

Options for Supporting Choice

A look into supporting decision making in adulthood, transfer of rights, and other important topics for young adults with disabilities

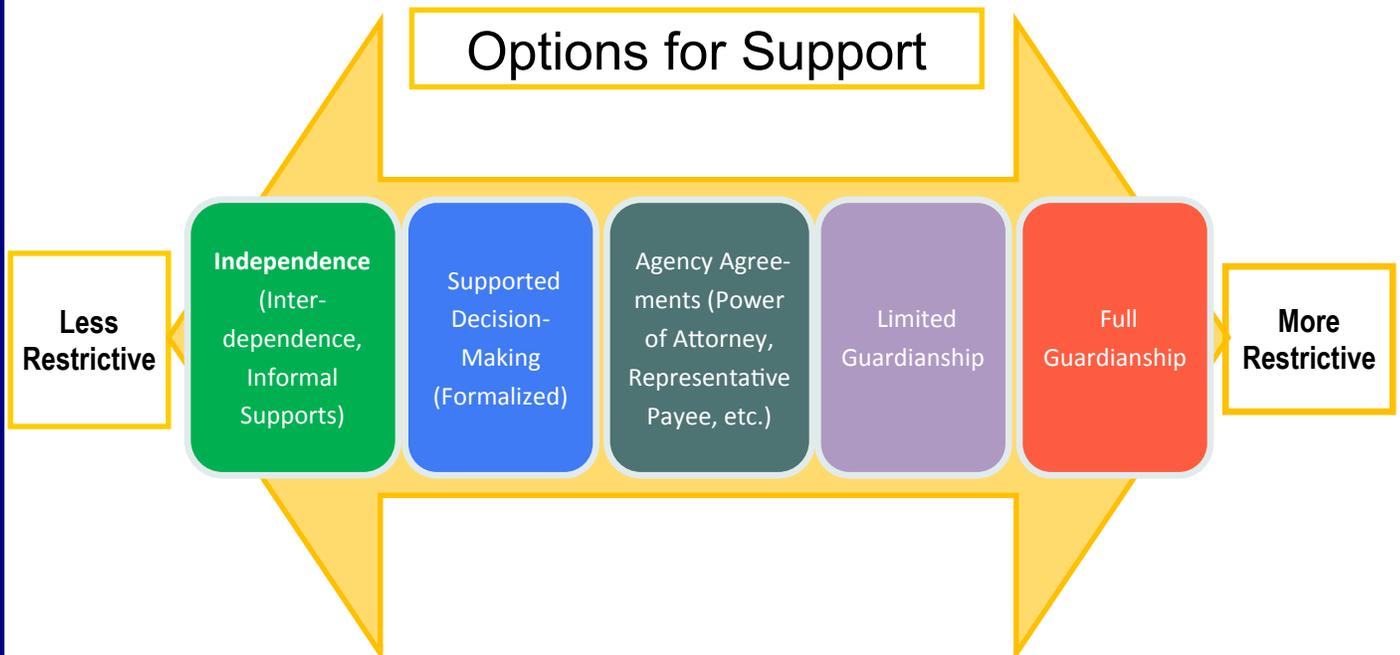
As a student receiving special education moves into adulthood (age of majority) at 18, there is a natural and legal transfer of decision-making power.

As this transfer occurs, some students may continue to need assistance with making decisions about their education program, or other aspects of adult life.

Consider what types of choices the student makes now, what kinds of support they receive from their family or teachers in making and practicing choices, and help the student think about the future and what, if any, supports they may need.

Informal advice or guidance from family and friends may be all some students need, but for those who would benefit from a more structured approach, there are a number of options.

This document will discuss alternatives which may be used separately or in combination to assist young adults to make decisions about education and other aspects of young adulthood.



Get the ball rolling! Start planning today.

In a student's first years of adulthood, it is important to understand what rights transfer to them, and how supporting choice for them is crucial. Here's what happens:

Transfer of Rights: Supporting Choice

EDUCATION 

At the age of majority, students with IEP's have the right to:

- Leave school or change placement
- Request a due process hearing to resolve disputes about their education
- Receive notice of and attend IEP meetings

Without the right supports, students could choose to drop out, becoming ineligible for some transition services.

HEALTHCARE 

At the age of majority, the healthcare rights that transfer to students include:

- The right to medical privacy
- The right to request changes in medication
- The right to consent to medical treatment

Arranging supports is a good way to ensure students are prepared to make healthcare decisions.

FINANCIAL 

At the age of majority, the financial rights that transfer to students include:

- The right to manage their finances
- The right to make living arrangements
- The right to sign contracts

While it is important to make financial decisions as a young adult, some of us need a bit of help.

