

# The Dark Side of Self-Determination

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# Meet the Presenter

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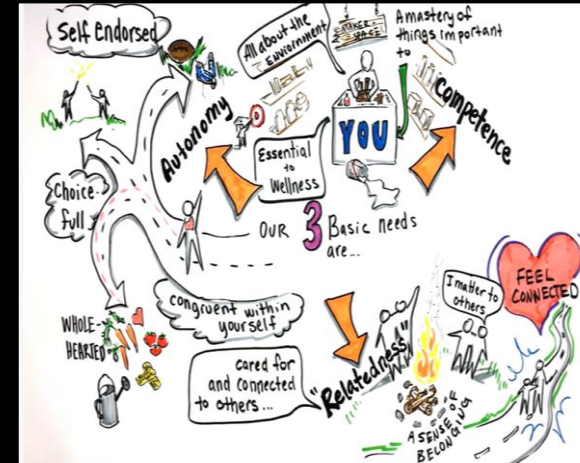
# Objectives



- Self-Determination
  - What Is It?
  - How Does It Work?
- The Light Side
  - What's So Good About It?
  - How Can We Support Client Self-Determination?
- The Dark Side
  - What Happens When Things Go Wrong?
  - How Do We Get Help From Other Agencies?

# Self-Determination

What Is It?



**YouTube Video:**

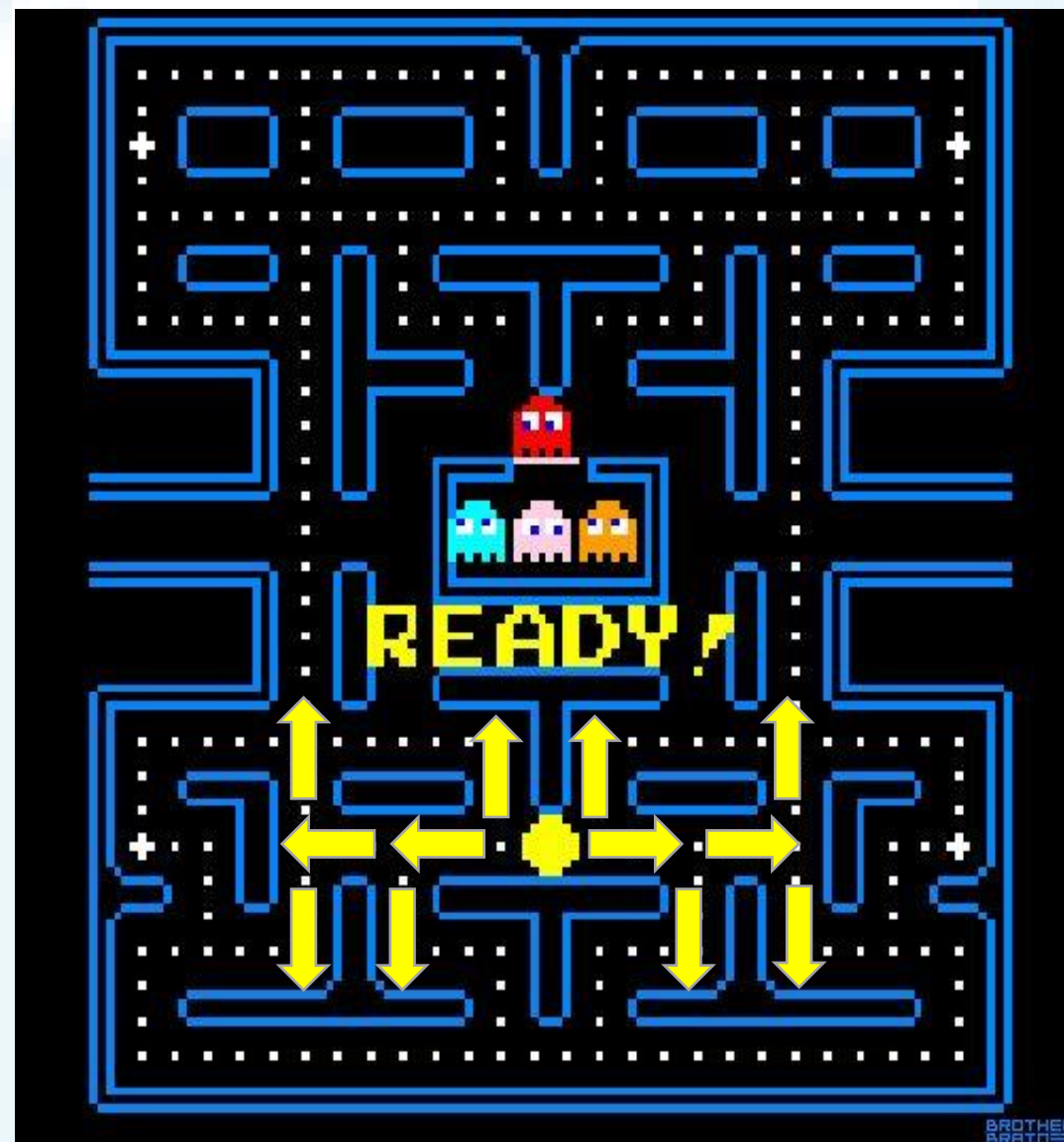
**What Is Self-Determination Theory?**



# Self-Determination

## What is it?

- Definition:
  - The freedom to make your own choices
  - The right to choose how you want to live your life
- Self-Determination cannot be given or taken away
  - We are determining creatures from the time we are born until we die
  - No matter how old you become or if you need help, you still have the right to self-determine
- Originally used to describe various countries and their ability to live life the way they choose
  - Only recently been used on an individual level



