

# PERSONAL AUTONOMY ACT

## WHAT IS THIS NEW LAW?



This new law is called the **Personal Autonomy Act**.



This law will make a new way to help people with disabilities make their own decisions.



**Autonomy** means being able to make your own choices and do things by yourself, without someone else telling you what to do.



Supported Decision-Making is a new method that this law has created to help persons with disability in making decisions.



This law will apply in Malta.

## WHAT DOES THE LAW SAY NOW?



Right now, if a person needs help to make decisions, the court can choose someone to help.



This Person is called the **Curator**.



A Curator can make some decisions for you.  
Or a Curator can make all decisions for you.



If the Curator makes all decisions, this is called Interdiction.



If the Curator makes only some decisions, this is called Incapacitation.



In both cases, the Curator makes decisions instead of you.



Sometimes, the Guardianship Board helps instead of the court.



**The Guardianship Board** is a group of people that can choose a **Guardian** for you.



**The Guardian** helps you make decisions.



But in the end, the Guardian always makes the final decision.

## WHAT DO WE WANT TO CHANGE?



We want to change the law.



We want to stop using Interdiction, Incapacitation, and Guardianship. Meaning, we want to stop the person who takes care of you from taking all your decisions or making the final decision for you.



Instead of going to the Court or the Guardianship Board, people will go to a new group called the Personal Autonomy Safeguards Board.



The Personal Autonomy Safeguards Board will help people get support to make their own decisions. This is called Supported **Decision-Making**.

## WHAT WILL THIS NEW LAW CHANGE?



The Personal Autonomy Safeguards Board will help you choose a person you trust. This person is called a **Support Person**.



**The Support Person** always helps you to make decisions. They do not decide for you. They support you to decide.



Sometimes, the **Support Person** helps you with small things. Sometimes, they help with bigger things. Sometimes, you decide together.



This help is called **Support**. Making decisions with Support is called **Supported Decision-Making**.

## WHY IS THE LAW BEING CHANGED?

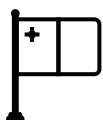


We want to change the law because:

- We believe everyone should make their own decisions.
- No one should decide for someone else unless it is truly impossible.



For example, someone in a coma cannot make decisions.



Malta signed an important agreement.



This agreement is called the **United Nations Convention on the Rights of Persons with Disabilities**.



This agreement says that disabled people have rights just like everyone else.



One of these rights is the right to have Supported Decision-Making.

## WHY IS THE LAW CALLED THE PERSONAL AUTONOMY ACT?

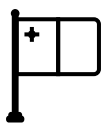


Autonomy means being free to make your own choices.



This new law gives people the right to make their own decisions, with support if needed.

## WHAT DOES THIS LAW CHANGE?



This law will change other Maltese laws.

This will add new rules about Supported Decision-Making.



Supported Decision-Making means:

- You make your own decisions
- You get help from someone you trust
- Or you get help from the Personal Autonomy Safeguards Board



This helps make sure people get the support they need to make their own decisions.

## THE PERSONAL AUTONOMY SAFEGUARDS BOARD



The old Guardianship Board will be removed.



It will be replaced by the Personal Autonomy Safeguards Board.  
This will be the new Board.



The word safeguard means to protect.

## WHO WILL BE ON THIS BOARD?



The Board will have between 5 and 6 members.  
The members of the Board will be:



Former judges, former magistrates, or lawyers who know about the rights of persons with disability.



A person chosen by the Commissioner for the Rights of Persons with Disability.



A person chosen by the Commissioner for Older Persons.



A person chosen by the Commissioner for Mental Health.



A person chosen by the Victim Support Agency.

The Victim Support Agency is a Government office that a person can talk to if they feel they were a victim of abuse.



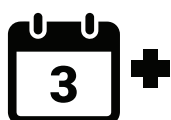
A person who knows about psychology, counselling, or social work can also be added.



If one of the 5 members cannot attend a meeting, for example because they are sick, another member can be added for that meeting.



Members are chosen for 3 years.



They can be chosen again for another 3 years.



If they want to join again after that, they must wait another 3 years.

## WHO CANNOT BE ON THE BOARD?



People cannot be a Board member if they:

- Are a Member of Parliament or of a Local Council
- Cannot do the work of the Board (even with support)
- Owe a lot of money and cannot pay it back
- Were found guilty of crimes like stealing or hurting others physically

## LEGAL NOTICES



The Ministers for Disability, Justice and Health can make more rules.

