

Pave the Way Newsletter

JUNE 2011

What do we mean when we talk about support circles?

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Pave the Way has been assisting families throughout Queensland to develop support circles for over 7 years now. Forming a support circle is not something every family chooses to do but many of those who have said that the circle is an important part of their family member's life.

Circles usually involve a small number of trusted people who come together regularly to provide support to the person with disability and their family in their decision making and planning. Some families refer to their support circle as their team, their think tank or brains trust. Support Circles can have a number of purposes which are expressed well by such terms and may include:

- Assistance with planning and with decision making
- Bringing new and different perspectives to discussions
- Bringing energy, imagination and commitment
- Encouraging and supporting the person to dream
- Ensuring the person is loved, safe and supported

For families, inviting others to be a part of their support circle is just one way to involve them in their family member's life both now and into the future. The decision to involve others in this intentional way is based on a belief that while it may be important to have some support through funding and services and to have legal and financial mechanisms in place, at the end of the day, it is *people who love and care for us who keep us safe*.

Circles usually involve a small number of trusted people who come together regularly to provide support to the person with disability and their family in their decision making and planning

For circle members, being involved in a support circle is not necessarily about taking on any particular roles but rather for them to bring their 'ordinary antenna' to the gatherings by sharing what they know from their own personal experience. It is also an opportunity to deepen their relationship with the person at the centre of the circle. Over time some circle members become more involved in practical support for the person but this is usually a result of getting to know the person better and the relationship that evolves between them rather than out of some expectation or sense of obligation.

Many families have said that one of the benefits of establishing a support circle is that they often feel better supported as the circle gatherings enable time in the busyness of life for regular conversations about their vision and their plans. For others, the strength of a circle lies in the growing confidence of their family member who feels supported by the ongoing commitment and encouragement of a group of trusted people.

If you would like to learn more about support circles or how Pave the Way can assist you to develop a support circle please contact us or check our website for stories and articles.

Updates and date claimers

Road Trip

Jeremy Ward's South West Queensland Road Trip, mentioned in the previous two Pave the Way newsletters, went ahead as planned from 28 March to 11 April 2011. Jeremy travelled 2800km by campervan in 15 days, meeting with 28 individual families and another 21 families in three small group gatherings. He visited families in the Toowoomba area, Oakey, Cambooya, Kingaroy, Dalby, Chinchilla, Roma, Mitchell and surrounding districts, Charleville, Goondiwindi, Stanthorpe and Warwick. Jeremy visited Warwick and Toowoomba again in early May to meet with another four families whom he could not meet while on the Road Trip. Given the widespread enthusiasm with which families responded to an opportunity for these one on one meetings, Pave the Way will look at taking this idea to other parts of Queensland.

Jeremy would like to thank all the families he met for their warmth and hospitality.

Pave the Way Professional Panel

Pave the Way continues to develop its panel of solicitors with experience in wills and trusts, guardianship and administration. In the last 12 months additional solicitors have been added to the panel from the Gold Coast, Toowoomba, Caboolture and Gladstone. Contact the Pave the Way office if you would like a copy.

Qld Parents for People with Disability resources

"Diving for Pearls" an account of parents' quest for inclusive education in Queensland and "Launch into Life", handy hints for parents of students with disability leaving school, are both available from QPPD. www.qppd.org

Contact **Community Resource Unit (CRU)** for more information about these events and about how families from regional areas might be supported to attend. Ph: 07 3844 2211. Email: cru@cru.org.au

- **9 June. Mt Isa.** *Finding my place.* How to make a good life, barriers that get in the way and alternatives to these. Including stories from families about how they have planned for a good life in community for their sons and daughters.
- **15 June. Brisbane.** *Leadership models and styles.* For people in a variety of leadership roles, not just formal work roles.
- **20 July. Brisbane.** *Crucial Conversations.* People with disability, family members, service workers and allies to come together over refreshments to consider a topic of interest and importance.
- **16 August. Brisbane.** Workshop on *Life Sharing* with Patricia Fratangelo dealing with the issues of housemates – "getting the right people, the right matches and helping to support honest relationships is vital."
- **17 August. Brisbane.** Small conversation groups for families about the issue of housemates with Patricia Fratangelo.

Pave the Way workshops are listed on the back of this newsletter. The workshop calendar is also available on the website. www.pavetheway.org.au

“Statutory Wills” – Wills approved by the Supreme Court

Any individual who is aged 18 or over can make a will, so long as they have the capacity, or legal understanding, to do so. People with disability who have capacity can make a will.