# Self-Determination Theory

Edward Deci and Richard Ryan - 1985

- Three main components of Self-Determination
  1. Competence
  2. Relatedness (Connection)
  3. Autonomy
- Deci & Ryan
  - Developed a theory of motivation which suggested that people tend to be driven by a need to grow and gain fulfillment.
    - Two key assumptions of the theory:
      1. The need for growth drives behavior
      2. Autonomous motivation is important
        1. Extrinsic motivation
        2. Intrinsic Motivation

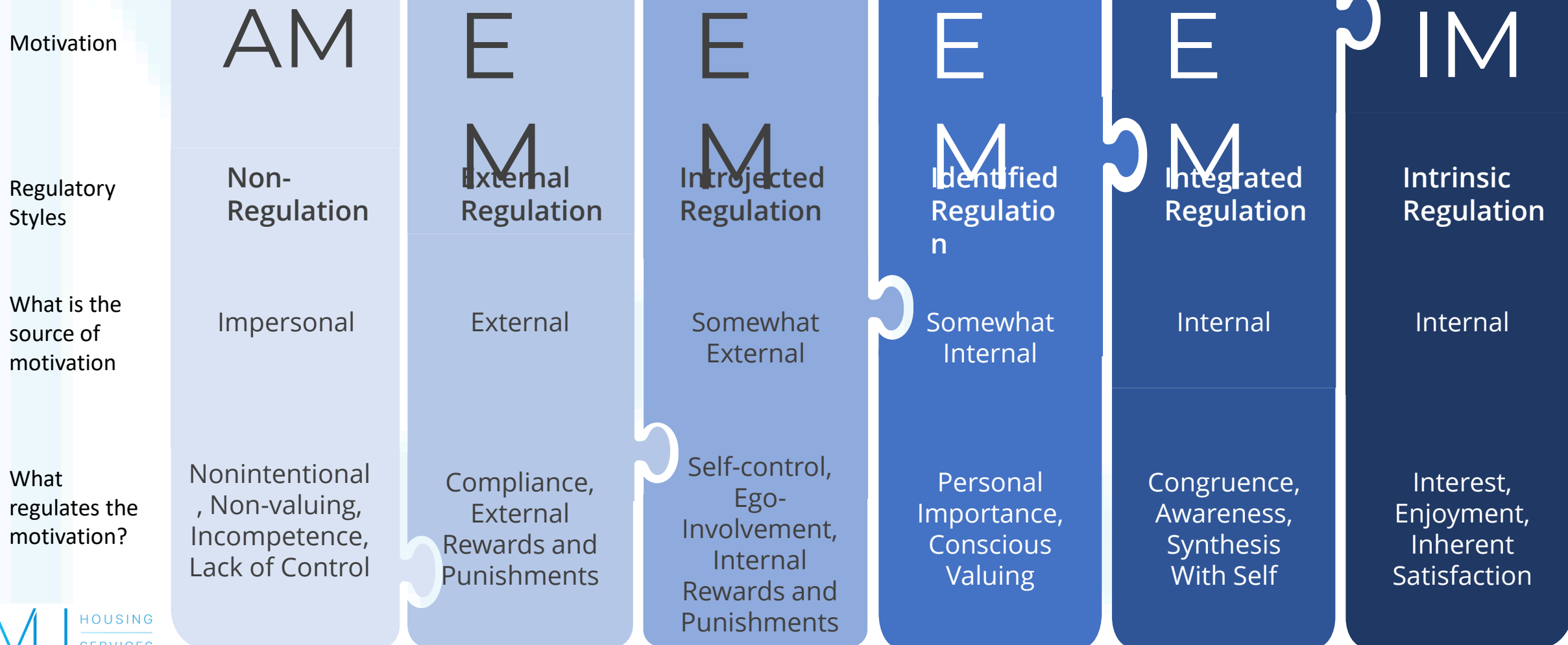


# It Works on a Continuum

Deci & Ryan - 1985

Non-self-Determined

Self-Determined





# High vs. Low Self-Determination

Who is to blame?

## High level of Self-Determination

**I'VE LEARNED  
SO MUCH FROM  
MY MISTAKES,  
I'M THINKING  
OF MAKING  
A FEW MORE.**

[MIDAWEBAPPS.COM](http://MIDAWEBAPPS.COM)

## Low level of Self-Determination





# The Light Side

When Things Go Right

# The Light Side

## When things go right

- We become the masters of our own life path
- Helps with learning and growing
- Helps with confidence and self-esteem
- Gain ability to evaluate decisions based on the outcomes of previous decisions and to revise future decisions accordingly
- Establishes the ability to consider multiple options and to anticipate consequences for decisions
- Learn the difference between wants and needs
- Make choices based on preferences, interests, wants, and needs
- Use communication skills such as negotiation, compromise and persuasion to reach goals
- Ability to initiate and take action when needed
- Ability to set and work toward goals
- Develop problem-solving skills
- Increased self-regulation of behavior
- Assume responsibility for actions and decisions
- Pride
- Creativity



# So Many Rules

It's out of my control!

- Even when it feels out of our control, we still have the ability to self-determine
  - Family rules – traditions
  - County, city, state, and federal rules
  - Laws and policies
  - Rules and regulations
  - Building rules
  - HOA rules
  - Class rules, school rules, building rules



# Societal Norms

- Daniel Callahan – “When Self-Determination Runs Amok” – published in 1992
  - Challenged the idea of self-determination and how it relates to life in general
  - Argued that a person has the right to self-determine only if it aligns with societal norms
    - “Euthanasia is not a private matter of self determination. It is an act that requires two people to make it possible, and a complicit society to make it acceptable.”



