

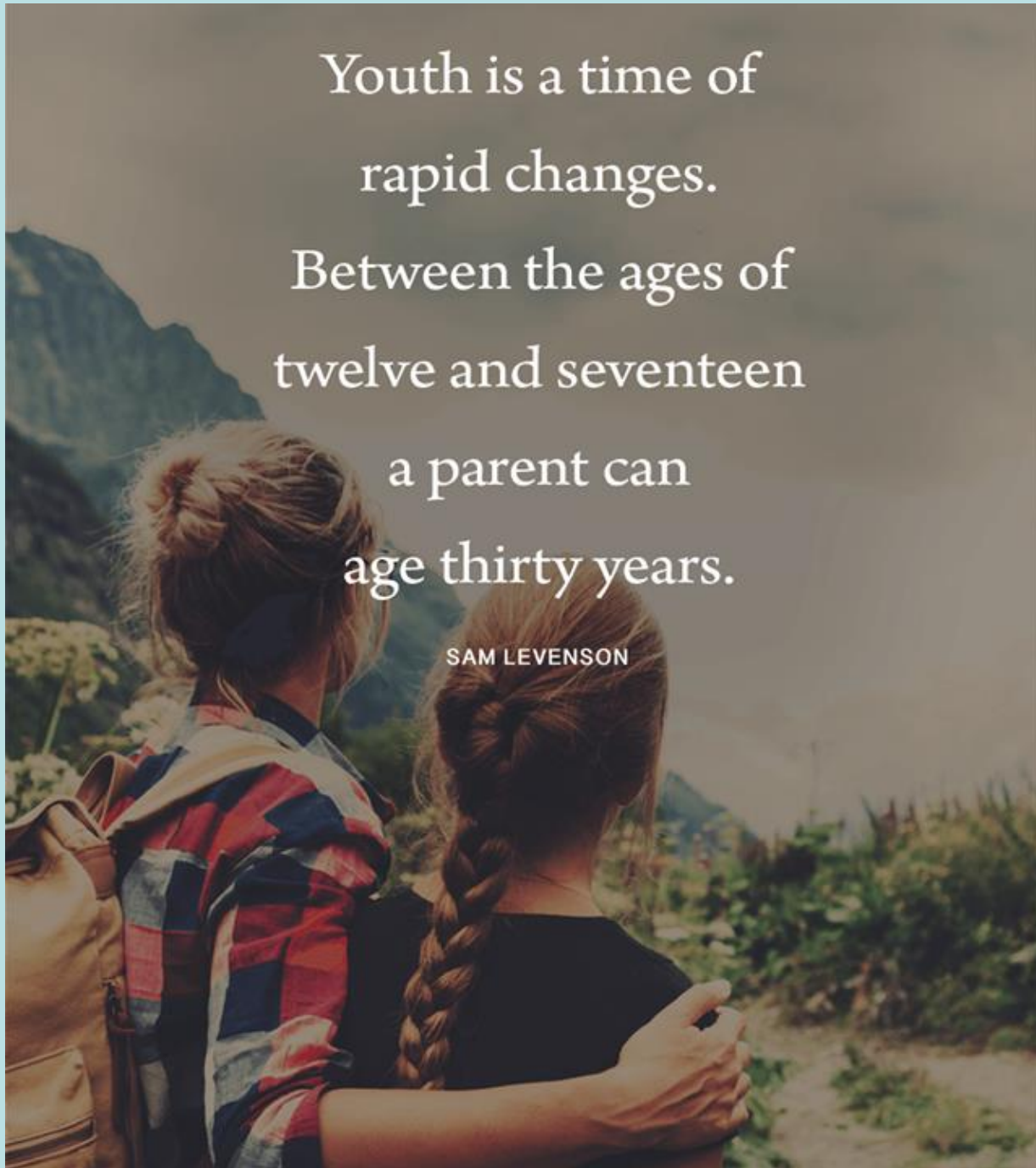
Coming of Age, The Musical

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Youth is a time of
rapid changes.
Between the ages of
twelve and seventeen
a parent can
age thirty years.

SAM LEVENSON



**HAPPY
BIRTH
DAY**

What happened??



