience.
 - A trusted person who shares what the person wants when they cannot say it themselves. This is especially true for people with intellectual disabilities who are nonverbal and/or have complex support needs.
- Tools to understand and respect what the person wants, for example:
 - A document in which a person writes down what they want.
 - Methods or technologies helping to understand what a person wants or interpret it (this is called “alternative communication”).

Instead of replacing the person’s decision with someone else’s, supported decision-making strengthens the person’s ability to decide for themselves.

**“Now I’m the one who decides who I go out with or where I go on weekends.
Before, others decided for me.”⁵**

Supported decision-making works in many countries.⁶

It means that people with intellectual disabilities can exercise their right to decide when they have support in place.

⁵ Quote shared by [Plena Inclusión](#).

⁶ See PART II: Right to decide Situation in Europe

But there are problems on the way to supported decision-making.

Progress on supported decision-making is slowed down or blocked by:

Poor implementation

Changes of the law on legal capacity are not always applied in areas such as healthcare, banking, disability benefits, or housing.

Often, this is because different ministries don't work together to make supported decision-making work everywhere.

Not enough training and guidance

Judges, lawyers, bankers, notaries, and healthcare professionals often receive little or no training on legal capacity and supported decision-making.

This leads to inconsistent and incorrect use of the law.

Supporters may not be properly trained and can overstep their role, making decisions *for* the person instead of *with* them.

Lack of resources

There are not enough supporters or services to support people in making decisions, especially for those segregated in institutions and psychiatric hospitals.

Supporters and support services are sometimes overloaded which prevents them from providing good support in decision-making.

Lack of awareness among families and people with intellectual disabilities

Many families are not aware of the right to decide, the available support measures, or how to access them.

There is also a lack of information for families on how to act as supporters or provide informal support.

“It won’t work for them”

One barrier is the belief that supported decision-making does not work for people with high or complex support needs.

Instead of investing in better support and safeguards, the lack of existing solutions is used as an excuse to not progress.

A general backlash against rights and inclusion:

Changes in political priorities and cuts in social budgets have a negative impact on supported decision-making and the quality of this support.



What needs to be done so that everyone has access to supported decision-making.

Supported decision-making needs the right legal framework to work for everyone and everywhere in Europe, and it needs systematic support from governments to overcome the problems described above.

Change the laws

The first and most important step is to change the law.

There must be a law that:

- removes substitute decision-making, including guardianship,
- and fully recognises the right to decide with support.⁷

This means ending laws that remove a person's legal capacity and allow others to decide for them. Without this change, people with intellectual disabilities will continue to be denied their rights.

Everyone has legal capacity and the right to support

The law must clearly state that:

- everyone has legal capacity, and
- everyone has the right to receive support to make decisions, if they need it.

⁷ The General Comment 1 of the UNCRPD Committee says: "The development of supported decision-making systems in parallel with the maintenance of substitute decision-making regimes is not sufficient to comply with article 12 of the Convention."

It must say that needing support is never a reason to take away someone's right to decide.

Decisions must be based on the person's will and preferences

Support must always respect what the person wants.

The law must protect the person's will and preferences, not replace them with someone else's opinion.

This requires several guarantees.

1. People must have fair ways to express what they want.

The law should ensure that people are given time, information, and the right conditions to make their views known.

2. The law must recognise support to communicate will and preferences,

including:

- Documents that explain what the person wants and what support they need;
- Documents prepared in advance, to guide decisions if the person cannot communicate;
- Alternative communication methods, especially for people who are non-verbal or have complex support needs.

In some situations, a person's will and preferences may need to be understood with help from others. The law should allow interpretative support, where trusted people help interpret what the person wants, without deciding for them.

3. The law must guarantee that the person chooses who provides them support.

Supporters are often family members, but they can also be friends, peers, or professionals. Who provides support may depend on the type of decision being made.

Support must be available and accessible to everyone

Supported decision-making must be actually available to everyone.

The law must guarantee that:

- people can access the support they need without delay,
- people are not refused support because their support needs are high,

Denying support must be illegal and treated as discrimination.

Support must be free or affordable for everyone.

No one should lose their right to decide because they cannot pay for support.

The law should clearly explain:

- what support measures exist, and
- how can people access them.

Easy-to-read versions of the law are essential, so people with intellectual disabilities understand their rights and options.

Support must be recognised everywhere

Support must work in real life, not only on paper.

The law must require that supported decision-making is recognised by (among others):

- judges and courts,
- banks and notaries,
- doctors and healthcare services,
- public administrations,

- employers and service providers.

Informal support provided by family members, peers, professionals and others in the support network must also be recognised.

Support must be accepted in all situations involving legal capacity, such as:

- managing money and using bank cards,
- buying or selling a home,
- voting,
- applying for benefits,
- making medical decisions,
- getting married.

Because decisions affect many areas of life, supported decision-making laws must take a cross-sectoral approach. Different ministries and public bodies must work together.

Support must work across borders

People do not stop needing support when they travel.

Often, support recognised in one country is ignored in another.

This creates serious problems, especially in regions where people move frequently for work or travel.

Countries must cooperate so that supported decision-making is recognised across borders.

The European Union is working on a new law about protection of adults across borders.⁸

This law should help people get support to make decisions wherever they are in the European Union.⁹

Safeguards must protect rights, not remove them

People with intellectual disabilities are often seen as “especially vulnerable”, for example to manipulation.

This idea is frequently used to justify taking away legal capacity and calling it a safeguard.

This must stop.

Substitute decision-making is not a safeguard.

Removing their legal capacity does not protect person’s rights.

Safeguards are measures that:

- protect the person’s rights,
- ensure their will and preferences are respected,
- prevent abuse and misuse of support.

Safeguards can be formal or informal.

They may involve professionals, but also families, friends, and community networks.

⁸ [Proposal for an EU Regulation on protection adults](#)

⁹ [Joint position “This is what’s wrong with the proposal on cross-border protection of ”vulnerable adults”](#) by the European Disability Forum, Inclusion Europe and others.

Safeguards should include ways to:

- challenge or change support arrangements,
- prevent and address conflicts or abuse,
- monitor support relationships,
- review support regularly, with the person involved,
- prevent undue influence by supporters or others.

The purpose of safeguards is to make support safer and better, not to justify guardianship.

[“Safeguards in measures relating to the exercise of legal capacity”](#)¹⁰ gives practical examples of how these requirements can be implemented in law.

People with complex support needs must be supported to make decisions

People with complex support needs have the same right to make decisions.

The law must ensure their will and preferences are respected, using appropriate support such as:

- alternative and augmentative communication,
- personalised and intensive support,
- interpretative support,
- advance planning and pre-arranged support,
- limited representation measures, only when necessary and with strong safeguards.

¹⁰ Safeguards in measures relating to the exercise of legal capacity

The goal must always be to improve support and protection without removing legal capacity.

Serious risks must be addressed without removing rights

Some decisions can involve serious risks, such as eviction, homelessness, or exploitation.

These risks are real and must be taken seriously.

But they must be addressed without taking away the person's right to decide.

Many risks can be managed through existing systems, such as:

- housing protection,
- social security,
- consumer protection law.

Complex situations must be assessed individually.

The person must be at the centre, with the involvement of:

- trusted supporters,
- professionals who know the person,
- representative organisations.

Difficult cases must lead to better systems, not to restriction of people's rights.

Laws must be prepared and tested properly

Before a new law comes into force, it should be tested in practice.

This helps identify problems early and ensures the law works in real situations.

It is essential to prepare the law, from the start, together with people with intellectual disabilities. They must be involved alongside families, professionals, judges, and others involved.

This ensures the law is realistic, respectful, and effective.