# Am I encouraging client self-determination? How do I know for sure?

- Start by asking them what they want for themselves
- Help them clarify their goals and set concrete hopes
- Be cautious of having an agenda
- Ask yourself is this what they want, or what I think is the best idea?
- Is what they plan to do put them or someone else at imminent risk for harm?
- Consult others to get different perspectives
- Remind yourself that their reactions and their solution is not about you
- Ask yourself is there a really good reason I am taking away this person's right of choice?

# Different Roles – Different Views

## SC vs. PM vs. Maintenance

- Separately
  - Service Coordinators:
    - Advocate for individual rights
    - Are focused on one person
    - Help residents achieve personal goals
    - Intervene for personal safety, health and wellness
  - Property Managers:
    - Advocate for building rights
    - Are focused on every person
    - Intervene for building and rule violations
  - Maintenance
    - Intervene for building and resident safety
- Together
  - Benefit all residents and staff
  - Safety for all





# The Dark Side

When Things Go Wrong

# People Are Allowed to Make Bad Decisions

Yes, even really bad ones

- Self-Determination sometimes means making bad choices
  - As long as not causing harm to self or others, doesn't matter how bad
  - If not violating lease or housing rule, intervention not mandatory
- Even in situations where determination is not occurring as it otherwise might, the first step is to recognize that there is a determination process going on
- Consequences are unavoidable
  - Review consequences and encourage alternative decisions be made
    - Remember, they know themselves better than we know them



# I Don't Want To Disrespect Their Right to Decide

## Bad Decisions Where Intervention Not Mandatory

- Respect and expand self-determination as much as possible
  - Help will only be considered helpful by the resident if it aligns to their wishes for their life
- Real World Examples:
  - A resident refuses to take medication for diabetes but has three amputations in 5 years
    - Can discuss your concern for their wellbeing, but they have the right to refuse medical intervention
  - A resident tells the SC they gambled away their rent money but tells management they lost their money returning home from the store
    - SC can't tell PM the real reason they don't have money, but can offer referrals for rental assistance services
    - PM will usually review consequences of not paying rent (eviction process)
    - Intervention if agreed to by resident would be rental assistance, payment plan, etc.
  - A resident confides in SC that they can no longer keep their apartment clean but refuses all in-home services and faces eviction
    - SC can discuss consequences of not receiving services but cannot force services begin
    - PM may be required to move forward with eviction

# Self-Neglect

- Involves older adults or adults with disabilities who cannot meet their own essential physical, psychological or social needs, which threatens their health, safety, and well-being.
- Includes failure to provide adequate food, clothing, shelter, and health care
- Signs Include:
  - Medical Neglect
  - Inadequate Nutrition
  - Unsafe Living Conditions
  - Poor Personal Hygiene
  - Refusal of Needed Care

# Action Plan

- **Assessment:** Conduct comprehensive assessments to evaluate the extent of self-neglect and identify underlying causes or contributing factors.
- **Intervention:** Develop and implement intervention strategies tailored to the individual's needs and circumstances, which may involve providing access to support services, coordinating medical care, or arranging for safe housing alternatives.
- **Collaboration:** Work collaboratively with healthcare professionals, social service agencies, and community resources to address immediate safety concerns and provide ongoing support and assistance.
- **Respect and Dignity:** Approach individuals with empathy, understanding, and respect for their autonomy and dignity, while also recognizing the importance of ensuring their safety and well-being.

# Scams / Frauds

**Phishing Scams:** These involve sending deceptive emails, text messages, or phone calls that appear to be from legitimate organizations or individuals in order to obtain sensitive information such as passwords, credit card numbers, or social security numbers.

**Investment Scams:** These schemes promise high returns on investments with little or no risk, but in reality, they are fraudulent and often result in investors losing their money.

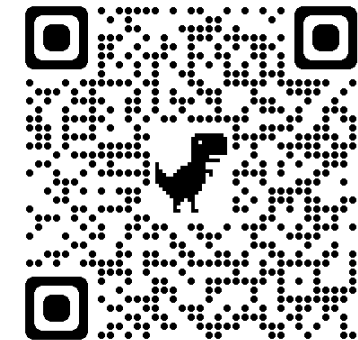
**Pyramid Schemes:** In pyramid schemes, participants are promised high profits for recruiting others into the scheme rather than selling legitimate products or services. These schemes eventually collapse as it becomes unsustainable to recruit new participants.

**Identity Theft:** Identity theft occurs when someone steals another person's personal information, such as their name, social security number, or credit card details, to commit fraud or other crimes.

**Online Auction Fraud:** This involves fraudulent activities conducted on online auction sites, where sellers may misrepresent products, fail to deliver goods after receiving payment, or engage in other deceptive practices.

**Fake Charities:** Scammers may set up fake charities or impersonate legitimate charitable organizations to solicit donations for fraudulent purposes.

**Tech Support Scams:** Scammers may contact individuals posing as technical support representatives from reputable companies, claiming that the victim's computer has a virus or other issue that requires payment for fixing.





# Scams / Frauds

- Fraud Prevention:
  - Know what the various types of scams are
  - Recognize that anyone can become a victim, regardless of age, race, class, gender, financial status
- Importance of Awareness and Vigilance
  - Educate individuals and communities about common scams and frauds
  - Promote skepticism and critical thinking to recognize red flags
- Action Plan
  - Open communication
  - Provide Information and Education
  - Empower Decision-Making
  - Promote Independence
  - Implement Safety Measures
  - Stay Vigilant and Supportive
  - Respect Individual Choices

# Effective Assistance

I want to help!

