

# **Age of Majority**

## **A Guide for Caregivers on How to Plan & Prepare**

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# What is Age of Majority?

The age of majority is the moment when minors cease to be considered children and assume legal control over their persons, actions, and decisions, thus terminating the control and legal responsibilities of their parents or guardian over them. Most countries set the age of majority at 18. The word majority refers to having greater years and being of full age as opposed to minority, the state of being a minor. The law in a given jurisdiction may not actually use the term "age of majority." The term typically refers to a collection of laws bestowing the status of adulthood. The age of majority does not necessarily correspond to the mental or physical maturity of an individual.

For many parents in the autism community, one of the most worrisome, anxiety-inducing topics is what will happen to their child when they reach the age of majority at age 18, as well as when they 'age out' of the school system, typically around age 21.



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## About this Guide

The purpose of this guide is to help alleviate some of the stressors involved in preparing your child for a successful transition into adulthood. The guide provides education, tips and resources centered on three critical parts of the process. These parts include:

***PART I: Transition Planning***

***PART II: Guardianship and Legal Matters***

***PART III: Employment Options & Residential Programs***

### TIP

***Though a successful transition plan should begin when a child is 14-16 years old, it is never too late to begin preparing for a future that will allow your child to reach their full potential in adulthood, and to live as independently as possible.***

## Part I: Transition Planning Through an IEP

The first step, and arguably the most important in preparing for a smooth transition into adulthood is creating and implementing appropriate, effective goals into the transition plans and services in your child's IEP.

Why does transition planning matter so much? While your child is still in school, he/she can receive skills training to help become as independent as possible, while pursuing goals that reflect his or her own interests. Effective transition planning will help ensure that when your child leaves high school, he/she will already have set up, and become ready for any post-secondary, employment, residential, and community ambitions. Remember that as a parent/guardian, you have a legal right to have equal participation in developing your child's IEP.

Under the Individuals with Disabilities Education Act, the first IEP to be in effect when the child turns 16 MUST include appropriate, measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and independent living skills where appropriate, and services (including courses of study) needed to assist the student in reaching those goals.

Transition services can begin earlier than age 16 when appropriate. No matter the age of the student, whenever transition planning is discussed, the student must be invited to participate in the IEP meetings, and student



preference in goals must be considered (even if they are not able to be present). Beginning in early adolescence, parents and teachers can begin emphasizing the importance of work, assign chores, provide opportunities to visit places of possible future employment, and the importance of personal hygiene.

This means that regardless of students' skills and abilities, developmentally appropriate goals must be set for them once they leave high school, and that skills required to achieve those goals, whether they be life skills, social skills, or vocational skills, should be focused on for the remainder of school. For many students, this means taking them out into the community to develop real-life skill sets, such as safely crossing streets or accessing public transportation; however, it also can include courses of study needed for vocational goals, and employment participation opportunities. The transition plan should evolve and change with your child's needs and goals throughout the last few years of schooling.

### TIP

***Transition planning should consider, based on each individual's specific needs, goals and preferences, where the student will live, what the student will do, what skills the student can learn, and what assistance will be needed to be as independent as possible.***

## Assessments

Assessments are used to determine each student's strengths and weaknesses, and to define what further skills and education are needed to reach the goals. When the time comes for either graduation or aging out of the school system, the student should be prepared to enter the living, community, employment, or post-secondary education plan reflected in his/her goals.

## Self-advocacy

Many researchers urge that self-advocacy to the best of ability should be a major focus, as it is a necessary skill in living a happy and comfortable life, and in participating in the community in any capacity. Teaching self-advocacy skills can begin with simple decisions, and advance to weighing pros and cons, and different solutions to problems. Another area that is highly focused on in successful transition plans is every day, community-oriented skills such as emotional regulation, manners, taking turns, safety, and personal hygiene, broken down as basically as an individual needs them to be. In order to do so, and in addition to transition assessments, it is highly encouraged that students are brought into the community regularly, in real-life settings to determine areas of strength and weakness, and to help anticipate and plan for challenges that may arise.



## Transition Planning Checklist

Here is a checklist of areas to consider including in IEP transition plans and services based on the student's transition goals (remember that these should be focused on student interest and preference whenever possible).