WHAT TO DO NOW

As students reach the age of majority, and in the years shortly following, it is important to support their choices in all pursuits. Still, like many new adults, they need friends and family to help set them up for success. Encourage families to consult with experts and advocates. Help parents understand the importance of enabling their students to understand their options. Indiana Disability Rights has a great guide to give parents when they need to know about different options for

Reconsidering Guardianship

Options to support decision-making in adulthood

WHY LESS- RESTRICTIVE ALTERNATIVES?

Under the Family Educational Rights and Privacy Act, guardians began receiving “transfer of rights” letters one year before their children turn 18. These letters are to notify them that their student will soon inherit the rights of adulthood.

Parents and guardians may not fully understand what options are available if their student needs support. In many cases, less-restrictive alternatives allow the individual the most freedom to make decisions and come with similar risks seen in any young adult.

Quick Facts

Independence, inter-dependence, or another form of informal support: ways to help fill in the gaps in someone’s needs. It’s using technology, services or friends and family to help address a person’s needs.

Supported Decision-Making: a way to accommodate in the decision-making process. The person appoints “supporters” to assist the person with decision-making in a manner chosen by the person, in areas chosen by the person. The person retains ultimate decision-making authority.

Agency Agreements: Allows a person to appoint someone else to make decisions or act on their behalf in certain situations. Some examples include Power of Attorney documents, Healthcare Representatives, and Representative Payees.

Limited Guardianship: A court may limit the appointment of a guardian to a particular area or task; for example, a limited guardianship over the person’s finances and property where the person retains all other rights.

Full Guardianship: Unless limited by the court, a guardian is responsible for providing or supervising the protected person’s care; and ensuring their property, finances, and assets are properly preserved and managed. Guardians are also generally required to regularly inform the court on the status of these matters.

Supported Decision-Making: A New Option

Everyone wants more info about Supported Decision Making (SDM).
Let's answer some questions:

When can I seek it for a student?

A formalized SDM agreement can be completed for any adult. It can be used on its own, or combined with other supports to fit an individual's needs. Allowing people with disabilities this dignity of risk, like we do for most young adults, helps them improve their decision-making skills and leads to greater self-determination.

Who can utilize SDM?

Anyone! Every day people confer with those around them for advice before making choices big and small. This concept is SDM. Even people under guardianship can benefit from principles of the concept, as it can improve understanding of choices and consequences. SDM is an excellent model for individuals who want independence, but need a little help.

Why is this a good alternative to guardianship?

SDM doesn't need to be brought before a judge to be valid. SDM agreements can easily be modified over time. As well, SDM agreements serve as a great option for showing third-parties like doctors or other individuals' one's decision making capacity.

What is Supported Decision-Making

As of July, 2019, state legislation became effective that recognized SDM as a less-restrictive alternative to guardianship. SDM, while informally used by all, is a decision-making support where individuals consult friends and family before making decisions, but the person makes the final decision. Those who support someone, are typically deemed "supporters" in a SDM agreement.

Where do I find a SDM Agreement form?

There is no formal SDM agreement template, as it can be tailored to each person's unique situation. While it must be notarized, it is a flexible document that can be changed at different points of time to better meet the needs in one's life. The agreement can be used to show third parties like doctors that the person is able to make the decision themselves.

How does it differ from other alternatives?

SDM is a different type of assistance entirely. Placing the right supports around someone to empower the person to make their own decisions. With SDM, the person makes the final decision. For other arrangements like Powers of Attorney, the person can delegate decision-making to someone else. For guardianship, a court appoints someone to make decisions on the person's behalf.

SDM IS IN!

This infographic was created with content from Indiana Disability Rights. For more information, [click here](#).

What Now?

A quick list of resources for frequently asked questions

SUPPORTED DECISION MAKING

[LifeCourseTools.com: Includes handouts and graphics for determining supports](#)

CHARTING the LifeCourse™

[National information and sample S.D.M. Agreement](#)

National Resource Center for Supported Decision-Making
EVERYONE has the Right To Make Choices

[Indiana information on Supported Decision-Making](#)



[Planning document about Supported Decision-Making](#)



[Documents about Supported Decision-Making](#)



ADDITIONAL RESOURCES



[Information about saving money for people with disabilities](#)



[Statewide resource on special education with training opportunities](#)



[Advocacy opportunities for young adults with disabilities](#)



[Information about financial benefits for students](#)

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In a worrying trend [identified by the National Council on Disability](#), people with Intellectual and Developmental Disabilities are currently at a high risk of guardianship due to a “school-to-guardianship” pipeline.

Do what’s best for your student, look at options for supporting decision-making in the least restrictive way possible.