Make supported decision-making work in practice

Changing the law is the first step.

But to make sure it reaches all areas of life and works in everyday life, the law must be backed by strong and clear policies.

A working system of support

There must be a clear system for decision-making support.

People need to know:

- what support exists,
- how to choose a supporter,
- and how to access support when needed.

Information must be accessible, including in easy-to-read¹¹ formats.

There must also be enough people and organisations providing support.

Governments must provide adequate funding and good working conditions so support can be provided properly.

¹¹ inclusion.eu/easy-to-read

Support must be respected everywhere

Supported decision-making must be respected in all situations involving legal capacity.

For example, support should be respected:

- in banks,
- in doctors' offices,
- when applying for benefits or filing tax returns,
- when travelling,
- polling stations,
- and everywhere else.

If support arrangements are ignored, the right to decide is weakened.

All public and private actors must respect them.

Guidance, training and cooperation

Judges, banks, notaries, service providers, families, people and organisations providing support and people with intellectual disabilities themselves need clear guidance and training.

- Judges must understand and apply the right to legal capacity as established in the UN Convention on the Rights of Persons with Disabilities.
- Professionals must know how to respect will and preferences, assess support needs, avoid overstepping, and apply safeguards.

- Disability organisations, public authorities and services must cooperate. Working together helps ensure supported decision-making is understood and applied everywhere.

A society where people trust and are trusted

Supported decision-making is not only about law.

The society people live in matters.

People with intellectual disabilities must be included, trusted, and supported in everyday life.

This includes:

1. Living independently in the community

When people can choose where and with whom they live, they gain confidence and experience in making decisions. Paying bills, using bank cards, signing a rental contract, buying a home, or getting married are practical examples of life decisions. Being able to do this will strengthen decision-making skills over time.

2. Community-based support and belonging

Receiving support in the community sends a clear message that people with intellectual disabilities belong and participate like everyone else. It also helps others understand that everyone needs support at times.

3. Inclusive education

Inclusive education builds self-determination from an early age. It allows children to make choices, make mistakes, learn from them, and develop social networks. When young people grow up being listened to, their decisions are more likely to be

respected in adulthood.

4. Access to employment

Employment strengthens the right to decide by providing income, responsibility, and practical experience. Managing money, understanding limits, taking risks, and learning from mistakes are part of working life. Colleagues can also become part of a natural support network.

5. Accessible information

People cannot make real decisions if information is unclear.

Easy-to-understand information and communication support must be available before decisions are made.

6. Self-advocacy

Self-advocacy plays a central role. It helps people with intellectual disabilities build confidence, understand their rights, say no, recognise violations, and support others to do the same.

An inclusive society, where people live in the community, learn together, work, access clear information, and speak for themselves, makes supported decision-making a reality in everyday life.

Part 2:

Right to decide situation in Europe

People with intellectual disabilities have the right to make decisions about their own life just like any other person. European citizens take these rights for granted and expect to exercise them freely.

But it is far from being the same for many people with intellectual disabilities.^{12,13}

- In 14 countries legal capacity can be fully removed and the right to decide is not respected.
- In 15 countries legal capacity can be partially removed and the right to decide is not respected.
- Only 4 European countries fully respect the right to decide and provide support in decision-making.

The United Nations Committee on the Rights of Persons with Disabilities has criticised the European Union for its lack of action:¹⁴

“The Committee notes with concern:

The lack of action under the competence of the European Union to work

¹² [Inclusion Indicators 2025](#). Inclusion Europe.

¹³ [EDF Human Rights Report 2024 - Legal capacity: Personal choice and control](#)

¹⁴ [Concluding observations on the combined second and third periodic reports of the European Union](#). 2025. CRPD.

towards the removal of guardianship regimes and restrictions of the legal capacity of persons with disabilities in member States and to provide support for persons with disabilities to exercise their legal capacity”.

In many countries, legal capacity can be partially or fully removed

In this chapter, we explain the situation in countries where legal capacity of people with intellectual disabilities can be removed and where there is not enough support to make decisions. You can learn more about these countries in the Inclusion Indicators report.¹⁵

Belgium

In Belgium (Brussels and Wallonia) legal capacity can still be removed. Legal capacity is governed by the Law of 17 March 2013,¹⁶ which formally states that capacity is the rule and incapacity the exception.

In theory, assistance (supported decision-making) should be used. Representation (substitute decision-making) may only be used if assistance is insufficient.

In practice, representation is overwhelmingly used, while assistance remains under-used and under-resourced.

For many personal decisions, including voting, marriage, and sterilisation, neither assistance nor representation is allowed. This means that the person is considered either fully capable or fully incapable.

¹⁵ [Inclusion Indicators 2025](#). Inclusion Europe.

¹⁶ [The Law of 17 March 2013](#). SPF Justice.

Bulgaria 🇧🇬

In Bulgaria, the law still allows the full removal of legal capacity through a court decision. It also provides partial guardianship, which limits legal capacity only in certain areas.

Bulgaria does not have a formal system of supported decision-making, and informal support by family members is often not legally recognised.

Slovakia 🇸🇰

In Slovakia, legal capacity can be partially removed if a person is considered unable to make certain decisions.

Since a law reform that entered into force in 2016, courts are no longer allowed to fully remove legal capacity. Instead, the court must clearly state which decisions the person can and cannot make, limiting restrictions to specific areas.

However, there is no official system of supported decision-making in Slovak law. In everyday life, people are often supported informally by family members or guardians, but this support is not always recognised by banks, doctors, and other institutions.

As a result, decisions are often made on behalf of the person, rather than with support.

Slovenia 🇸🇮

In Slovenia, most people with intellectual disabilities are under guardianship.

A new law (an amendment to the National Assembly Elections Act) allows everyone under guardianship the right to vote.¹⁷

¹⁷ [Slovenia removes legal capacity restrictions on the right to vote and be elected](#). 2024. Inclusion Europe.

But legal capacity can still be removed, and substitute decision-making remains.

Switzerland

In Switzerland, legal capacity can still be partially or fully removed under the adult protection system (*Erwachsenenschutzrecht*).

People with intellectual disabilities may be placed under guardianship (*Beistandschaft*), which most often results in substitute decision-making.

Although Swiss law provides for a support guardianship (*Begleitbeistandschaft*) that allows individuals to retain legal capacity, this measure is rarely used and lacks clear standards for supported decision-making.

Swiss law distinguishes between people who are considered capable of judgement and those who are not. If a person is assessed as lacking capacity of judgement, they may lose the right to make legally binding decisions, regardless of the support provided.¹⁸

¹⁸ [Selbst entscheiden mit Unterstützung – statt vertreten werden](#). 2025. Insieme.

Some countries are changing laws to restore the right to decide

There are countries where the law says that people with intellectual disabilities should have legal capacity and support to make decisions.

Other countries recently improved or are improving their laws and policies towards supported decision-making or are taking steps to the right direction.

Austria

Austria reformed its legal capacity framework in 2018 with the Adult Protection Law, which prioritises supported decision-making over substitution. It includes 4 levels of support, with the core principle being support over representation.

- Power of Attorney: A person can choose a trusted person (representative) in advance to act on their behalf if they later have decision-making difficulties.
- Elected Adult Representation: A person can choose a representative to assist them in specific matters.
- Statutory Adult Representation: Close relatives or qualified persons can act as representatives when a person is unable to make certain decisions on their own.
- Court-Appointed Adult Representation: If no other representation model is available, the court may appoint a representative as a last resort.

Austria actively involved self-advocates and representative organisations which had the opportunity to work together with lawyers, doctors, service providers, and others.¹⁹

¹⁹ See [the interview of Oswald Föllnerer](#), self-advocate at the Centre for Self-Advocacy in Vienna, on the Inclusion Europe's website.