Many advocates strongly believe that students should be taken into the community as much as possible to obtain skills needed in these areas for life after high school:

- ✓ Touring post-secondary educational facilities
- ✓ Job shadowing
- ✓ Visiting places of potential employment or further education
- ✓ Visiting community service opportunities
- ✓ Social skills, such as waiting in lines, taking turns, etc.
- ✓ Safety skills, such as identifying strangers, first responders, community resources, private property, internet safety, and knowing what to do when lost
- ✓ Life skills such as food and personal care, money skills, transportation, etc.

### TIP

***It is highly encouraged that students are brought into the community regularly, in real-life settings to determine areas of strength and weakness, and to help anticipate and plan for challenges that may arise.***

## Exiting Special Education

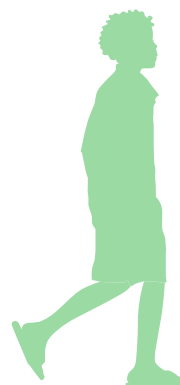
For some students with autism, receiving a High School Diploma may be completely appropriate. For others who are not able to pass required courses and exams, a GED (General Education Development) or High School Diploma may not be feasible. In this case, a Local Diploma or Certificate of Completion may be awarded. It is important to note that accepting a Local Diploma or Certificate of Completion will terminate school services. For some students, remaining in school until they “age-out” of the system at 21 or 22 years old may be the best option, especially if further skills are needed to reach transition goals. Each state has its own graduation requirements, and options should be discussed between the team, parents, and student to determine the best option.

## Summary of Performance

Schools must now provide a “Summary of Performance” to students whose special education eligibility is terminating due to graduation or exceeding the age for services in their state. This summary should provide specific, meaningful, understandable information to the student, their family, and any agency which may provide services to the student upon transition. This document should satisfy the disability documentation required under other federal laws such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

## Post-secondary Education

If your child is entering any type of post-secondary education program, the Individual with Disabilities Education



Act (IDEA) is no longer applicable; therefore, services and IEP’s are not mandated when needed. The number of four year colleges and universities providing disability support services is increasing; however, the specifications vary by school. If your child is not pursuing a four-year college, there are several other options including vocational, trade, or technical schools, cooperative educational programs, and others. While IDEA no longer applies, Section 504 plans must be recognized and applied by any school that accepts federal funding.

## PART II: Guardianship and Legal Matters

Regardless of your child’s abilities, once they reach the age of majority (18 or 19 in most states), the state assumes he/she is capable of decision making, and all legal rights are transferred to him/her. If you believe your child is incapable of these responsibilities, you will need to file a petition for guardianship. Though some may choose to use a lawyer, it is not required to petition for guardianship, and you can obtain paperwork at your local probate court. It is important to recognize that the process varies by state, so be sure when you research the process of guardianship, that you are going through your state’s official website for information.



***When your child reaches the age of majority, he/she may register to vote, and if your child is a male, regardless of the disability, he must register at 18 for the draft. Also, if an adult does not acquire a driver’s license, a state identification card should be issued.***

## Guardianship

When determining whether one needs a court-appointed guardian, all areas of decision-making and personal welfare must be considered. For example, will the individual be able to seek appropriate medical care and follow medical advice? Will he/she be able to make sound financial decisions and understand contracts and other legal documents before signing? Will he/she be able to understand laws and safety regulations? Will he/she be able to provide his/her own personal care such as proper food, shelter, clothing, etc? If not, it is likely he/she will greatly benefit from having a guardian. A guardian is not a caretaker, but a person in charge of managing decisions in areas granted in the guardianship.

You should also consider whether your son or daughter could be assisted by any means short of guardianship. For example, sometimes a person who needs help to make medical decisions can appoint a health care agent to act on his or her behalf. A person who receives government benefits such as Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) can have a representative payee manage them.

## Health Insurance

Currently (2017), until healthcare laws are changed, if your policy offers dependent coverage, insurers must cover dependents on a parent/guardian's plan up to age 26, and cannot restrict this coverage. You can also see if your child is eligible for Medicaid by going to [healthcare.gov](http://healthcare.gov). For families whose earnings are too much to qualify for Medicaid, each state offers CHIP (Children's Health Insurance Coverage), which provides low-cost coverage for children and teens. You can visit [insurekidsnow.gov](http://insurekidsnow.gov) to determine eligibility.