## Offer Assistance

Ask if there is anything they want or need help with



## Discuss

Review the concern privately



## Consequences

Review consequences if refuse services



## Acceptance/Intervention

If no harm, accept their choice. If harm possible, intervene for safety



## Repeat

Repeat the process as often as necessary



# Supported Decision Making

## Assuming competence

- Those struggling with making good decisions can benefit from a little assistance
- Maximize and protect autonomy for people
- Ensure that the person is involved in decisions about their own life
- Recognize that support to make decisions is natural – sometimes we all need a little help



# Supported Decision Making

## Assuming competence

- Why is it important?
  - Reduces the need for guardianship
  - Allows the person to make their own choices but with additional assistance
- When should it be used?
  - Anyone who is at risk of being considered incapable to make their own decisions is a candidate
- Who does the supporting?
  - Those who know them best - parents, family members, friends, and trusted support staff
  - It takes a network – usually not just one person



# When Do I Intervene Without Consent?

## It's OKAY To Get Help!

- When a resident poses a serious, foreseeable, and imminent risk to themselves or others
  - Suicidal or homicidal ideation
  - Not comprehending or understand an eviction
  - Self-neglect
- Protecting life over respecting self-determination
  - Higher level of care
  - Involuntary admission to a psychiatric facility
  - Drug/Alcohol Detox
  - Abuse or neglect (self or 3<sup>rd</sup> party)
- Ethical dilemmas
  - The greatest good for the greatest number of people
  - Substance use/abuse
  - Apartment clutter – “Hoarding”
  - Right to privacy



# What Happens When I Call 9-1-1

Can I get in trouble for calling?

- Dispatcher will send assistance as needed
  - If immediate danger, quick response
  - If no immediate danger, could take some time
- Type of assistance sent will depend on the need
  - Paramedics or fire department for medical emergency, police for trespassing or abuse concerns
- Emergency responders will evaluate resident's safety of remaining in home
  - If not safe, will take them to the hospital for medical care or a psych evaluation
  - If safe, resident can decide if they want to go or stay home
- You cannot be sued or held liable for damages when calling 9-1-1 if the reason for the call was for a valid concern and not malicious





# What Happens When I Call APS?

When will they help me?

- Will take a report of concerns typically via a 24/7 hotline
- If certain criteria are met:
  - The case will be given to a case worker to investigate
    - Different states have different methods of assigning cases
  - Criteria that must be met are immediate or possible harm/danger to self or others
  - APS will try and establish contact with the individual – usually a minimum of 3 times
  - APS will evaluate the resident in their own home and review immediate safety concerns
    - If immediate safety concerns, will call 9-1-1 for assistance
    - If no immediate safety concerns, resident can remain in own home
  - It is up to the resident to accept or deny assistance
    - This will depend on if the APS worker notices concerns with decision making
- If certain criteria are not met, case will be closed, but a record of report kept on file
  - Usually a case is not assigned or investigated because it does not meet the minimum criteria for investigation



# Sharing Private Information

## Can I get in trouble?

- If calling 9-1-1 or Adult Protective Services because of a real concern for the resident, can share any information relevant to the emergency or current concern
  - Reason for the call
  - Observations of behavior
  - Concerns for resident safety
  - Potential eviction and lack of understanding if true
- You cannot be sued for calling 9-1-1 or APS if you called for a legitimate concern for resident safety
  - Most confidentiality agreements especially if using AASC Online have an exception about calling for help
- You may be sued or held liable for damages if calling for malicious reasons



# Mentally Incompetent

## What is it and how does it work?

- Definitions
  - When a person no longer displays the ability to make decisions that are in their best interest
  - The inability of a person to make or carry out important decisions regarding his or her affairs.
- An individual is determined mentally incompetent if s/he is of unsound mind by reason of mental defect
  - Either consistently or sporadically
  - Few examples of such mental defect are schizophrenia and dementia
- Mental competence can be challenged by a state official, relative, friend, professional worker, employee, neighbor – anyone
- Mental incompetence is first determined by a doctor and then a court judge
  - The doctor will do an evaluation to determine if the person is able to make their own choice or understand what is happening
    - If a doctor determines mental incompetence, anyone can challenge them – the person themselves, family member, friend, etc.
  - A judge will then uphold the doctor's decision or dismiss it
    - Again, this can be challenged through appeals

# Guardianship

## Pros, Cons, and Alternatives

- 2 Types
  - Medical
  - Financial
- Pros:
  - The person who is no longer capable of caring for himself or herself receives proper care
  - Usually a last resort – not something courts take lightly
- Cons:
  - Guardianship petitions are usually expensive, numerous forms to fill out, procedural requirements, and likely several court hearings
  - They may lose the right to manage his or her finances, choose their own caretaker, and/or decide where they will live
  - The guardian fails to act in the best interest of the person
  - The individual regains their ability to make choices – time consuming to get rights back
- Alternatives
  - Living Trust
  - Representative Payee
  - Power of Attorney
  - Standby Guardianship