Following an evaluation showing that supported decision-making was not always used in practice, Austria revised the system. The changes included more guarantees for the person's will and preferences, clarified when support must be used before representation, and improved guidance for courts and professionals.

Cyprus 🇨🇵

In Cyprus, the government is carrying out a reform to improve support for people with disabilities when they make decisions.

The reform is based on a project that started in 2022, led by the Department for Social Inclusion of Persons with Disabilities – Deputy Ministry of Social Welfare in collaboration with the Cyprus Confederation of Disability Organisations (KYSOA).

The project introduced decision-making support advisors.

These advisors help people understand information, explore options, and make their own decisions.

The project mainly supports people with intellectual and psychosocial disabilities, especially people with complex support needs.

Following the positive results of the pilot project, the Cypriot government plans to employ around 80 advisors through KYSOA. From 2026 onwards, they are expected to support about 4,000 adults with disabilities across the country.

This service is part of a broader reform of social services. The reform also aims to strengthen disability benefits, personal assistance, training, social support, and access to work.

The 2026 national budget includes €26 million for welfare and disability-related measures. By 2028, total spending on this reform is expected to reach €45 million annually.

Germany

A major reform of the guardianship law came into force on *1 January 2023*.²⁰

Germany reformed its law to better protect the legal capacity and self-determination of adults who need support. This was a very important change to the law.

The reform strengthens that people under guardianship should be supported to make their own decisions. Guardianship is understood in Germany as a measure of support.

Guardians (*Betreuer*innen*) must now work to support the person in exercising their rights, rather than making decisions for them. The court must precisely define the areas in which the “guardians” are authorized to support.

The law now clearly states that the wishes and preferences of the person concerned are legally binding and must guide any support provided.

When the person cannot clearly communicate their will and preferences the guardian must find out the will and preferences of the person with disability. Therefore, the guardian can ask relatives, friends and acquaintances, what the will and the preferences could be. The guardian is not allowed to base the decision on his/her own ideas.

Only in the case that following the person’s will and preferences would lead to significant harm - for example if the person’s assets are significantly endangered - the court may require that certain decisions are only valid with the guardian’s consent (substitute decision-making). This cannot be imposed against the free will of the person.

Ireland

The Assisted Decision-Making Act adopted in 2015, started working in 2023.

²⁰ More information on the [German government of Justice and Consumer Protection ‘s website](#).

It replaces the old guardianship law, the Lunacy Act, adopted in 1871.

Now in Ireland, there are 3 levels of support, all based on the person's will and preferences.²¹

- Decision-making support arrangements: the person makes their own decisions, with help from someone they know and trust.
- Co-decision-making agreements: the person and a trusted person make decisions together.
- Decision-making representation orders: a court appoints someone to make certain decisions on behalf of the person, if possible, someone the person knows and trusts. The decision-making representative is appointed to make certain decisions on behalf the person and must take their wishes into account.

In parallel, Ireland provides advance planning arrangements for those being unable at some time in the future.

- Enduring Power of Attorney (EPA): it allows the person to choose someone they know and trust to act on their behalf in case of incapacity to make certain decisions in the future.
- Advance healthcare directives: the person writes down wishes about healthcare and medical treatment decisions in case they are unable to make these decisions in the future. Doctors and other healthcare professionals must follow these directives. The person can appoint someone they know and trust to ensure the advance healthcare directive is followed.

²¹ See the Irish [Decision Support Service's website](#)

Both arrangements are signed contacts where the person defines the areas in which they want representation. Arrangements are reviewed regularly, usually every year, by the decision support service.

The Decision Support Service (DSS) helps implementing the new law. You can find more about what it does in PART 3 of this report showing examples of supported decision-making.

Italy

Italy has launched a reform process to move away from substitute decision-making and towards supported decision-making.

The reform aims to transform support administration into a tool that genuinely supports people's will and preferences.

The changes are not yet in force, and their impact will depend on future implementation, professional training, and cultural change.

Civil society organisations such as Anffas warn that, without strong implementation, the reform risks will remain largely symbolic.²²

Malta

Malta is currently finalising a reform of its legal capacity system through a new law called the Personal Autonomy Act.

At the moment, Malta relies on guardianship. Someone else can legally decide instead of the person, either for all decisions or for certain areas of life.

²² ["Amministratore di sostegno, si cambia. Ma cosa cambia?"](#) ("Support administration, yes change. But what change?")

The new law suggests a shift towards supported decision-making.

Instead of taking decision-making power away, the law aims to support people in making their own decisions, in line with their rights, will and preferences.

Under the new system, a Personal Autonomy Safeguards Board would listen to the person who asks for support in decision-making, look at where they may need support, and appoint a support person if needed.

Malta is also proposing safeguards to protect the rights of people who may be at risk of abuse, neglect or exploitation. This is happening through a parallel system being created by the new Protection of Adults in Situations of Vulnerability Act (PASVA). This law creates a system of Clearance Certificates for persons working with vulnerable adults, and an Offenders' Register.

The new laws, The Personal Autonomy Act and the Protection of Adults in Situations of Vulnerability Act, are designed to work together: one focuses on supporting autonomy, the other on protection when there is real risk.

This reform will be presented to the Cabinet of Ministers, and then to the Parliament, in the first part of 2026, after extensive consultations. These involved organisations of people with disabilities, professionals, other government entities, business representatives, academics and civil society organisations.

Norway 🇳🇴

The Guardianship act has been in effect since 2013 (Even though the terms “guardian” and “guardianship” are used, the intention of the law is to offer supported decision-making).²³

²³ Find more information on the Guardianship law in Norway on [the Norwegian Association for Person's with intellectual Disabilities's website](#).

The main rule is that anyone who receives a guardian maintains their full legal capacity and has the right to make all decisions themselves.

Guardians help people with necessary tasks so that they can decide same as others. A guardianship must be adapted to meet personal needs and wishes, and it must not be used for anything more the actual needs of the person.

But the law still allows a certain amount of legal capacity being taken away: “if this is necessary to prevent them from significantly degrading their own or others economic interests, or from being economically exploited”.

The Norwegian Association for Persons with Intellectual Disabilities (NFU),²⁴ still see people with disabilities lose their right to make decisions when they receive a guardian, even though the law states otherwise.

The act is currently under review to further promote supported decision-making and autonomy.

Spain 🇪🇸

Spain introduced a new legal capacity law in 2021 (Law 8/2021). The law aims to replace the previous system of guardianship with supported decision-making.

With the new law, people keep their legal capacity status and get support to make their own decisions.

Since the adoption of the law, representative organisations, support services and other actors such as banks or notaries have worked on ensuring support in making decisions.

But there have been some challenges (see below).

²⁴ [See more on the NFU's website](#)

Some “reforms” are inadequate in respecting the right to decide

Countries are taking steps in the right direction but need to do more.

Austria

The new law Budget Accompanying Act 2025 is regressive in some areas. The new law includes:

- The court-appointed representation (“guardian”) will be checked only every 5 years instead of every 3 in the previous legislation.
- It also removes the review that verifies if the person still needs a representative (called clearing).

“It is unacceptable to cut in areas where it is about guaranteeing human rights by the state,” the Austrian Disability Council said about the changes.²⁵

Germany

Despite the new “guardianship law” from 2023 (see section above), there are still many barriers that stand in the way of supported decision-making.

- Lack of quality support: professional guardians often have more than 40 people to support. This makes the individualised support that is needed unattainable.
- Lack of recognition of support: Many services still do not recognise the right to decide and support.

