

CAN I CLAIM THE COST OF CREATING SUPPORTED DECISION MAKING DOCUMENTS ON NDIS?

Well it appears you can! Families have recently had some success with claiming the cost of Supported Decision Making documents on the young person's NDIS package. However, this may only be the case where the NDIS package is Self-Managed or has a Plan Manager, and where Supported Decision Making is relevant to a stated goal in the NDIS Plan.

We recommend you to spend some time putting together a well-drafted letter to submit, together with a quotation of costs. Below is an example of a letter that recently enabled a client to have the cost of drawing up Supported Decision Making documents funded from their NDIS budget. (Personal identifying information has been removed.)

"Dear Madam / Sir,

*RE: XXXX - **Supported Decision Making Documents***

Please find attached a quote from Duncan.Legal for preparation and execution of the following Supportive Decision Making Documents:

- | | |
|---|---|
| <i>1. <u>Supportive Attorney</u></i> | <i>- for financial and personal decisions</i> |
| <i>2. <u>Medical Support Person</u></i> | <i>- for medical decisions</i> |
| <i>3. <u>Support Person</u></i> | <i>- for mental health decisions</i> |

We herewith request for authorisation for the above to be paid out of XXX's NDIS budget – Improved Daily Living Skills.

"To live as independently as possible" and "I would like to access my community to independently engage in activities that interest me" are two of XXX's plan goals.

The above documents would not be required by a person without a cognitive disability and it is therefore reasonable and necessary for the above documents to be paid out of his NDIS budget. Supported decision-making is a fundamental right for people with cognitive disability and is a legal foundation of 'choice and control'.

[Insert an example here of an instance where your NDIS recipient has run into difficulty and could have benefited from Supported Decision Making Document(s)] – below is one scenario that may be familiar to you:

'Whilst withdrawing money from an ATM late one evening my son got confused and had his card locked by the ATM. He tried to ring the bank helpline but somehow managed to get his account locked as well. Usually I can help him via the internet, but because the account was locked I could not access it.

I rang the bank and explained the situation and was told that I was not authorised to act for my son and that he would have to sort it out himself. Only after promising in no uncertain terms that I would go to every newspaper and radio station that would listen, was I transferred to a supervisor who then agreed to ring my son and help him restore access to his money.'

I could go on with endless examples that make independent access to the community for a person with a cognitive disability very difficult without adequate support in "business & medical matters".

Having support people to assist them as they make their own decisions will allow them to live as autonomously as possible."

Duncan.Legal would be happy to provide you with the quotation to attach to your letter prior to submission. Should you require any further information on Supported Decision Making, please do not hesitate to contact Duncan.Legal or visit our website (www.duncanlegal.com.au).

Duncan.Legal Webinar Recording Now Available!



A Duncan.Legal webinar recording is now available. Our website shop is up and running and we are very excited!

The first webinar in our disability series is on **Special Disability Trusts**.

In this webinar we will explore how to determine if your beneficiary is eligible for an SDT, how to preserve government benefits in line with an SDT and whether you should consider creating an SDT in your lifetime or through your Will.

‘Special Disability Trusts’ Webinar

**Special Website Shop launch price of \$55.00 (inc GST)*

More webinars will be available soon! Visit our website: www.duncanlegal.com.au.

Estate Planning Check-up Time!

- | | |
|--|----------|
| <input type="checkbox"/> Do you have a Will? | Yes / No |
| <input type="checkbox"/> If so, is it less than 5 years old? | Yes / No |
| <input type="checkbox"/> Does your Will take into account the needs of your child with a disability? | Yes / No |
| <input type="checkbox"/> Do you know where your <u>original</u> Will is stored? | Yes / No |
| <input type="checkbox"/> Do you have Powers of Attorney in place? | Yes / No |
| <input type="checkbox"/> Is your superannuation Binding Death Benefit Nomination current? | Yes / No |
| <input type="checkbox"/> If you have paid out your mortgage, has your bank cleared the Title? | Yes / No |

If you answered ‘No’ to any of the above, it may be time to review your Estate Planning.

Duncan.Legal is on the move!

But don't worry, we are not moving far – just around the corner.

We should be settled in our new premises by the end of June.

Further location details will be revealed in our next newsletter.....



Estate Planning & COVID-19 Measures

Duncan.Legal is open and operating within the current mandated COVID-19 parameters.

Face-to-face appointments are now welcome, however we continue to be held via video conferencing technologies (eg Zoom etc).

We have a large conference room with hand sanitiser, masks & gloves available and it is sanitised prior to every appointment.

If we can be of service at this uncertain time, please do not hesitate to make contact.



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