# Guardianship and APS

## Occurs less than than you think

- APS believes people have a right to make a bad choice and live the lifestyle they want as long as they understand the consequences
  - Example: Hoarding
    - If the person understands the consequences of eviction and still chooses not to accept help, APS cannot force assistance.
    - If the person does not understand, then a medical evaluation must occur, followed by a legal court hearing, and then guardianship can be put into place
- It is up to a doctor to determine if the person lacks decision making capacity or if there is a cognitive impairment that impedes their ability to receive and evaluate information
- Maybe 10% of APS cases result in guardianship
  - APS believes in Guardianship of Last Resort – prefer family, neighbor, friend first – extensive search
    - If caretaker neglect, the caretaker is not given guardianship
  - If the state is assigned guardianship, then the person is often moved to an assisted living facility, nursing home, or group home for 24/7 care and assistance
  - If private guardianship (family, friend, neighbor) is put in place, then it is up to that private guardian to decide where the person goes

# Can This Process Be Avoided?

## Yes and No

- Plan ahead for the worst-case scenario
  - When a resident shows signs of decline, get involved as quickly as possible and talk with them about what they want
    - Find out as quickly as possible what their goals are in life
    - Ask them how they feel about higher levels of care
    - Ask them who they want to be in charge of their decisions before mental health decline
- Put in place advance directives
  - Power of Attorney, Living Wills, Five Wishes
- Set up a payee before inability to decide
  - Ask them who they want to make financial decisions for them and then get a POA in place right away
- It's much easier to have a plan when the resident can provide their own input than to try and figure it out when they can't offer assistance or voice their opinions



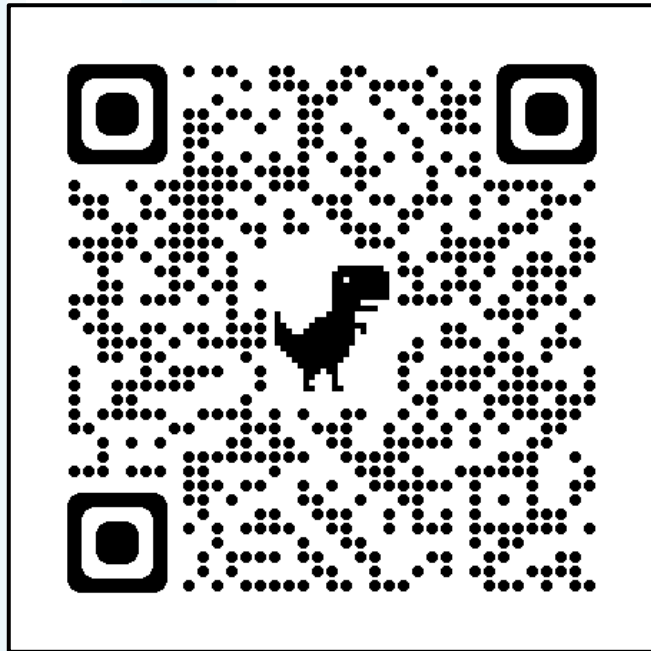
# In Summary

## Quick Review

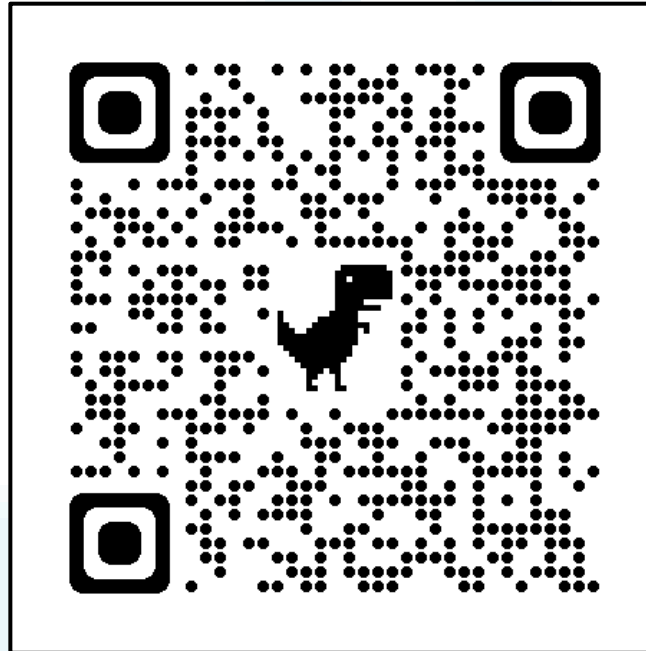
- People are allowed to make their own decisions and we should support them
- People sometimes make dumb choices but that's okay as long as it does not pose a threat of harm
- You cannot get in trouble calling for help – remember, SCs are mandatory reporters
- A person must be deemed mentally incompetent before their right to self-determine is overruled
- Guardianship should be a last resort – better to have a plan in place while the person can still have a say in what happens to them