²⁵ Österreichischer Behindertenrat, 2025, [Keine überhastete Änderungen im Erwachsenenschutzrecht!](#)

- Banking services: Banks often deny the right to decide of people under guardianship. Often, they block access to accounts, loans, or joint contracts for people with intellectual disabilities. So, the guardians must do all of this.
- Medical services: The same is true for medical services. For medical treatments, doctors often only ask the guardian for permission, not the person under guardianship. They often do not recognize the person's consent.
- Lack of accessible information: In general, institutions, doctors, politicians and authorities don't use easy-to-read and understand information. Therefore, people with intellectual disabilities usually cannot make decisions, such as submitting applications for social benefits without their guardians.

Hungary

In Hungary, supported decision-making has been legally recognized since 2013 (Act CLV), but guardianship continues to be the predominant measure applied by courts, and many people are still denied their right to vote.

These are some of the barriers reported by ÉFOÉSZ:²⁶

- guardians and supporters are appointed by the same authorities, which blurs the line between substitute and supported decision-making.
- Supporters have a limit of 30 people to support but in practice they can be assigned more. This makes the individualised support that is needed unattainable.

²⁶ [Find out more about ÉFOÉSZ – Értelmi Fogyatekosok Országos Érdekvédelmi Szövetsége on their website](#)

- There is a lack of training and practice guidance of judges and other professionals involved in legal capacity matters (there is an example of training for judges in the PART 3 of this report below).
- People with disabilities and their families have limited information about supported decision-making, and many are hesitant or afraid to use it.

Portugal 🇵🇹

In Portugal, Law No. 49/2018 ended the old system that automatically removed legal capacity. It introduced a more flexible system, where courts can put individual measures in place based on a person's situation.

But the law does not create a clear system of supported decision-making.

Courts can appoint one or more people to help a person in certain areas of life, such as legal, financial, or medical matters. These supporters are chosen by the court and, in some cases, can make decisions on behalf of the person.

If there is a disagreement, the supporter's decision can override the person's wishes when it is considered to better protect them. As a result, although the reform was an important step forward, substitute decision-making is still allowed in Portugal.

Spain 🇪🇸

Even after a new law on supported decision-making was passed in Spain, implementation creates practical problems for people with intellectual disabilities.

Plena inclusión wrote a report explaining these barriers.²⁷

The report shows problems in:

- Tax and social security: People using new support systems (such as voluntarily choosing a support person, also called factual guardianship) often lose access to tax benefits, social security, and pensions – benefits that were previously tied to legal incapacity.
- Banking services: Banks often refuse to recognize new support arrangements, blocking access to accounts, loans, or joint contracts for people with intellectual disabilities and their supporters.
- Some banks even freeze accounts if old guardianship measures aren't updated, despite legal deadlines for review.
- Collective bargaining and workplace rights: many collective agreements still use outdated terms like “legal incapacity”. Because of this, workers who support family members with intellectual disabilities are left without the right to leave or other benefits.

The report also helps lawyers defend the rights of people with disabilities.

It explains the gaps and problems of the law and proposes strategies for defending the rights of people with disabilities.

“These challenges are mainly related to inconsistent implementation and cultural change, rather than to the legal reform itself,” said Raúl Olivera, project manager at Som – Fundació.

²⁷ See the report on Plena inclusión's website called ["sobre los efectos indeseados de la Ley 8/2021"](#) ("on the effect of the law 8/2021").

Sweden

In Sweden, the legal representation system includes two roles:

- **God man:** a court-appointed guardian. The person keeps full legal capacity and continues to make their own decisions. The guardian is there to give support with decision-making tasks such as finances, contact with authorities, and signing contracts.
- **Förvaltare:** a court-appointed trustee with decision-making authority. It is a stricter arrangement. The trustee can make certain decisions on behalf of the person, and in those areas the person's legal capacity is restricted.

FUB, the Swedish association for people with intellectual disabilities, has pointed out that many court-appointed supporters and representatives don't know enough about supported decision-making. This includes how to involve the person and what rights the person has. For example, many are not trained in augmentative and alternative communication.²⁸

A law change in 2015 was meant to increase the person's involvement, for example by strengthening the right to choose one's court-appointed supporter (*god man*). But in practice substitute decision-making is still common. Court-appointed supporters sometimes act like legal guardians, rather than supporting the person's own decisions. Sweden has been criticised by the UN Committee on the Rights of Persons with Disabilities for this.

²⁸ [Kunnig, engagerad och tillgänglig](#). 2021. FUB.

There is now a new law proposal that, if passed by parliament, would take effect in July 2026. The proposal would give people more opportunities to be involved in decisions, including through better access to digital identification services. It would also improve protection against abuse and manipulation by creating a national register of representatives.

PART 3:

Examples of supported decision-making

Across Europe, there are many examples of how supported decision-making is done.

Countries, organisations, and people can learn from these examples.

There are, of course, many more all around Europe. This report captures just some.

Decision-making support frameworks

These examples set up ways of providing supported decision-making for everyone.

These frameworks can be used across a country or an organisation and can be replicated elsewhere.

Decision Support Service, Ireland

The [Decision Support Service](#) (DSS) is a national service that helps people in Ireland understand and use supported decision-making measures.

How does it work?

- The DSS website is both an information hub and a practical tool.
- It explains the different types of support available and provides forms and guidance to apply for them.
- The site includes an easy-to-read guide, and other accessibility measures such as videos and checklists.
- People can set up decision-making supports through the MyDSS online portal, where they can complete applications, upload documents, and track progress.

- Supporters must follow a Code of Practice, submit reports, and may be supervised by DSS visitors. Complaints can be investigated for accountability.
- The DSS website keeps a register of co-decision-making agreements. Certain people and organisations, such as banks, lawyers, doctors, family members, or carers, can search the register if they have a valid reason.
- The DSS also writes a yearly report which informs about how the Assisted Decision-Making Act is implemented in Ireland.

What can we learn from this?

- A national service can make supported decision-making clearer with having information available for everyone in the country. It ensures the application of the law everywhere in the country.
- Accessible information (easy-to-read guides and videos) helps more people use their rights.
- This mix of law, guidance, and digital tools is a model for other countries.

Supported decision-making model by Som Fundació, Spain

[Som Fundació](#) is a non-profit organisation in Catalonia that supports people with intellectual disabilities to make their own decisions in daily life, important life events, and legal matters.

In line with the Spanish law on supported decision-making (Law 8/2021), the organisation developed [a model of supported decision-making](#).

How does it work?

In Som Fundació's model, supported decision-making is understood as a process, not only a final decision:

- They create individual support plans based on each person's wishes, goals and decision-making needs.
- Supports are adapted to the level of complexity of each decision, and not applied uniformly;
- A team with social, legal and accounting professionals provides decision-specific support in areas such as housing, finances, healthcare and legal matters.
- People are supported with accessible information. This includes easy-to-read legal information and digital tools.
- They offer training and reflection spaces (meetings, research, working groups) and advocate for better access to banking, healthcare and independent living.

The model is explicitly grounded in a human rights-based approach, aligned with the CRPD.

What can we learn from this?

- This model shows how organisations can make supported decision-making practical and concrete.
- Other countries can learn from Som Fundació's combination of individual support, community involvement, and policy advocacy. The model is done so it can be replicated elsewhere.

The support for decision-making model by Liber, Spain

Modelo de apoyos a la toma de decisiones (The support for decision-making model) is a practical framework developed by [Asociación Liber](#) and 16 entities experienced in supported decision-making.

This model was updated in 2025 to align with Spain's Law 8/2021.

How does it work?

The support model is based on a person-centred approach.

It means that support is tailored to the individual's will and preferences.

