

# Transition Briefs for Families

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## Guardianship: Yes? No? Maybe?

Turning 18 is an important milestone for all of us. Magically, at this age, we are suddenly **adults**, responsible for making our own decisions. Where do we live? How do we “earn our keep”? How do we manage our money? There is a definite shift in roles from relying on our families to help us make decisions to becoming our own legal guardian, responsible for making our own decisions.

For family members or caregivers of a young adult with disabilities, the “transfer of rights” from the caregiver to the young adult at age 18 can be especially concerning. The young adult is now legally responsible for all aspects of his or her life, minimizing the role of the caregiver. All of a sudden, medical personnel cannot share information with you about your youth. Financial issues, including paying bills and handling how money is spent, is no longer something you are allowed to do. From an education perspective, you may no longer be considered a member of the IEP team and are unable to participate in making educational decisions.

In response to these concerns, many caregivers will seek “**guardianship**” as a way to be

involved in their youth’s life after he/she turns 18. The following “Frequently Asked Questions” (FAQs) offer information and guidance regarding this complicated issue.

1. **What is a Guardianship?** A legal proceeding in which a person is appointed by the court to make decisions for an individual who does not have the capacity to care for him/herself in some way. Although not always, that person is most often a family member.
2. **How do I determine whether Guardianship is the right thing to do?** It is difficult to hear the word, “incompetence” or “incapacity” about those we love and care for. But, if you think about “level of function”, and ask more specific questions, you can determine what is right for your situation. Can your youth make his/her own medical decisions? Can he/she make decisions about housing, food, and clothing without assistance? Is he/she able to make independent decisions about available public benefits and other financial matters?

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For More Information on Transition or Other Topics Related to Deaf-Blindness

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or visit our website at [www.indstate.edu/blumberg/db/deafblind.htm](http://www.indstate.edu/blumberg/db/deafblind.htm).



3. **Is Guardianship the only option?** Absolutely not! There definitely are alternatives to guardianship. The goal is to ensure that your young adult will be supported to live as independently as possible by whatever means are available. There may only be certain areas in which he/she may need help (e.g., healthcare decision-making, supported living services, approving behavior plans, finances) that don't require full guardianship. More specific information about the various levels and types of guardianship can be found at <http://www.arcind.org/future-planning/guardianship/>.
4. **Who can help?** Start with your IEP team. Beginning as early as the first year of high school, you should begin to get or ask for information about the "transfer of rights" and what that means for you and your young adult as he/she reaches the age of 18. Please, as much as possible, include your youth in these decisions regarding guardianship. Even if guardianship is the only option, it is important to try to limit the extent of guardianship as much as you are able, so that your young adult can make as many of their own decisions as they can.
5. **Where can I find out more information about "Guardianship"?** The information in this brief is general and not intended to present the guardianship rules for Indiana. If you choose to seek guardianship in Indiana, you will need to check the specific laws or consult with an attorney specializing in guardianship issues. For more information on guardianship specific to disabilities, please go to:

**Arc of Indiana Guardianship Information and FAQs**

[www.arcind.org/future-planning/guardianship/](http://www.arcind.org/future-planning/guardianship/)

**When Your Child Turns 18: A Guide to Special Needs Guardianship**

<http://www.friendshipcircle.org/blog/2012/10/16/when-your-child-turns-18-a-guide-to-special-needs-guardianship/>

## Who Can Help in Indiana?

### ARC of Indiana

The Arc of Indiana is committed to all people with intellectual and developmental disabilities realizing their goals of learning, living, working and fully participating in the community. Although you will need to consult an attorney for assistance with your specific case, the Arc of Indiana has wonderful information on guardianship and various alternatives. Go to [www.arcind.org/future-planning/guardianship/](http://www.arcind.org/future-planning/guardianship/) and see how they can provide information and support!