## WHAT DOES THE BOARD DO?



If a person wants help with making decisions, they can write to the Board.



They can ask the Board to give them a Support Person.



Other people (like family or professionals) can also write to the Board if they think it would be helpful for someone to have a support person.

## HOW DOES THE BOARD CHOOSE A SUPPORT PERSON?



The Board must speak to:

- The person who needs support.
- Other people who know the person well (like family, doctors, or social workers).



The person with disability must be involved in the process.



The Board must help them communicate by doing things such as:

- Providing a tablet
- Providing a sign language interpreter
- Meeting the person at their home



The Board must also think about how to help the person in a way that suits their needs, for example if the person is also gay.



An effort must always be made to ensure that the support person chosen is the one preferred by the person with a disability.



A lawyer can be given to the person with disability without the need to pay the lawyer.

## WHAT DOES THE BOARD THINK ABOUT WHEN CHOOSING A SUPPORT PERSON?



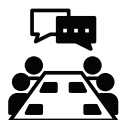
The Board must look at:

- What the person needs
- How to protect the person in a way that fits their needs
- The person's rights, what the person wants, and their preferences
- Making sure that no one has a lot of control over the person

## HOW LONG CAN I HAVE A SUPPORT PERSON FOR?



A Support Person can help you for up to 2 years.



After 2 years, the Board will talk to you again to see if you still need help.



You can ask for a new meeting before 2 years if things change.



The Board can also decide to have a new meeting if needed.



Sometimes, you can need help for a short time.



If you need help for a short time, the Board can give you a Support Person for up to 26 weeks.

## WHO CAN BE A SUPPORT PERSON?



A Support Person must:

- Be 18 years or older
- Live in Malta
- Say yes to being your Support Person

## PAYMENT FOR SUPPORT PERSONS



Usually, Support Persons do not get paid.



But the Board can decide to pay them in special cases.

## CHANGING A SUPPORT PERSON



If things are not working well, the Board can change your Support Person.



You or someone else can ask for a change.



The Board will look at why you want to change the support person and decide what is best.

## WHAT IF I CAN'T FIND A SUPPORT PERSON?



If you can't find someone to help you, the Board has a list of people who can be Support Persons.



These people are trained and can include:

- Lawyers
- Persons that know the law very well
- Social workers



If you can't pay, the Government might pay the Support Person for you.



If the Support Person does not do their job well, the Board can remove them.



You can also go to court if you think the Support Person was bad to you.

## HOW SUPPORT PERSONS WORK WITH THE BOARD



A Support Person can talk to the Board if they need help doing their job.



The Board can:

- Say yes or no to things the Support Person wants to do
- Give advice
- Make other decisions if needed
- Change or stop the Support Person's job



If the Support Person follows the Board's instructions, the Support Person will not get in trouble. The Support Person will get in trouble if they lie or hide important information.

## WHEN DOES SUPPORT END?



A Support Person's job ends if:

- The person with disability no longer needs help
- The Board decides to stop the Support Person's job
- The person with disability dies



If the person with disability dies, the Support Person must tell the Board within one week.

## MAKING YOUR OWN DECISIONS



The law will now say that:

- Everyone is equal
- Everyone can make their own decisions
- If someone needs help, they can get a Support Person

## RULES FOR SUPPORT PERSONS



Support Persons must:

- Respect what you want
- Help you understand things if you can't communicate well
- They must help you in a way that fits your needs. For example if you are a woman with a disability.
- Work with you and respect your rights
- Give you the right amount of help, not too much or too little
- Not make you do something you don't want
- Always listen to you and help you make your own decisions

## OTHER LAWS



This law also changes some other laws.



### *The Equal Opportunities (Persons with Disability) Act*

This is a law that explains what a person with a disability, or someone close to them, should do if their rights are not respected.

It also explains how the Commission for the Rights of Persons with Disability (CRPD) can help a person when this happens.



Now the Commission will have the duty to make sure that Support Persons respect the rights of persons with disabilities when supporting them.

If they do not treat them well, steps can be taken.



### *The Mental Health Act*

This is a law about the rights of people who have mental health difficulties.



The Mental Health Commissioner, who is responsible for protecting the rights of these persons, can suggest that a person is given a Support Person by the Board.



### *The Marriage Act*

This law explains the rules for two people to get married.



The law will no longer say that people with mental health difficulties cannot get married.



Instead, if there are signs that someone may take advantage of a person because they seem vulnerable, the Director responsible for adults in vulnerable situations can be asked for advice.