



The CORE Project

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| A Project of Washington PAVE |

Topic: Coming of Age

Choices Options Resources Education

Together, we are working to provide accurate and consistent information about adult services for people with disabilities, their families, and supporters.

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This bulletin is informational and not meant to be a substitute for legal advice. When consulting an attorney, be sure that attorney you choose has expertise in disability law.

For more materials please visit our site at :
www.projectcore.org/materials.html

Coming of Age

The Age of Majority - the age when a person acquires all the rights and responsibilities of being an adult.

Lectric Law Library

Age 18 marks the transfer of legal rights from parent to child in Washington State. This happens for all young people including those with disabilities unless a court limits those rights. The rights that transfer include; making all school decisions, making medical decisions, deciding where to live, entering legal contracts, marriage, obtaining credit cards, and voting in elections.

Transition is an emotional time for students and parents.

Parents want their children to have all the skills they need in adult life. During the time of transition, many parents realize that their son or daughter may face adulthood without all the skills that they may need. Some parents have expressed that transition renewed the reality of adult milestones and responsibilities their child may never be able to participate in fully. For some parents this sadness can paralyze them into postponing the decisions and preparations during the latter childhood and teenage years. Many parents fail to realize that they may not be able to make legal decisions for their adult-aged son's or daughters.

For youth, reaching the age of majority (adulthood) can be an exciting time full of many new choices and decisions. At 18, the student could decide to continue on in school for transition services such as job experiences, to graduate with his friends or to leave school entirely. Parents often are concerned about the risks that these choices involve. Parents want their son or daughter to always be safe and happy but life is not without risk for anyone. Youth with disabilities face challenges making these decisions and need to be actively involved in making choices and planning their future life before they reach the age of majority. It is important to support and assist youth with disabilities and parents in exploring all aspects of these decisions.



Making School Decisions



The Individuals with Disabilities Education Act (IDEA) requires the local School District to notify parents and students one year prior to the transfer of decision making from parent to the young adult. In Washington State the transfer of decision making, takes place at age 18, so the district must notify the parent and youth at age 17 of the upcoming changes. Unless a court has determined that a guardian is necessary, at age 18, the student would become responsible for the development of the special education plan, decisions about graduation, change of placement, and any dispute resolution. These decisions could affect the life of the student long after school has ended.

Educational rights that transfer at age 18 in the State of Washington are; the right to receive notice of and attend individual education program (IEP) meetings, consent to reevaluation, consent to change in placement, request for mediation or a due process hearing to resolve disputes. Student's can include other people with information to help them at the IEP.

Helping students to advocate for their needs in the IEP process is an excellent way to prepare for adult decision-making. A resource for this is "A Students guide to the IEP", available from:
NICHCY 1-800-695-0285, or on the web at www.nichcy.org/pubs/stuguid.asp

Deciding Life Circumstances

When the person reaches the age of majority, the parent may no longer make many decisions for their son or daughter alone. They can't force the young adult to live in a place of the parents choosing or many of the other decisions about daily life. A parent may make these kinds of decisions only when a court has appointed the parent as Guardian to make specific decisions for their son or daughter with limited decision-making abilities. A Guardian must file a care plan that identifies the needs of the person and how the needs will be met within three months of the appointment. This must include physical, mental and emotional needs including any need for assistance in activities of daily living and the guardian must file an annual report. Without a court order, not even a guardian can force a person to live in a place against their will. (This would require a commitment under the Involuntary Commitment Act). Guardianship places limits on specific freedoms and very important rights and should be a last resort. Every adult who has the legal ability to take care of his own business has the legal right to do so.

Every adult who has the legal right to make decisions also has the right to make decisions that others may not see as wise. Some issues such as determining friends or roommates, make decisions about issues such as excessive alcohol use, or unsafe sexual activities are not freedoms that can be fixed by guardianship. Guardianship should never be used to force someone to do what another person thinks they should. There are other simpler ways to help an adult manage problems of business and making some decisions such as a protective payee or automatic bill-payer to assist in money management. Parents can help their son or daughter learn how to rely on a select circle of people when making difficult decisions.

In the state of Washington four steps must be taken before a court can make a decision regarding the need for a legal guardian: 1.) Notice of the guardianship petition must be given to the person identified by the petition. 2.) The court must appoint a person (called a "guardian ad litem") to make an investigation and report to the court. 3.) The guardian ad litem must obtain a statement from a physician or psychologist. 4.) A hearing must be held. Limited Guardianship can be set up by the court to appoint a guardian to make decisions in each areas identified by the court, allowing the person with a disability to retain all other rights.

Making Medical Decisions

Once youth reach the age of majority many medical providers will continue to allow parents to accompany their adult aged son or daughter to appointments, pick up medical supplies and participate in gathering information with their son or daughter. However, parents may not make decisions, request medical records or give consent for medical procedures such as surgery without a guardianship (or limited guardianship) that identifies the parent as the party able to make medical decisions. A Power of Attorney is not available unless the person first had the ability to give informed legal consent prior to the disability becoming incapacitating.

It is important that parents assist their son or daughter in speaking for themselves, while letting go of the dreams they had for them as children. In transition, it is time to help youth form and reach their own dreams. Adults need to help youth become comfortable making decisions and asking for help as needed from trusted people. All people have learned some life lessons from making mistakes and it is important for youth to practice making choices throughout childhood and adolescence, before the stakes become high. In order for youth to become strong self-advocates, parents must often step aside, so youth learn to advocate for themselves while parents continue to provide encouragement and support.

Transition is the time to help youth form and reach their own dreams.

Materials in this bulletin have been adapted from:

Age of Majority-Preparing Your Child for Making Good Choices from NCSET Parent Brief, Questions and Answers on Guardianship from Columbia Legal Services, Alternatives to Guardianship for Adults from Columbia Legal Services, Exercising Your Right to Vote from Washington State Protection and Advocacy

Entering into Contracts

All adults are able to enter into contracts and financial agreements including credit, credit cards and to accumulate debt. They are able to; buy, sell, own or lease property, marry and divorce, make or revise a wills, or give a power of attorney. Only a court can remove these rights from an adult citizen in the U.S.

Voting in Elections

Each adult who is a citizen, not a felon who is incarcerated or a person judged to be incompetent is eligible to vote in all elections once they have registered to vote. If special accommodations or voting assistance is necessary to vote, check with the county voting registrar.