I'm 18...Now What?

**BIG CHANGES
AHEAD**







Voting Facts

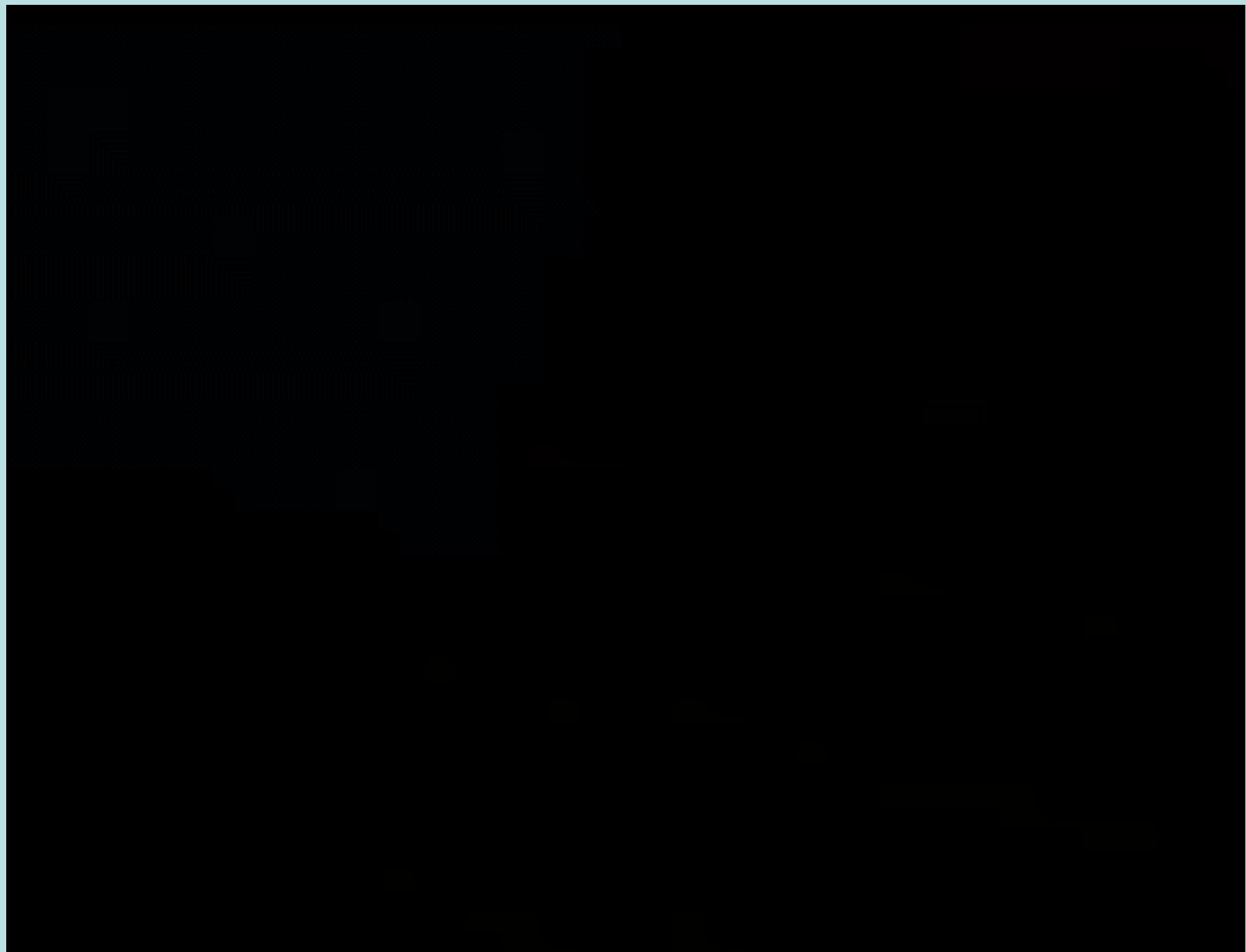
To vote in Virginia, you must:

- ✓ Be a U.S. citizen and a Virginia resident.
- ✓ Provide your social security number.
- ✓ Be at least 18 years old.
- ✓ Have one valid ID (see <http://elections.virginia.gov/casting-a-ballot/in-person-voting/>).
- ✓ Not be registered to vote in any other state.
- ✓ Have your rights restored if you have been declared incompetent or been convicted of a felony.

