

What Happens When My Child is Legally an Adult?

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Q

My son with autism is 17 years old. I have heard that things change when he turns 18 years old. Would you mind explaining what happens?

A:

I will answer based on what generally happens in the USA, although it could differ in other parts of the world. When your son turns 18, he becomes a legal adult with all the same binding legal decision-making ability as any other adult. This means his financial decisions, his healthcare choices, his educational choices, and any of his other lifestyle choices are his and his alone to make.

He can certainly ask you for your input, and you can provide it, but his final decision in any of these areas will be binding, and the consequences of those decisions (good or bad) will be his responsibility. If you feel your son is ready for that responsibility, then no legal action is necessary. If you believe your son lacks the capacity to make these types of decisions, then you may want to consider becoming his legal guardian.



Becoming your child's legal guardian

Becoming your son's legal guardian means you are responsible for making decisions for your son. It means you are still invited to his IEP meeting at high school (if he is still in school), you will still be consulted by his doctor regarding his healthcare needs, you can sign contracts for him, and your decisions are binding.

In order to become your son's legal guardian, you must be approved and appointed by the court. This is a very specific process which begins with completing Guardianship paperwork that you can find at your county clerk's office. In most jurisdictions, you can apply for Guardianship yourself but, depending on your situation, you may want to consult with an attorney that specializes in Guardianship Proceedings.

Applying for government benefits

Another action step at age 18 is applying for certain government benefits. The government benefit most applied for at this time is SSI (Supplemental Security Income). The reason for applying for this benefit is because it is a monthly income and, once approved for it, your son will automatically be approved for Medicaid (if your son is not already receiving Medicaid benefits).

For most families, age 18 is the first time their child will be eligible for these benefits from a financial standpoint. Before age 18, social security considers the parents' income and assets in the qualification process. However, at age 18 social security will only consider the income and assets of your 18-year-old.

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It is imperative that you understand the financial requirements of receiving these government benefits so you can ensure your son has the best chance of being approved. Depending on your situation, it may mean you will need to do some financial planning and adjust the location of savings accounts or other assets.

Finally

Age 18 should also stir the thought process of adult life for your son. There is no specific action step to take, but you may want to begin entertaining conversations about future living arrangements (outside of your home), social groups, employment, volunteer opportunities, and day programs.


It will be important for you to begin learning about the options and the organizations that serve adults with a disability in your area. One place to begin this exploration is to consult with your high school advisors. It is likely they have a transition team, and many times you will begin to discuss this transition within your son's IEP.



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Ryan is the Founder of [A Special Needs Plan](#). For more information on how to prepare for the future, be sure to contact a financial advisor who specializes in serving families with special needs. A Special Needs Plan is driven by their purpose of leading families to independence through an ongoing multi-generational plan. A Special Needs Plan is passionate about families confidently moving forward. 101 N. McDowell Street, Suite 120 Charlotte, NC 28204 704-326-7910

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