

# Making Your Decisions

A Guide to Support Decision Making



CENTRE for DISABILITY  
LAW & POLICY

**NATIONAL FEDERATION OF VOLUNTARY BODIES**

*Providing Services to People with Intellectual Disability*



Legal information to enable, support and build  
your capacity to make your own decisions.



## ABOUT THE PROJECT

People with an intellectual disability have the same human rights to self-determination and autonomy as everybody else. The UN Convention on the Rights of Persons with Disabilities states that persons with disabilities have legal capacity to hold and exercise their rights equally in all aspects of their lives. The focus of the Convention is on supporting people to exercise their rights and their choices.

We often overlook the wide range of legal activity that people with intellectual disabilities engage in on an everyday basis and the need to build on this solid foundation. People need information in order to make decisions; they need to know what their rights are and they need to know how best to exercise their rights. They may need different levels of support to make their own decisions. Some people may not be able to assert their capacity to make certain decisions, or to communicate their choices easily. New ways must be found to communicate and support people to express their will and preferences.

This project originated in a partnership between the National Federation of Voluntary Bodies and the Disability Law Reform students from the LL.M. in Public Law, in NUI Galway, self advocates, service users and a parents' group ACT, to develop specific areas of research which would have a value to both people with disabilities and to the students. The aim was to facilitate a real learning experience for students and to translate it into real life application of what the law means in peoples' lives.

In 2010, students researched academic and other writings on the topic of capacity and along with self advocates identified a gap in the availability of accessible or easy to read formats. We decided to translate the current law on capacity into meaningful easy to read information for people with disabilities, self-advocates, family members and support services. We hope that this document will support people to express their will and preferences and exercise their choices.

We look forward to reform of our outdated capacity law and criminal law and we will update these booklets then.

## PROJECT TEAM

**Project leader:** \*Ms Edel Tierney, National Federation of Voluntary Bodies  
**Academic partners:** Dr. Mary Keys, Ms Shivaun Quinlivan, School of Law, NUI Galway  
**Researchers:** Mr. Conor Newman & Ms Aoife O'Brien, Ms Elaine Keane, LL.M Graduates  
*\*now senior researcher NUI Galway*

### Acknowledgements:

The team wish to acknowledge the funders: Allianz Insurance, NUI Galway Community Knowledge Initiative and the Centre for Disability Law and Policy. The following people are acknowledged: those who met with the researchers, spoke about their personal experiences of making decisions, those who commented on drafts at various stages. The project team retain responsibility for the final work.

- Self Advocate groups from Brothers of Charity Services in Galway, Clare and Limerick
- Ms. Patricia Rickard Clarke, Commissioner, Law Reform Commission;
- Ms Mairide Woods, Citizens Information Board;
- Mr. Francis Coughlan Chair of the Research Sub Committee NFVB; CEO SOS Kilkenny
- Mr. Cathal Leonard, Parent; Allianz Insurance
- Ms Fiona Coffey, Brothers of Charity Services, Galway
- Ms Catherine Quinn, Speech & Language Therapist, Brothers of Charity Services, Galway
- Ms Nicole Dryssen, Ms Deirdre Quill, Speech and Language Therapists, KARE
- Dr. Mary Donnelly, Faculty of Law, University College Cork
- Ms. Kathryn Stiles, Principal Psychologist KARE

# Table of Contents

Introduction Making Decisions - Capacity

- 1 Making Decisions - Your Health
- 2 Making Decisions - Your Money
- 3 Making Decisions - Your Place to Live
- 4 Relationships
  - 4.1 Making Decisions - Friendships
  - 4.2 Romantic Relationships
  - 4.3 Sexual Relationships
  - 4.4 Living Together as a couple
  - 4.5 Marriage
  - 4.6 Civil Partnership
- 5 Making Decisions - Your Will

*Note: This is an explanation of the law as it stands in May 2012. It is not a legal document!*