The model includes 3 types of services:

- Information and orientation on supported measures.
It means that the service helps to make an individual support plan based on the person's will and preferences. This plan helps to identify when the person needs support in making decisions and by which means the support can be provided.
For example, if the person needs accessible information, alternative communication, or more advice and time to decide. The plan involves the person, their family and broader support network.
- Planning future support measures.
For times when current support persons can no longer provide support.
- Volunteering services.
Network of volunteers that collaborate with Liber to provide supportive measures, which encourages community engagement.

The model has mechanisms for monitoring, evaluation, ethics, quality, and transparency during the support process.

This network cooperates with:

- Families and volunteers as part of individual support systems,
- Public administrations through advocacy and service planning,
- Professionals such as banks and notaries for training, co-creating tools and implementing them.
- Other organisations via research and dissemination projects.

According to the latest available figures:

- The network includes 37 entities across Spain.
- They support 4,375 people with intellectual or developmental disabilities.
- They have recorded 1,111 commitments to future support.
- The network comprises 392 professionals, 750 volunteers, and 386 board members.

What can we learn from this?

- The model shows that good decision-making support happens when everyone collaborates.

This includes the person, their family, professionals, volunteers, support services, public authorities and even actors like banks and notaries.

- Designing support on the person's will, preferences and life goals (with individual support plans or other tools) increases self-determination and quality of life.
 - Planning tools, follow-up, training, and quality checks helps ensure support is safe, consistent, and adapted to each person.
- The model proves that organised services, volunteers and professionals can provide rights-based support at scale across the country.

These are experiences from people with intellectual disabilities who have used the model.

Words from people with intellectual disabilities who have used the supported decision-making model:

"They help us find and understand all the information, weigh the different possibilities, and find the tools to achieve it."

"It gives you security when making important decisions."

"It gives you motivation to decide because you feel supported."

"It should only be there for the things I really can't do myself."

"It's something necessary to achieve our dreams."

VertreungsNetz, Austria

VertretungsNetz (the Representative network) is Austria's main 'adult protection association'.

It supports people with intellectual and psychosocial disabilities to make their own decisions, to choose the right support model, and to avoid unnecessary legal representation.

Their work is based on the principle that people should stay as independent as possible.

They do this by:

- Giving advice and information about support options.
- Offering training for families and professionals.
- Writing clearing reports: these are detailed checks, requested by judges, to see what kind of support a person really needs and whether alternatives to legal representation are possible.
- VertretungsNetz also publishes brochures to help people and families choose the most suitable supported decision-making model.

How does it work?

Their central tool is clearing:

- When a judge considers appointing a representative, VertretungsNetz investigates first.
- The clearing report shows if there are support solutions in the family, social network, or community services that make formal representation unnecessary.

- This protects people's right to self-determination and ensures that legal representation is only used as a last resort.

A special service is Clearing Plus:

- It accompanies a person for a longer period of time to build up support networks.
- The goal is to avoid judicial representation by activating personal and social resources.
- It is not ordered by a court, but VertretungsNetz can suggest it during an ongoing clearing if more time would help.
- Past pilot projects show that Clearing Plus is very successful in creating sustainable alternatives.

In addition, VertretungsNetz provides training sessions and information events for families, professionals, and institutions. These explain how supported decision-making works and how to put it into practice.

What can we learn from this?

The work of VertretungsNetz teaches us that:

- Support should come before representation. Many people can make their own decisions if the right supports are in place.
- Families and networks are key. Supported decision-making works best when the personal and social environment is involved.
- The clearing model can be used in other countries. Independent organisations could also prepare clearing reports and provide longer-term support to make sure representation is the exception, not the rule.

Decision-making support (pilot) projects

These are projects that develop new ways to support people to make decisions.

These projects can help supported decision-making grows in these countries.

“Capacity: the law is equal for all” project by Anffas, Italy

[Capacity: la Legge è eguale per tutti!](#) is developed by [Anffas Italy](#) to promote supported decision-making for people with intellectual disabilities.

In Italy, while legal capacity is recognised for everyone, the capacity to act can still be restricted through legal protection measures such as support administration (*amministrazione di sostegno*).²⁹

Although support administration was designed to preserve autonomy, it is often applied in practice as a form of substitute decision-making.

The Capacity project was created to respond to this gap between law and practice by demonstrating that legal capacity can be exercised with appropriate support, without replacing the person’s will.

²⁹ For more information on the Italian see the Anffas’s webpage on [”protection of people with intellectual disabilities”](#).

How does it work?

The project covers 3 important elements: accessible information on the right to decide, practical support models, and participative research.

1) Accessible information on the right to decide

Anffas produced accessible materials, including documents and videos, to explain:

- the meaning of the right to legal capacity and supported decision-making,
- how Italian law can be applied in a way that supports decision-making rather than replacing it.

These materials are adapted to different audiences through dedicated toolkits, all available in PDF format:

- Toolkit for people with intellectual disabilities, using clear language and accessible formats;
- Toolkit for families, explaining why decision-making matters and how families can act as supporters;
- Toolkit for social and health service operators, focusing on practical support strategies;
- Toolkit for legal and justice operators (lawyers, judges, court staff), clarifying how to apply the law in line with Article 12 UNCRPD.

2) Innovative models to support decision-making in practice

The project identifies and promotes concrete support practices that can be used alongside or instead of traditional legal protection measures:

- **Support circles:** informal networks of people chosen by the person with a disability (family, friends, trusted community members).
 - They meet regularly to help the person reflect on choices and life goals.
 - The person remains at the centre of all decisions.
 - A facilitator supports communication and participation.
- **Person-centred and participatory life planning:** individualised life projects based on the person's wishes, expectations and preferences.
 - It brings together all formal and informal supports.
 - It identifies barriers and facilitators in the person's environment.
 - It supports decision-making across all areas of life, including living arrangements, relationships, work, health and community participation.
- **Self-advocacy and peer support:** where people with similar experiences support each other in making decisions.
 - Peer supporters help others understand options, express preferences and build confidence.
 - Support can be formal or informal, individual or group-based, voluntary or paid.

3) Participative research

The practice is also grounded in research and participation, including:

- Results of a public consultation, carried out in accessible formats to collect views from people with disabilities and other stakeholders;
- An ISGI (International Legal Studies) report, assessing how well Italian legislation complies with Article 12 UNCRPD;
- An analysis of case studies conducted by CESPEF researchers (Catholic University of the Sacred Heart, Brescia), examining how supported decision-making works in real-life situations;
- A dedicated issue of Anffas' magazine "La Rosa Blu", used to disseminate the project's findings and raise public awareness.

What can we learn from this?

- The project shows that supported decision-making is not only a legal concept, but a practical and workable approach.
- Translating Article 12 UNCRPD into practical tools and everyday practice for all the relevant target groups is a must to make supported decision-making a reality and change the culture.

Circles of support by PSONI, BORIS, Tęcza, Warsaw University, Poland

In Poland, disability organisations and community services have started [Kręgi wsparcia](#) (Support circles) to strengthen independent living and supported decision-making.

A circle of support is a group of people chosen by the person themselves. The circle is both formal and informal. It can include family, friends, professionals, or peers. The group works together to help the person make decisions about daily life and their future.

This practice is especially important in Poland, where guardianship is common. Circles of support show how people can be supported in practice, even before full legal reform.

How does it work?

- The person with a disability chooses who they want in their circle.
- The circle meets regularly in planning meetings and monitoring meetings to talk about decisions and goals, from daily activities to important life decisions.
- The task of the support people in the circle is to empower the person to make their own decisions, implement them in practice, take responsibility, and deal with risks and potential consequences.
- The focus is on listening to the person and finding ways for them to express what they want, using communication tools if needed.