When to Register

NOW!!

- ◆ General/Primary Election: 22 days before election
- ◆ Special Election: 13 days before election
- ◆ Special Election Called by the Governor: 7 days before election



Selective Service

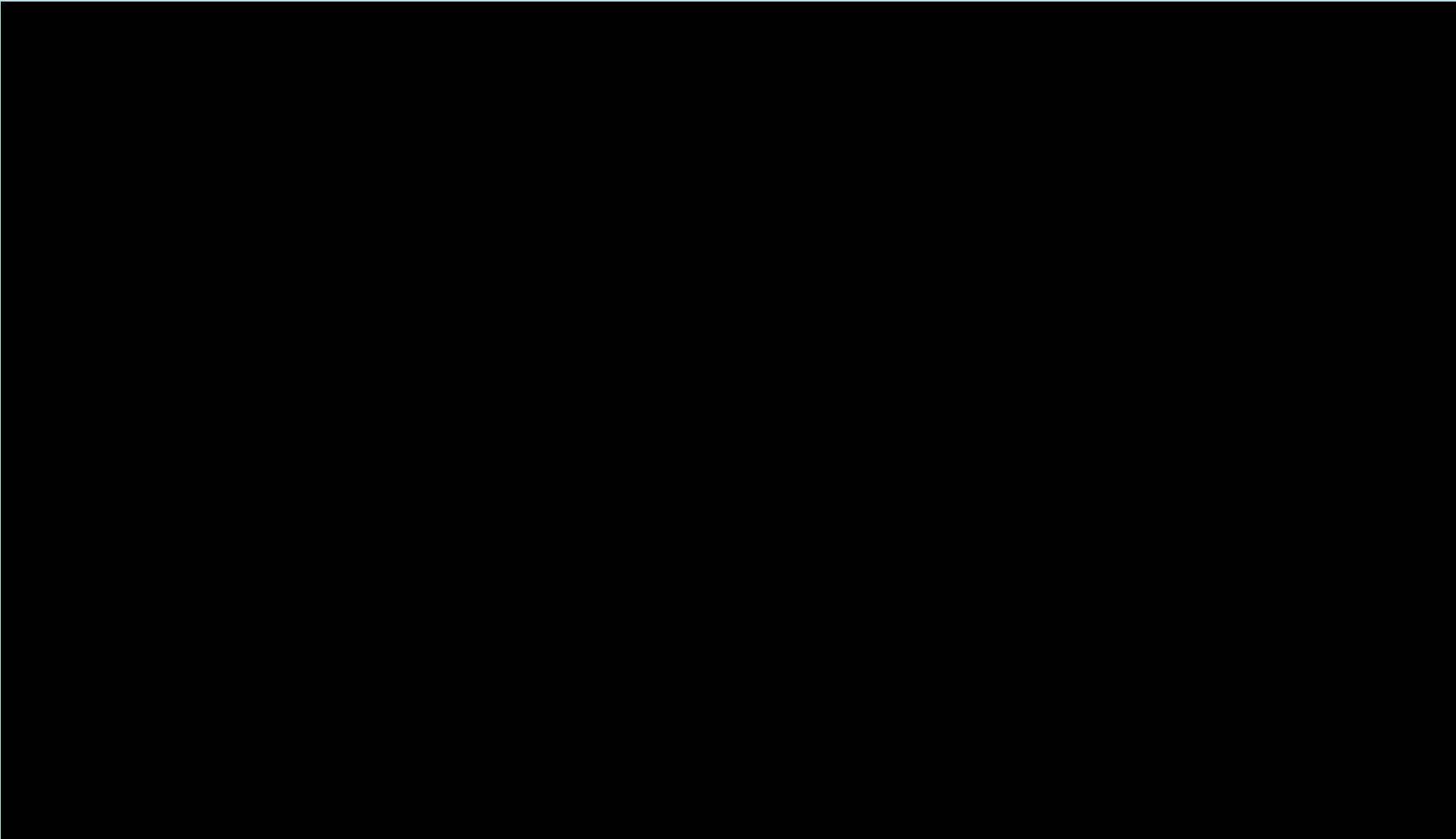


www.sss.gov



Selective Service

- All males must register for selective service within 30 days of his 18th birthday. regardless of any disability.
- There are a few narrow exceptions, but it is safe to assume that every man must register.
- Register online at www.sss.gov; get form at the post office; or ask guidance counselor for assistance.



