



**DISABILITY RIGHTS  
LOUISIANA**  
Protect. Advocate. Empower.

## ALTERNATIVES TO LEGAL STATUS CHANGES

Disability Rights Louisiana (DRLA) is a statewide non-profit agency providing **FREE** legal services, advocacy, and other supports to people with disabilities of all ages.



### Alternatives to Interdiction or Tutorships:

- Special Education – Transfer of Rights
- Representation & Mandate (Power of Attorney)
- Supported Decision Making
- Advanced Directives
- Representative Payee
- Joint Bank Accounts
- Special Needs Trusts
- Able Act
- Medical Consent Law (Hierarchy of Consent)



If you need help or have questions about Disability Rights Louisiana, call or visit us online:

**TOLL-FREE: 1-800-960-7705 (Voice or Via Relay)**  
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# ALTERNATIVES TO INTERDICTION AND CONTINUING TUTORSHIPS

## Representation & Mandate (also known as Power of Attorney) and Advanced Directives



Louisiana law allows you to give another person the legal authority to perform certain activities for you and/or make decisions for you as if you were acting for yourself. This allows the individual to designate another person to assist with specifically identified activities, but does not remove the individual's right to make decisions for themselves.

## Representative Payee



A representative payee, or substitute payee, is a person who acts as the receiver of United States Social Security Disability or Supplemental Security Income for a person who is not fully capable of managing their own benefits, i.e. cannot be their own payee. Find additional information by visiting <https://www.ssa.gov/payee/>

## Able Accounts



An ABLE account, also known as a 529 ABLE or 529A account, is a state-run savings program for eligible people with disabilities that shelters the individual from eligibility concerns for programs while allowing for money to be saved for the individual's benefit. Rules governing ABLE accounts are codified in Internal Revenue Code section 529A, which was enacted by the Achieving a Better Life Experience Act in 2014. For more information, visit the ABLE National Resource Center: <https://www.ablenrc.org/>



### **Medical Consent Law**

Louisiana law has a medical consent law which allows someone other than the individual to consent to medical treatment when the individual lacks capacity to provide consent for themselves. A determination of capacity is made by the medical professional. The law may be found in Louisiana Revised Statute 40:1159.4 and provides the following hierarchy of consent:



- Adult, for himself.
- Judicially appointed curator/tutor.
- Spouse.
- Adult child of patient.
- Parent.
- Sibling.
- Other relatives.

\*Please refer to the above referenced statute for the full list and complete language.

### **Supported Decision Making (aka the Dustin Gary Act)**

Supported decision-making is often defined as supports and services that help an adult with a disability make his or her own decisions by relying on trusted friends, family members, professionals, and others. The legislation for SDM was passed in August 2020 and may be found in Louisiana Revised Statute 13:4261.101 through 4261.302. The passage of SDM also amended the interdiction law to add a requirement to show that less restrictive options were considered and tried and failed before filing for an interdiction. The purpose of SDM is to allow the individual to retain autonomy while receiving supports in areas that the individual feels are needed. SDM is a less restrictive alternative to interdiction!

A SDM Agreement should contain the name, address, and phone number of at least one supporter; a description of the decision making assistance that each supporter will provide to the individual; signatures of both the adult with a disability and the supporter(s); and a description of how multiple supporters will work together if there is more than one person.

For more information please visit the National Resource Center for Supported Decision Making: [www.supporteddecisionmaking.org](http://www.supporteddecisionmaking.org) and the Arc U.S. <https://thearc.org/?s=supported+decision+making>.

The Arc also has a mentoring program to assist with the creation of a SDM plan and initial stages of enacting an agreement.