What can we learn from this?

- Circles of support are a systemic tool for change: they connect services, communities, and families in supporting decision-making.
- Even without full guardianship reform, circles of support create space for self-advocacy and participation in decisions.
- Other countries can adapt this approach: a low-cost, community-based model that makes supported decision-making part of everyday social services.

Guidance and trainings

These are examples of guidance and training on how to do supported decision-making.

They are made for: families, support workers, judges, and other professionals involved in legal decisions.

Indicators for court decisions, Plena Inclusion, Spain

[Plena Inclusión, Liber](#) together with Carlos III University created a [set of 42 indicators](#) to assess whether a judicial decision is taken according to the law or not. The tool shows what good practice, bad practice, and illegal practice looks like when courts make decisions about supported decision-making.

Its purpose is to make sure that judges apply the new law — which is based on will, preferences, autonomy, and respect for legal capacity — and stop using outdated guardianship approaches.

How does it work?

These indicators is a tool to help judges to apply the legal capacity law in accordance to the rights of people with disabilities.

The tool helps check whether judges look at:

- Whether support measures respect the person's dignity and fundamental rights.
- That support providers understand they must follow the person's will and preferences.

- That measures promote maximum autonomy.

It also checks whether judges look at:

- Measures are necessary and proportionate.
- a review period is set (normally within 3 years).
- Decisions clearly specify which acts the person needs support for, and why.
- Safeguards are included to prevent abuse, undue influence, and conflicts of interest.

Regarding the selection of supporters, the tool helps to assess if judges check that:

- Support providers are not people who have a contractual caregiving role.
- The final choice always reflects the person's will and preferences.

What can we learn from this?

- The reform of legal capacity requires practical tools, not only legislation.
- A practical and easy-to-understand checklist helps people see whether judges follow the law and prevent the return to old guardianship practices.
- This model can be adapted by other countries to improve implementation of supported decision-making and access to justice.



INDICADORES

➤ En relación con el contenido del Código Civil

Norma	Contenido	Indicador de buena práctica	Indicador de mala práctica	Indicador de ilegalidad
	Obligación de que las medidas de apoyo estén inspiradas en el respeto a la dignidad de la persona y en la tutela de sus derechos fundamentales.	La resolución justifica las medidas de apoyo apelando a la dignidad y derechos de la persona con discapacidad.	La resolución no justifica las medidas de apoyo apelando a la dignidad y derechos de la persona con discapacidad.	

Training of judges, ÉFOÉSZ, Hungary

In October 2025, ÉFOÉSZ, representing people with intellectual disabilities and their families in Hungary, participated as trainers in a two-day training for judges on supported decision-making, which was organized by the Hungarian Academy of Justice.

It involved 60 judges from across Hungary who work in civil and criminal law.

The aim was to help judges better understand the right to get support to make decisions, as guaranteed by the UN Convention on the Rights of Persons with Disabilities.

A key strength of the training was that self-advocates were as trainers, alongside legal and education professionals with expertise in disability rights, and judges with advanced experience in guardianship cases.

How does it work?

The training combined presentations, practical workshops, and open discussions.

Judges learned about:

- The right to equal recognition before the law and legal capacity.
- Supported decision-making as an alternative to guardianship.
- How judges can support people with disabilities to participate in justice processes, such as accessible communication in courts.

Self-advocates played a central role.

They shared personal stories of:

- Being under guardianship.
- Not being supported to make their own decisions.
- The positive impact that proper support has on independence, dignity, and daily life.

An ally judge also took part as a trainer. While she represents a relatively small group of judges with a more progressive approach to guardianship cases, her experience remains within a largely conservative system. In the training, she helped connect CRPD principles

with judicial practice and illustrated how supported decision-making can be applied in specific cases.

The training also created space to discuss general problems, including:

- In Hungary, guardians can also act as supporters, which is risky because guardianship approaches may continue under supported decision-making measures.
- Guardians often support 30 people or more at the same time, which makes personalised support impossible.
- Many people under guardianship lose important rights, such as the right to vote.
- Assessments of capacity are often based on unrealistic and overly complex questions.

Judges were encouraged to reflect, ask questions, and exchange experiences with each other.

What can we learn from this?

- Cooperation with judges and their organisations is important to make sure supported decision-making is applied in practice.
- Hearing directly from self-advocates helps judges better understand why support matters and how decisions affect real lives.
- Judges need practical guidance, not only legal theory. The presence of ally judges helped translate UNCRPD principles into everyday judicial practice.
- Support must be personal and realistic. Supporting 30 or more people at the same time makes real decision-making support impossible.

- Well-designed, participatory training can change attitudes, increase understanding of Article 12 UNCRPD, and help judges actively support the shift from guardianship to supported decision-making.

This is some of the feedback after the training:

"I really enjoyed the training; it gave me a different perspective. It was particularly important that people with disabilities were also given a voice."

"We received many ideas that can be used in everyday practice."

"It was very informative and thought-provoking. I am very confident that your efforts will not be in vain."

"I learned patience and a different perspective. I will try to incorporate what I learned in the training into my work."

Guide for supporting decisions by Plena Inclusión, Spain

The guide [Acompañar en la Ley](#) (Supporting People Under the Law) was made by [Plena Inclusión](#), Spain's national federation for people with intellectual disabilities, together with families and professionals.

It explains how to put into practice the Spanish law on supported decision-making (Law 8/2021). This law says that people with disabilities should make their own decisions, with the right support.

Before, others often decided for them. Now, professionals and families must learn to give support so that people can choose for themselves.

The guide is a tool to think and talk about how professionals work. It gives real examples and helps staff ask themselves: “Are we respecting people’s rights and choices?”.

How does it work?

The guide uses five situations about support in making decisions in daily life.

It addresses topics such as:

- respecting confidentiality and privacy,
- addressing risks in sexual life,
- conflicts with families regarding visibility on social media,
- protection versus autonomy in making financial decisions,
- and empowerment and conflict of interest.

The guide is designed for professionals to work in small groups, share their views, and then discuss as a team. For each situation, the guide gives:

- A short story.
- Questions for reflection.
- Ideas for debate in the team.
- A “thermometer” that shows different levels of practice (from very protective to very empowering).
- Key ideas to remember.

What can we learn from this?

This guide shows that:

- Supporting decisions is about culture and practice, not only about laws. Staff need to reflect on how they act and make sure they put the person at the centre.
- People have the right to make mistakes. Risk and learning are part of life for everyone.
- Families also need support. They must learn to move from protecting to empowering their relatives.
- This approach can be used in other countries. The stories can be adapted to local laws, but the method (real cases + reflection + group debate) is useful everywhere.

Supported decision-making methodology by Rytmus, Czechia

In Czechia, [Rytmus](#) developed a methodology named [Rozhodování s podporou](#) (Decision-making with support).

It is intended for everyone who helps a person with a disability to make decisions. This includes close relatives, guardians, and social service providers.

How does it work?

The methodology explains how professionals and support persons can help a person make their own decisions in practice. The manual:

- Gives concrete guidance on how to act as a supporter.
For example, providing accessible information, accepting risk and allowing enough time and a comfortable environment to make decisions.
- Explains two legal tools available in Czechia, the “agreement on assistance” and the “representation by a household member” arrangement.
These allow people to keep their legal capacity while receiving support.

- Includes some tools for supporters such as templates of communication charts, support plans, real-life examples, ethical guidance for supporters.

What can we learn from this?

- **Supporters need practical tools, not only principles.**
Clear guidance, templates, and real-life examples help families, guardians, and professionals provide effective supported decision-making in everyday situations.
- **Good support requires time, trust, and acceptance of risk.**
Allowing enough time, adapting communication, and accepting reasonable risk are essential to respecting a person's will and preferences.