Health Care



Changes at Age 18

- Transition from pediatric to adult providers
- Parent's right to be in the room
- Decision-making authority

Capacity

The ability to:

- Take in information;
- Make an informed decision; and
- Communicate your decision.

Supported Decision Making

- An adult makes all decisions about health care, finances, education, housing, etc.
- We all need support at some points in our lives to make big (or not so big) choices.
- Needing support to make a decision does NOT equal incapacity.
- Guardianship is NOT the only tool in the toolbox!

Alternatives to Guardianship

- WHY??
 - Takes away basic rights.
 - Is the most restrictive choice.
 - Involves stigma and humiliation because the person is declared incompetent.
 - Is expensive.
 - Is often unnecessary.
 - Is usually permanent.

Some Rights Lost in Guardianship

- Make treatment decisions
- Decide where you live
- Marry and divorce
- Vote
- Enter contracts
- Make a will or Advance Directive
- Revoke a will
- Drive
- Possess a firearm
- Buy, sell or rent property
- Decide how your money is spent (conservatorship)

Is Guardianship a Bad Thing?

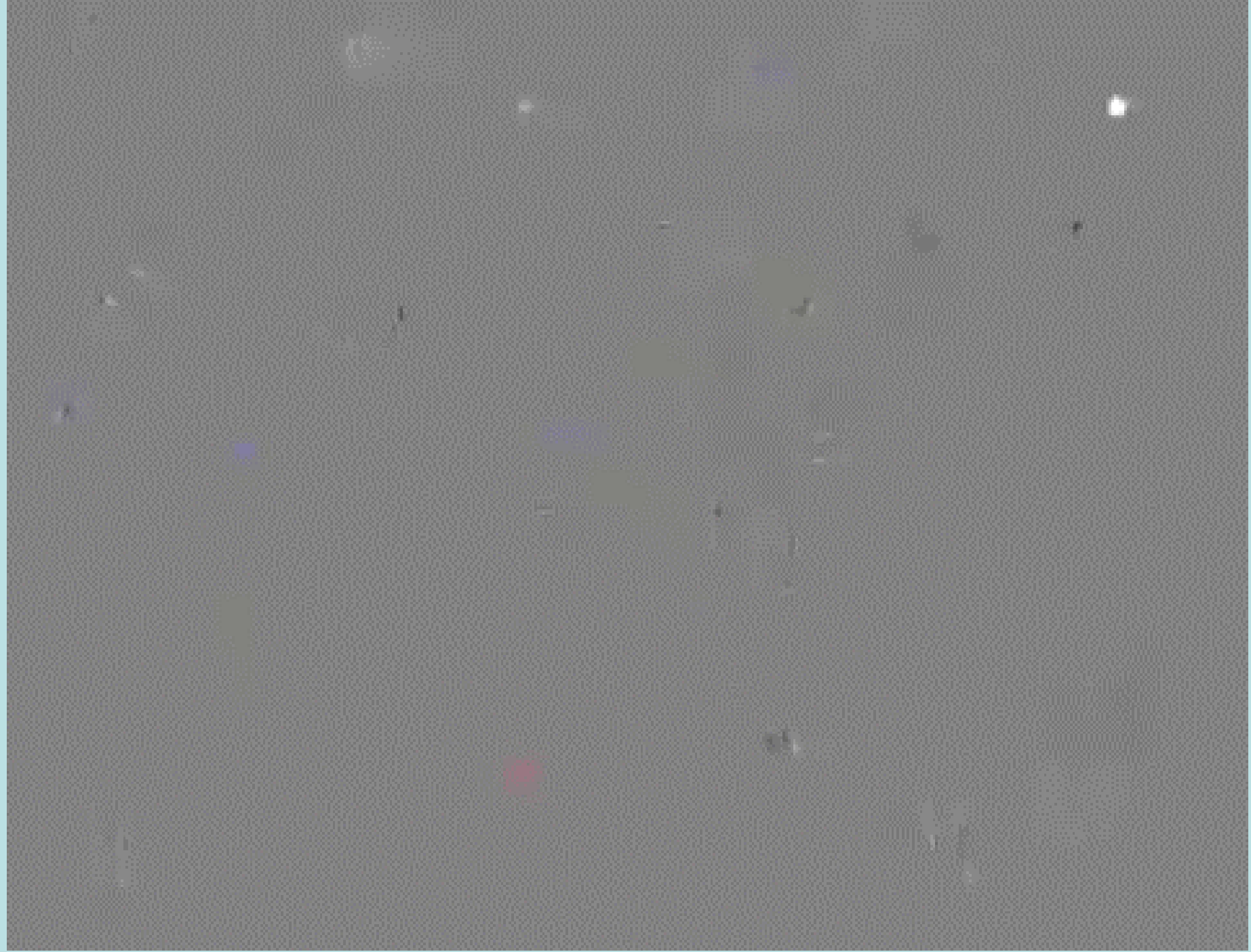
- No, it's a tool in the toolbox of decision making.
 - ▶ Guardianship may be necessary and appropriate in some situations.
 - For a person who has never had capacity and will probably never gain capacity.
 - For a person who is facing a major decision for which he lacks capacity (limited guardianship should always be considered).