If someone dies without a will, whether because they have no capacity to make one, or whether they simply fail to make arrangements to do so, the Rules of Intestacy apply. These rules set out who is to receive the individual's estate in the absence of a will and are summarised on page 27 of Pave the Way's booklet, *Planning for Now, Tomorrow and the Future*. Copies are available on Pave the Way's website or from the Pave the Way office.

If a family member with disability cannot make a will, the first thing to do is to obtain advice from a solicitor about the affect of the Rules of Intestacy in their situation. Pave the Way has a list of solicitors with experience in this area. If the Rules of Intestacy produce an undesirable result (eg, part or all of an individual's estate will pass to an estranged brother or sister), and if the individual's estate is of considerable size, it might be worth seeking advice about a “statutory will”.

A “statutory will” is a will approved by the Supreme Court for someone who does not have the capacity to make (or change) a will. The Queensland *Succession Act* gives the Supreme Court the power to authorise a will to be made, altered or revoked for anyone without testamentary capacity, where the Court is satisfied that:

the person is still alive;
 the person lacks the capacity to make a will;
 the will is one the person would have made, altered or revoked if they had the capacity to do so; and
 the order the Court is asked to make is “appropriate”.

In the few cases heard by the Supreme Court, it appears that the Court is prepared to glean from all the circumstances whether the will is one the individual with impaired capacity “would have made”, even though it might be difficult to determine their actual wishes. In the case of *Deecke v. Deecke & Anor* [2009] QSC 65 (1 April 2009) the presiding Judge, referring to the individual with impaired capacity as “the first respondent”, stated:

“I am satisfied that the proposed will should be authorised to be made on behalf of the first respondent, having regard to the first respondent's present circumstances and existing relationships and to the very limited extent that her wishes can be understood”.

These applications to the Supreme Court are expensive and the Court can order the legal costs to be paid from the person's assets.

A “statutory will” is a will approved by the Supreme Court for someone who does not have the capacity to make (or change) a will.



Pave the Way

Pave the Way assists families throughout Queensland to clarify their vision for their family member with a disability and to plan to implement that vision. We encourage planning which is vision driven, 'whole of life', developmental, outside service planning and which safeguards family members in the long term. We believe it is other people who keep people safe and support the development of personal networks, including Support Circles.

Contact Us

Please contact us if you would like to be on our mailing list, or would like information or assistance developing a vision and plan or developing a support circle or similar network. If you are part of a group of families and would like us to come and talk about these issues, let us know.

Pave the Way
Level 1
1428 Logan Road
MT GRAVATT QLD 4122

Postal Address:
Pave the Way
PO Box 949
MT GRAVATT QLD 4122

Ph: (07) 3291 5800 or 1300 554 402

www.pavetheway.org.au

General enquiries

pavetheway@pavetheway.org.au

Catherine Raju

catherine.raju@pavetheway.org.au

Julie van Oosten

julie.vanoosten@pavetheway.org.au

Elaine Henderson

elaine.henderson@pavetheway.org.au

Jeremy Ward

jeremy.ward@pavetheway.org.au

Christine Douglas

christine.douglas@pavetheway.org.au

Upcoming Events

Visions to Action through Planning – 6-day workshop

Atherton 17 – 19 June 2011 (Part 1)

Atherton 12 – 14 August 2011 (Part 2)

(PTW)

Documenting Personal Information Workshop

Bundaberg 24 June 2011

(PTW)

Caboolture (venue & date TBA) July 2011

(PTW)

Planning for Now, Tomorrow and the Future

Brisbane – Woody Point 18 July 2011

(PTW)

Rockhampton 23 August 2011

(PTW)

Mt Ommaney 15 September 2011

(PTW)

Building Lifelong Supports Workshop

Rockhampton 15 September 2011

(PTW)

Regional Visits

Julie van Oosten

Bundaberg 24 – 26 June 2011

(PTW)



JUNE 2011						
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To book into a workshop, please phone the relevant contact. For Pave the Way (PTW), phone (07) 3291 5800 or 1300 554 402. For regional visits please contact Julie van Oosten (07) 3291 5800 or 1300 554 402. You can also view the workshop and events calendar online at www.pavetheway.org.au/home/workshop-calendar.php.