Guide for caregivers by SPMP ČR, Czechia

In Czechia, [Inclusion Czechia](#) (SPMP ČR) developed the website [Pro pečující](#) (For carers). It helps families of children with intellectual disabilities prepare for the future and ensure the best quality of life.

This guide includes advice on how to build relationships and support, and how to choose the right legal instrument to exercise legal capacity.

How does it work?

The website is an online resource that helps families think ahead and plan for future support. It includes:

- Important topics related to preparing for the future, such as health, housing, relationships and finances.
- Checklists, guides, stories from family members and reflection questions.

- Focus on how to build support networks early and ensure that family members support decision-making.
- Advice to choose the best support in making legal decisions.

It says to families who are afraid that their relatives sign an unfavourable contract: “The best protection is the people around the person with intellectual disability who love them and are able and willing to provide support, both informal, which is not regulated by the court, and formal, which is regulated by the court.”

It proposes a methodology and tips to choose the best support in making decisions measures:

1. First, clarify what type of support you want and why you want it, what the person wants and why they want it.
2. Look at how you are doing at home so far.
For example, how does the person handle money?
3. Think about which people in the person's environment that can provide support in decision-making.
4. Consider whether a person acts in various areas of their life in a way that can actually be harmful and whether there is a real risk.

For example, if the person uses a credit card, do they withdraw too much money at once?

The guide says: “*It may also happen that a person has signed something disadvantageous in the past but has learned his lesson and will never repeat this action again. Then again, limiting legal rights is unnecessary*”.

Example of how to use this methodology (translated from the guide):

What am I deciding?	What support do I need?	Who is helping me?
I want to buy a TV.	I need someone to simply give me some information about different televisions.	Brother.
I want to go to the polls.	I need someone who simply explain to me what is important to the parties and candidates.	Dad.
I want to use a credit card.	I need to set limits so that I don't spend too much.	Mom.

What can we learn from this?

- Families play an important role in supporting the right to make decisions. They can help building support network, to support decisions processes, to support going through legal capacity laws.
- The guide shows that the right legal support comes from understanding real needs.
- It reminds families to look at what the person can do, what risks actually exist, and to choose the least restrictive legal option.

Supported decision-making trainings and advocacy by BAPID and BCNL, Bulgaria

[Bulgarian Association for Persons with Intellectual Disabilities](#) (BAPID) and [Bulgarian Centre for Not-for-Profit Law](#) (BCNL) provide supported decision-making trainings and materials for families and professionals, and advocate nationally against guardianships.

How does it work?

- BAPID and BCNL develop trainings for families, self-advocates and professionals on supported decision-making in daily life and alternatives to guardianship. For example, the [Next Step Program](#).
- BCNL also created a [Handbook for Supported Decision-making Interpreters](#). It provides practical guidance for professionals in how to support communication and how to document will and preferences, especially in court procedures.
- Alongside trainings, BAPID and BCNL run advocacy campaigns. For example, the campaign [Born Ready](#) which petitioned to eliminate guardianship and adopt a new supported decision-making law.

What can we learn from this?

- Civil society, families and professionals can lead the way by showing that alternatives to guardianship already work in practice.
- Advocacy and training reinforce each other: raising awareness creates space for reform, while stronger skills make change possible.

Guidelines on applying supported decision-making in banking matters, Spain

In Spain there is a framework that supports the exercise of legal capacity by people with disabilities, as set out in Law 8/2021, in banking and financial matters.

It consisted of [working group](#) analysing, evaluating, and sharing best practices in the banking sector.

It involves representatives from:

- the public prosecutor's office
- associations,
- and banking institutions

They made [a document that provides guidelines](#) on how to interpret the regulations on de facto guardianship (from the law 8/2021), specifically in the banking sector.

There is also a framework for collaboration in protecting the assets of individuals with disabilities or other vulnerable situations who hold banking products. This protocol establishes that banks and the public prosecutor's office will collaborate to protect these individuals.

It is a framework protocol for collaboration to ensure the effectiveness of measures to support the legal capacity of people with disabilities in the banking sector.

How does it work?

The guidelines explain how banks should recognise informal support, especially de facto support (guarda de hecho), which is recognised by Spanish law without a court order.

Banks are guided on:

- Accepting support without demanding guardianship
- Distinguishing between assistance (the person decides) and representation (only when the person cannot express their will)
- Respecting the person's will, preferences, and life history
- Banks are also guided to provide:
 - Information in clear and easy-to-understand language
 - Reasonable communication support
 - Time and explanations so the person can understand decisions

A key tool is the declaration of responsibility signed before the bank.

This document:

- Confirms that a support relationship exists
- Is signed by the person with a disability, with support if needed
- Is also signed by the supporter
- Clearly states:
 - What kind of support is provided
 - What banking actions are allowed
 - Limits on spending and access to information

It helps banks act legally and safely without court involvement, while keeping the person at the centre.

The second protocol includes guidance to ensure safeguards to prevent abuse, such as:

- Limits on what supporters can do, especially for low-risk financial actions
- Court authorisation required for major financial decisions, if necessary
- Preference for one main account to avoid confusion or misuse
- Extra checks when the supporter is not a close family member

Banks are reminded that support is not control, and that protection must not cancel the person's autonomy.

What can we learn from this?

- Supported decision-making needs practical guidance: laws alone are not enough, sectors like banking need clear protocols.
- Collaboration is essential: public authorities, banks, families and support services must work together.
- Safeguards can exist without guardianship: protection and autonomy can go hand in hand when support is well defined

Tools to empower people to make decisions

These examples are for people with intellectual disabilities.

They explain the right to decide and support in making decisions in a clear and accessible way.

Easy-to-read booklet on legal support by FUB, Sweden

FUB, the Swedish association for people with intellectual disabilities, has made an **easy-to-read booklet** called Att ha god man eller förvaltare (To have a legal guardian or trustee).

The booklet informs people with intellectual disabilities about their rights when using the two types of legal support: court-appointed guardian (*god man*) and court-appointed trustee with decision-making authority (*förvaltare*).

It is one way FUB works to increase awareness of people's rights within the current legal representative system, alongside advocacy for reforms in line with the UNCRPD.

How does it work?

The booklet is written in easy-to-read language.

So that people with intellectual disabilities can make the best use of legal support in Sweden when making decisions.

The booklet guides people on:

- When and how a guardian or trustee can be appointed, and who can apply.
- What they can and cannot do: for example, a guardian should support, not take over decisions.

A trustee has more decision-making powers, but only in specific areas decided by the court.

- Areas where the person can be supported: getting support, accessing disability benefits and other allowances, managing property and money.
- The rights of the person: to be informed, to have a say in who represents them, to influence how support works, and to change guardians if they are unhappy.
- Practical advice: how often to meet, how to communicate, what to do if something goes wrong, and how to request a change of guardian.
- Costs and responsibilities: the booklet explains what fees may apply, and the duties of guardians and trustees to act responsibly and report to the authorities.

What can we learn from this?

- Practical tools (like advice on complaints and changing guardians) help people stay in control of their lives when using legal support in decision-making.
- Understanding of supporter role prevents misuse of power and builds trust between people and their guardians and trustees.
- Easy-to-read guides strengthen self-advocacy. People can understand complex rules and better defend their own rights.

What you will find in FUB's easy-to-read booklet (translated from the Swedish booklet):

A good "god man" listens to you.

A good "god man" has time for you.

A good "god man" finds out what you want.

A good "god man" knows you well.

A good "god man" shows and explains.

A good "god man" talks with you so that you understand.

A good "god man" involves you.