## Key Terms for Planning For Legal Decisions



**Guardianship:** the position of being legally responsible for the care of someone who is unable to manage their own personal and health-related affairs. There are two types of guardianship -- general, in which the guardian takes complete decision-making authority for an individual who is incapacitated or unable, and limited, which is when a guardian only has authority to make decisions in specific, pre-determined areas.

**Power of Attorney:** A power of attorney is a document one can use to appoint someone to make decisions on their behalf. The person designated is called an "attorney-in-fact." The appointment can be effective immediately or can become effective only if the appointer is unable to make decisions on their own. This would be used if your son or daughter is independent enough to appoint you, and has the ability to make personal welfare decisions on their own.

**Health Care Proxy:** When an individual has legally appointed another person, or agent, to make health-care related decisions on their behalf, due to their own incapability of making and/or executing healthcare decisions stipulated by the legal document.

### TIP

**To determine Medicaid eligibility, visit [healthcare.gov](http://healthcare.gov).  
For CHIP (Children's Health Insurance Coverage) eligibility, visit [insurekidsnow.gov](http://insurekidsnow.gov).**

## Special Needs Trust

The most important thing to know about a special needs trust is that it is the only way to protect an individual with disabilities from losing government assistance such as SSI, Medicaid, subsidized housing, and vocational rehabilitation in the event they gain a settlement, an inheritance, or other financial assets or assistance from family. Also, a special needs trusts address specific needs of the person with disabilities, where other trusts do not. Unlike a will, when assets are acquired through a special needs trust, the beneficiary does not have control over the management of the funds. Because trustee maintains control, government program administrators ignore the trust assets when considering eligibility. Also, in the event a person is sued, the special needs trust cannot be touched, as it is not subject to judgment unlike wills and other trusts. There are many “do-it-yourself” guides, and as long as required language is included, a lawyer is not required to set up a special needs trust; however, especially in the event of a settlement, state laws may be complicated, and a lawyer would be beneficial.

## PART III: Employment Options & Residential Programs

Finding the right fit for an individual with autism is key. Employment is a large factor in living a meaningful, and happy life, making it important to explore all options for individuals who aren’t able to hold a job with typical workplace demands. Many times, special interests and talents play a role in finding an employment opportunity that is a good match.

Skills, physical demands, and social demands that are required for a job should be heavily considered, which is why it is so important to work on experience and preparation during the transition period in an IEP. Most people think of full or part time jobs with market wages and responsibilities when they think of employment. In fact, there are many supported and customized employment opportunities for individuals with special needs.



### Employment Resources

*Every state has a Vocational Rehabilitation agency that can help develop an Individual Plan for Employment (IPE).*

*Each state also has a federally-funded, self-governed Council on Developmental Disabilities that can help with employment and other services.*



## ***Day Habilitation Programs***

If an individual is not ready or able to be employed, there are other options available. Day habilitation programs provide structured activities and supports that allow individuals to participate in community activities. The programs typically focus on independent living skills and integration into the community. Day treatment programs, which take place in a facility instead of out in the community may also be beneficial for those needing therapeutic treatment.



## ***Housing and Residential Supports***

As with all transition factors, finding the best residential/housing opportunity for an individual with autism is completely dependent upon his/her unique needs and preferences. Some of the many things you may want to consider are:

- ✓ Location and access to public transportation, both for family to visit, and for the individual to be able to access the community
- ✓ How the residential program handles behavioral or medical emergencies, and what type of training the staff receives
- ✓ Interview some families with loved ones placed in the program you are considering.

Residential models and programs vary greatly, so it's important to know all of the options in your area. You can contact your state's Developmental Disability Council for more information on local options and resources.

For those who are suited best by, and able to purchase or rent their own apartment or house, there are federal programs designed to help affordability.

## ***Low Income Housing Tax Credit***



HUD Housing Choice Vouchers is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.

The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

***Visit [hud.gov](http://hud.gov) for a complete list of programs, eligibility, and application information.***