# Types of Abuse

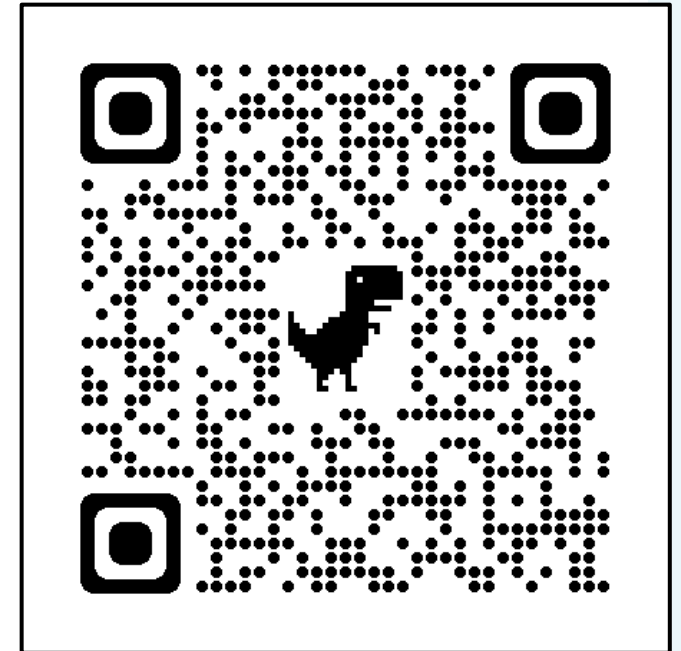
Abuse



Financial Exploitation

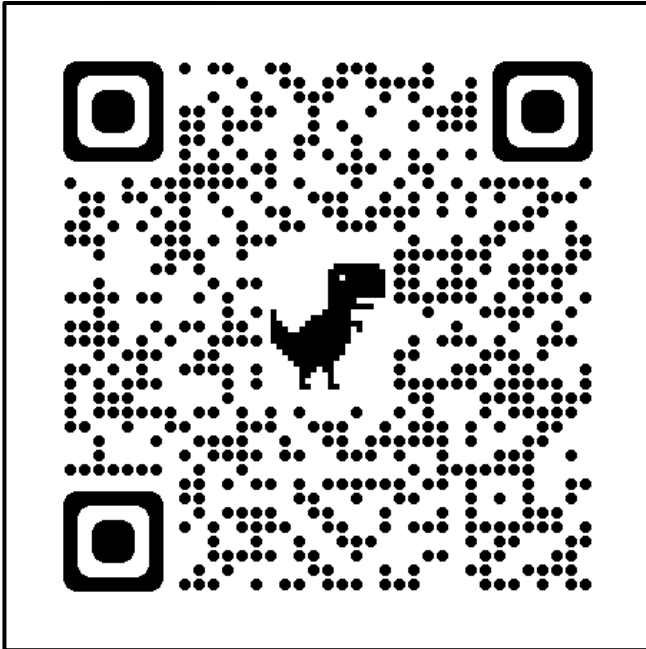


Neglect & Self-Neglect

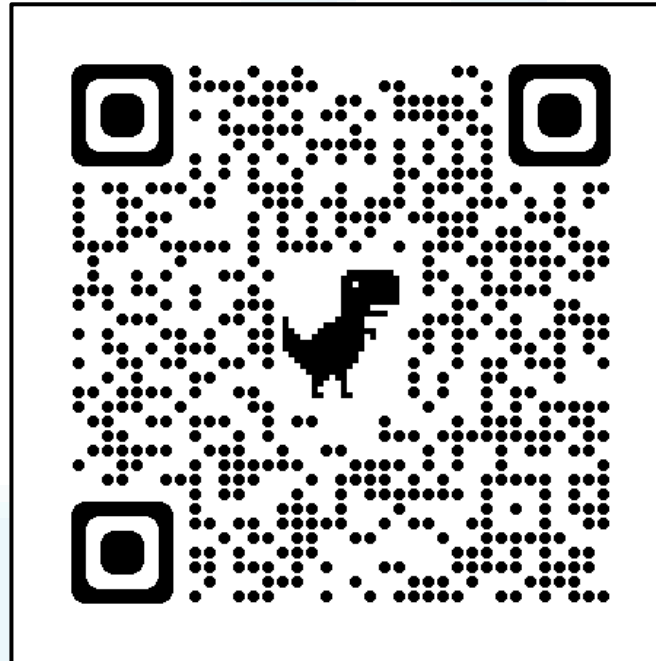


# Elder Law Resources

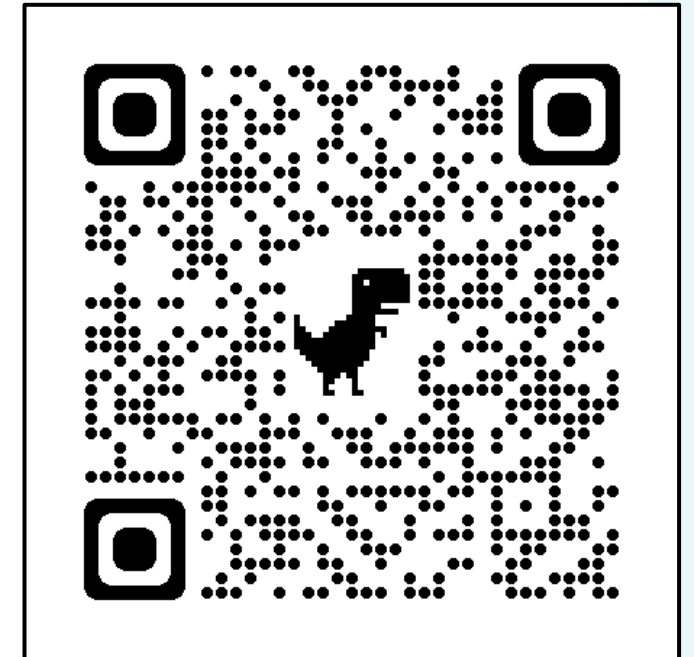
FindLaw



Power of Attorney info

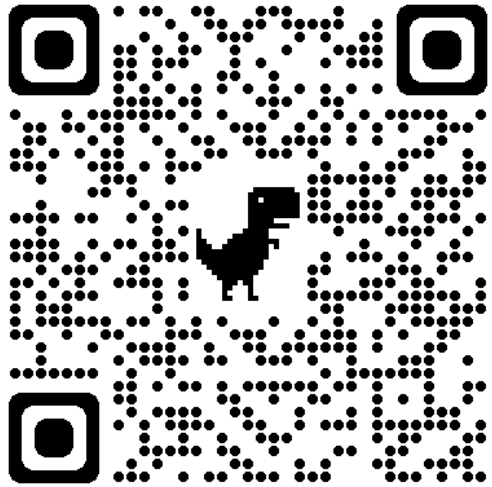


[www.findhelp.org](http://www.findhelp.org)