A good "god man" lets you take responsibility for what you can.

A good "god man" helps you decide for yourself.

A good "god man" respects your will.

A good "god man" knows your rights and respects them.

A good "god man" understands the goals of the [LSS law](#).

With a good "god man", you feel safe.

Easy-to-read booklet on “Guardianship” by Bundesvereinigung Lebenshilfe e. V., Germany

[Bundesvereinigung Lebenshilfe e. V.](#) is a German non-profit association for people with intellectual disabilities and their relatives, has made an easy-to-read booklet called [Betreuungs-Recht in Leichter Sprache](#) (Guardianship in Easy-to-read Language).

(Guardianship is understood in Germany as a measure of support. See the previous chapter.)

The booklet empowers people with intellectual disabilities in explaining guardianship.

It also gives advice what people under guardianship can do, if their guardian doesn't act like they should – especially if they ignore the will and preferences.

How does it work?

The booklet is written in easy-to-read language so people with intellectual disabilities can make the best use of guardianship in Germany.

The booklet guides people on:

- When and how people get a guardian.
- What they can and cannot do: for example, a guardian have to support, not take over decisions.
- Areas where the person can be supported: for example, in financial management, healthcare management, apartment management
- Areas where the guardian is not allowed to make decisions for the person under guardianship: for example, marriage, write a will, vote
- The rights of the person under guardianship: the person still has legal capacity

- Practical advice: Where get people under guardianship support, how often to meet, how to communicate, what to do if something goes wrong, and how to request a change of a guardian.
- Costs and responsibilities: the booklet explains what fees may apply

What can we learn from this?

- Practical tools (like advice on complaints and changing a guardian) help people stay in control of their lives when they have a guardian.
- Understanding of supporter role prevents misuse of power and builds trust between people and their guardian.
- Easy-to-read guides strengthen self-advocacy. People can understand complex rules and better defend their own rights.

Training on Assisted Decision-Making by Inclusion Ireland

[Inclusion Ireland](#) developed a [training on the Assisted Decision-Making \(Capacity\) Act 2015 and the Decision Support Service \(DSS\)](#).

The training helps people with intellectual disabilities to understand their right to make decisions, how decisions are made, and how they can get support when they need it.

How does it work?

The training is delivered in three interactive sessions, designed in easy-to-understand language and co-designed with people with intellectual disabilities.

- Participants learn what it means to make decision and explore how decisions are made in everyday life.

- The training introduces simple decision-making steps: getting information, thinking about it, remembering it, and communicating a decision.
- It explains the Assisted Decision-Making Act 2015, including the idea that everyone has capacity and the right to support.
- People are introduced to the Decision Support Service (DSS) and the different decision support roles.
- The training uses practical tools, such as decision-making worksheets, cards, visual supports, and real-life examples.
- Decision Support Service Champions, who are people with intellectual disabilities, share their own stories to show what supported decision-making looks like in practice.

The training builds on people's own experiences and encourages discussion, reflection, and questions.

What can we learn from this?

- People with intellectual disabilities need accessible information and training about their rights and the law.
When information is broken down and explained in plain language, people are better able to use their rights in practice.
- Practical tools help people navigate real decisions.
Worksheets, visual aids, and step-by-step approaches support people to think through decisions and ask for support when needed.

- Peer examples make supported decision-making real. Hearing from Decision Support Service Champions helps people understand that support is normal, useful, and part of everyday life.

“Finance for mortals”, Guide on making financial decisions, Spain

In Spain, [Plena Inclusión](#) worked with Santander bank on an easy-to-read guide called [Finanzas para mortales](#) (Finance for mortals).

This guide explains finance in a clear and accessible way for people with intellectual disabilities. It gives information about financial rights and options to support everyday financial decision-making.

How does it work?

It addresses financial topics such as:

- What are finances and why it is important
- What is money and which shape it can take
- how best to manage money using a budget
- how to open a bank account
- what are basic banking products and services such as loans and mortgage.
- Understand a payslip and an invoice

The document is written in easy-to-read and provide practical tools to be used when people need to make a financial decision.

This tool is part of a framework called “Responsible Banking agenda”. It is an initiative of the banking sector and the Spanish government to support financial inclusion.

What can we learn from this?

- Easy-to-read materials make financial concepts accessible and usable.
- With appropriate support, people with intellectual disabilities can make informed financial decisions.
- Accessible finance tools challenge stereotypes about risk and capability.
- The banking sector can use supported decision-making to improve inclusion and customer care.
- Financial inclusion is about rights, independence, and full social participation.

Notary documents in easy-to-read by Plena Inclusión, Fundación ONCE and Fundación AEQUITAS, Spain

The project [Documentos notariales en lectura fácil](#) (Notary documents in easy-to-read) supports people with intellectual disabilities in making important legal decisions, such as writing a will, buying a house, donating, accepting an inheritance, or signing a contract.

The project supports the implementation of Spanish Law 8/2021, which requires that notaries provide accessible information and communication.

How does it work?

The project adapts notary documents (22 documents) and explanatory materials into easy-to-read format. Documents include:

- Wills
- Property purchase agreements

- Donations
- Acceptance of inheritance
- Voluntary support agreements
- Marriage contracts
- Loans

They tested the adapted documents during real notary appointments, working with 15 notaries, cognitive accessibility experts, support organisations, and people with intellectual disabilities.

Notaries give people the easy-to-read version before signing so they can understand the meaning, consequences, and steps of the legal act.

What can we learn from this?

- Easy-to-read tools remove major barriers in notary services and make legal decisions accessible.
- People with intellectual disabilities reported that documents were much easier to understand, they remembered the content better, and they felt more confident and safer when signing.
- Notaries found the tools useful, did not create delays, and helped them respect the law and the person's will and preferences.
- The model can be scaled up: templates can be reused, and more notaries can adopt accessible practices across Europe.

Guides on sexuality, reproductive health, and relationships, by Inclusion Czechia

Inclusion Czechia (SPMP ČR) developed [easy-to-read guides on relationships, sexuality and reproductive health](#).

The guides support people with intellectual disabilities to understand their rights and to make their own decisions about relationships, marriage, sex and having children. They give clear and accessible information about topics that are often sensitive or treated as taboo.

How does it work?

The guides are:

- [Láska, sex a já](#) (Love, sex and me)
- [Gynekologická prohlídka](#) (Gynecological examination)
- [Sexuální násilí](#) (Sexual violence)
- [Život muže](#) (The life of a man)
- [Život ženy](#) (The life of a woman)

They explain everyday topics like:

- Friendship, partnerships, love and marriage
- Sex, consent and personal boundaries
- Sexual orientation and different types of relationships
- Contraception, pregnancy and having a child
- Abortion and sterilisation

The guides are written in easy-to-read and use clear pictures. They inform on how and where to get help, advice and support.

The guides are designed to be used by people with intellectual disabilities on their own or together with a supporter, such as a family member, educator or support worker.

What can we learn from this?

- Accessible information about sexuality and reproductive health helps people make informed decisions about marriage, relationships and having a family.
- Understanding one's body, rights and choices helps protect people with intellectual disabilities from abuse, coercion and harmful practices, such as forced sterilisation.
- Talking openly and clearly about sexuality helps change attitudes and reduce taboos, supporting the right of people with intellectual disabilities to make their own decisions about their private and family life.

To know more about why it is important to make decisions and to be supported, there is a series of reports published by Inclusion Europe:



- [The right to make decisions \(Report, PDF\)](#)
- [The right to make financial decisions \(Report, PDF\)](#)
- [Education and legal capacity \(Report, PDF\)](#)
- [Employment and legal capacity \(Briefing, PDF\)](#)