



**Virginia Intercommunity Transition Council**  
A COMMUNITY OF PRACTICE

**VITC**

Transition Services for Students with Disabilities

## **SUPPORTED DECISION MAKING**

If your child is turning 17, it is time to begin thinking about the age of majority and what that means for you and your son or daughter. Federal and state laws require that Local Education Agencies explain this to parents and students by age seventeen. You need to consider how you might support the decisions he or she has to make upon reaching the age of majority at age eighteen. The freedom to make decisions and to be self-determined plays an important role in defining all of us as human beings and determining our quality of life. Some young adults will do a great job making choices, problem solving and advocating for themselves; others may need your involvement.

Here are just a few questions to think about when identifying your child's ability to make decisions and manage key areas of their life.

- |   |  |
|---|--|
| <input type="checkbox"/> Can your child search for and find a job?  | <input type="checkbox"/> Does your child understand what is involved with managing a home?   |
| <input type="checkbox"/> Is your child able to manage their own money?  | <input type="checkbox"/> Is your child able to understand and communicate consent and/or permission regarding legal documents or services, such as signing a lease, an IEP or applying for credit? |
| <input type="checkbox"/> Does your child make decisions about where, when, and what to eat?   | <input type="checkbox"/> Does your child demonstrate the ability to vote?  |
| <input type="checkbox"/> Can your child take medicines as directed?   | <input type="checkbox"/> Is your child able to decide and direct the kinds of assistance or supports they need or want and can they select who provides those supports?                            |
| <input type="checkbox"/> Is your child able to recognize when someone is taking advantage of, hurting, or abusing him or her and are they able to protect themselves? | <input type="checkbox"/> Is your child able to communicate approval to share information with parents, family members, and friends who are not legal guardians?                                    |
| <input type="checkbox"/> Is your child able to make appropriate decisions concerning marriage & intimate relationships?   |  |
| <input type="checkbox"/> Is your child able to be on their own without risk of serious harm or injury to themselves?  |  |

We are all interdependent. Everybody needs support from others in making decisions concerning different areas of life. There is a wide spectrum of documents and roles that young adults can use or assign for parents or other people that they want to support them. Below are just a few of these options that range from limited support to full support in all decision making:

### **Consent for Release of Information**

By signing Consent for Release of Information Form, your young adult can empower a family member or friend to participate in IEP or other planning meetings and have access to educational or medical records. Most schools, doctor offices and agencies have their own consent forms.

### **Limited or Joint Bank Accounts**

Most banks can help you set up limited or joint bank accounts to help ease concerns about money management. Some additional features may include pre-set limit debit/credit cards or dual signatures on checks.

### **Representative Payee or Authorized Representative for Social Security Insurance (SSI)**

The Social Security Administration has special paperwork and procedures for appointing a representative payee. Generally, a family member or friend may request and be appointed by Social Security to receive and manage your young adult's SSI benefits. The payee must follow strict rules to take care of the money.

### **Power of Attorney**

A Power of Attorney is a written document that can be *limited*, meaning your young adult gives permission to someone to act only with regard to a very specific matter of life such as medical care. A Power of Attorney can also be *general*, meaning your young adult gives permission for someone to act on a wide variety of decisions (health, money, etc.). A Power of Attorney is only valid if the person signing understands the nature and importance of the document. A Power of Attorney can be canceled or modified at any time as long as the individual is competent.

### **Conservators**

A conservatorship is a legal right given to a person to protect and manage the personal care or the assets and finances of a person considered fully or partially incapable of handling these for himself. There are many circumstances where a person is still able to live an independent life, but may require help with his/her assets due to disability.

### **Guardianship**

Guardians are appointed by judges and have the power to make decisions about where a person will live, work, spend their money, go, and dress as allowed by the judge. If someone has a guardian, they may not be able to vote or get a driver's license, unless those rights are protected under a *limited* guardianship. Guardianship should be an option of last resort and should be entered into only if it is determined that the individual has difficulty making appropriate decisions and does not have supports in place to manage financial affairs, safety, and welfare.

**Everyone is presumed competent to make choices about their lives. Just because a person has a disability is *not* a reason to assume the person cannot make decisions. Sometimes, because of limited intellectual or communication skills, a person may simply need some help with making decisions.**

Different individuals have different situations, needs and available supports. Deciding what alternatives or guardianship options will work best with your young adult's unique circumstances can be complex and difficult and may require the expertise of an attorney. A good tool for you and your young adult to use to determine his/her level of ability with regard to key areas of life and appropriate alternatives that meet needs for support can be found on the Missouri Developmental Disability Resource Center Web site ([www.moddrc.org](http://www.moddrc.org)). The questions on the tool are not intended to provide a final determination of what a person should or should not do in their unique circumstances, but rather a place to start the discussion.

It is important to note that some of these options listed above may provide too much or not enough protection for your young adult so it is always best to speak with an attorney. The Virginia Office for Protection and Advocacy (1-800-552-3962), the state Bar Association (1-804-775-0500) or Legal Aid (1-866-534-5243) are good places to start when looking for legal advice. For more information on the issue of age of majority and special education, see Students and the Right to Make Educational Decisions in Virginia at the Web site below.

[http://www.doe.virginia.gov/special\\_ed/regulations/state/transfer\\_rights\\_students\\_disabilities.pdf](http://www.doe.virginia.gov/special_ed/regulations/state/transfer_rights_students_disabilities.pdf)

For more information contact the Virginia Department of Education's Office of Dispute Resolution and Administrative Services at [www.doe.virginia.gov](http://www.doe.virginia.gov), [Virginia Office for Protection and Advocacy](#) (VOPA), [Virginia Bar Association](#).

Take the steps to person-centered thinking  
**ASK, LISTEN, RESPECT, COMMIT!**