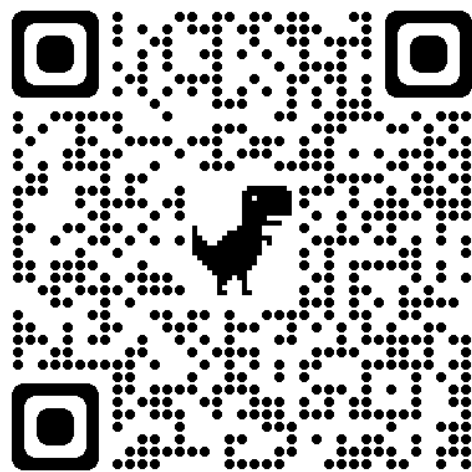


# National Resource Directories

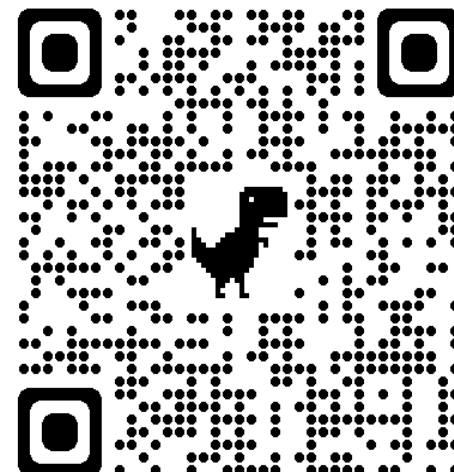
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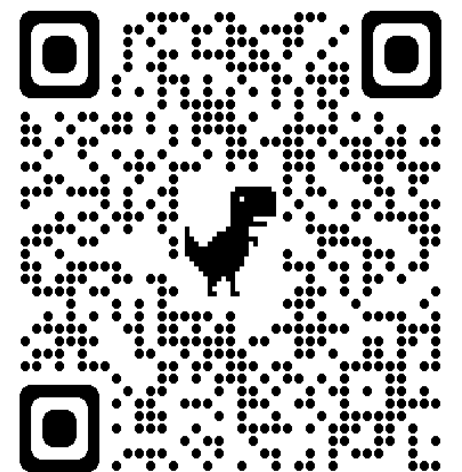
<https://nrd.gov/>



[www.211.org](http://www.211.org)

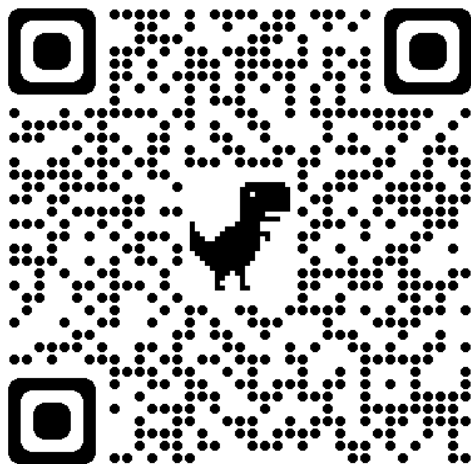


[www.samhsa.gov](http://www.samhsa.gov)

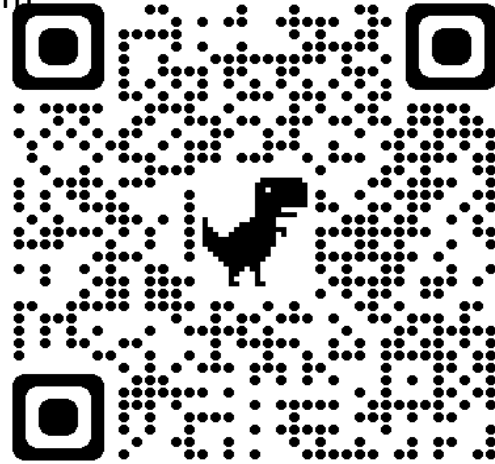


# Food Resources

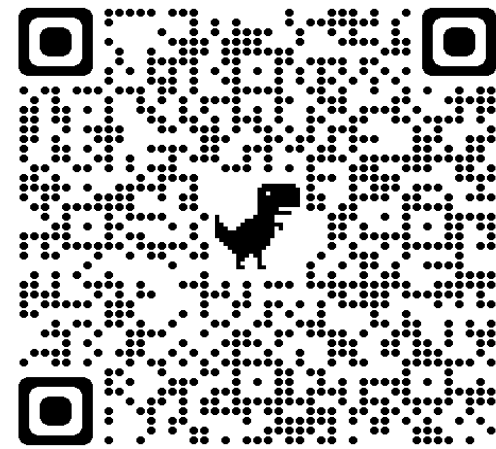
[www.foodsafety.gov/](http://www.foodsafety.gov/)



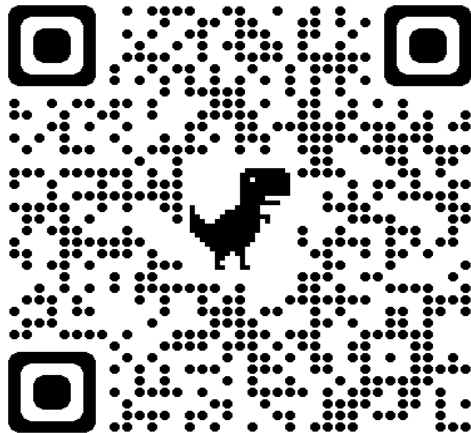
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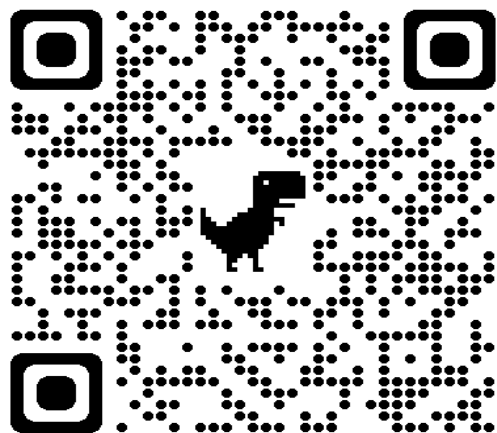
[www.feedingamerica.org](http://www.feedingamerica.org)



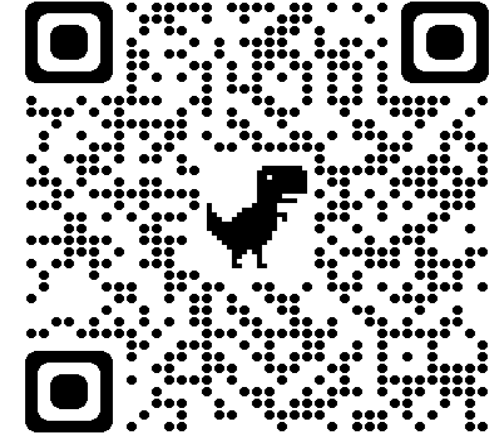
[www.findhelp.org](http://www.findhelp.org)



[doubleupamerica.org](http://doubleupamerica.org)

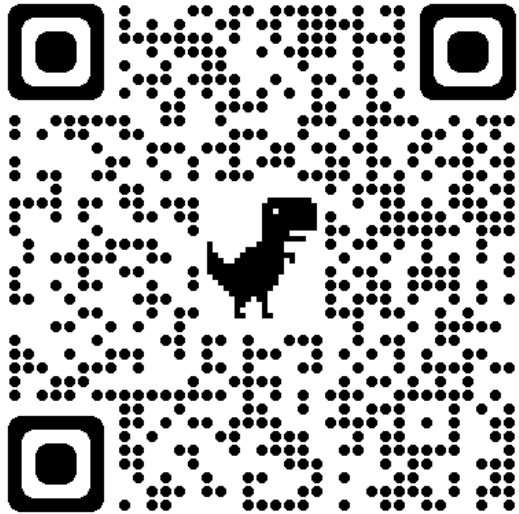


[www.fns.usda.gov/nsfp](http://www.fns.usda.gov/nsfp)

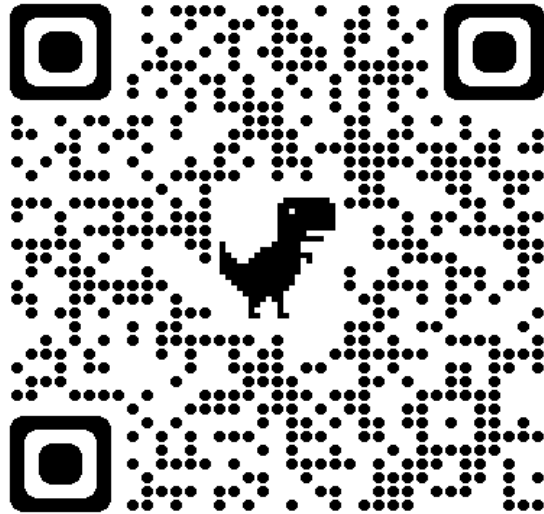


# Housing Resources

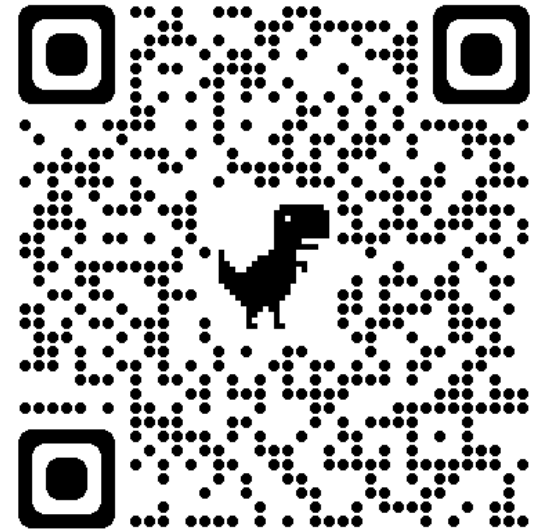
<https://resources.hud.gov/>



[www.findhelp.org/](http://www.findhelp.org/)



[www.samhsa.gov/homelessness-programs-resources](http://www.samhsa.gov/homelessness-programs-resources)



# MY CONTACT INFO

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# SERVICES PROVIDED

- Aging Services
- Service Coordination/Coordinated Care
- Telehealth
- Emergency Alert Model with integrated coordinated care
- Quality Assurance for HUD SC program
- Grant Administration
- Grant Writing and fundraising
- Training and Education
- Strategic Partnership Development
- Resident Services support and training for Property Managers within affordable housing and wellness sector



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