Why Are Alternatives Better?

- ▶ Inexpensive
- ▶ Easy to revoke or change
- ▶ Person-centered and allow the person to make his or her own decisions whenever possible
- ▶ Often done without an attorney
- ▶ Simple (“legalese” not necessary!)

Advance Directives

- ▶ Naming an alternate decision maker: **Power of Attorney**
- ▶ Instructions about end of life care: **Living Will**
- ▶ Medical decisions other than end of life: **Medical Directive**



Finances



Supported Decision Making

Needing support with financial decisions does not equal incapacity!

- ▶ Representative Payee
- ▶ Trust fund
- ▶ Direct deposit
- ▶ Automatic bill paying program
- ▶ Joint accounts & joint property

SSI - New Application

If client did not receive SSI as a child because of the family's resources, he can apply for SSI at age 18 on his resources as long as he has less than \$2000 in assets and does not earn more than Social Security allows.

Child Disability Benefits

- If client received CDB as a minor because a parent was retired, on disability, or deceased, at age 18 he will have to apply and meet the adult standard for disability to continue these benefits.
- Client can apply for the CDB any time after age 18 when a parent retires, begins receiving a disability benefit, or dies. He will have to prove his disability began before age 22 and meet all other rules. This benefit will replace an SSI benefit which is often less.

SSI - Age 18 Redetermination

- If client received SSI as a disabled child, he must go through a redetermination at age 18 and must meet the adult rules.
- Receiving SSI as a child does not mean a person will qualify for SSI as an adult.
- If SSI is denied at the redetermination, benefits end after 2 months.

Section 301 Rule

- If SSI is denied at the Age 18 Redetermination, client may still qualify for continued SSI benefits under Section 301 IF:
 - He remains in high school past age 18; or
 - He is receiving vocational rehabilitation, training or education.

Section 301 Rule

- Used to support a person while he makes efforts to work and increase his independence as long as he is involved in an approved program.
- Person must tell SSA that he wants to claim Rule 301 benefits and must have proof of attendance in approved program.

SSI- Working

- During the Age-18 Redetermination, any earnings will not be considered.
- If client is regularly attending school, he can earn up to \$1870 per month or up to \$7550 per year (2019 figures).

SSI:

Adult Definition of Disability

- Some conditions are assumed to be disabling, others are not.
- In general, in order to qualify for SSI as an adult, your disability must:
 1. significantly limit your ability to work;
 2. be expected to last a year or more; and
 3. prevent Substantial Gainful Activity

One-Third Reduction

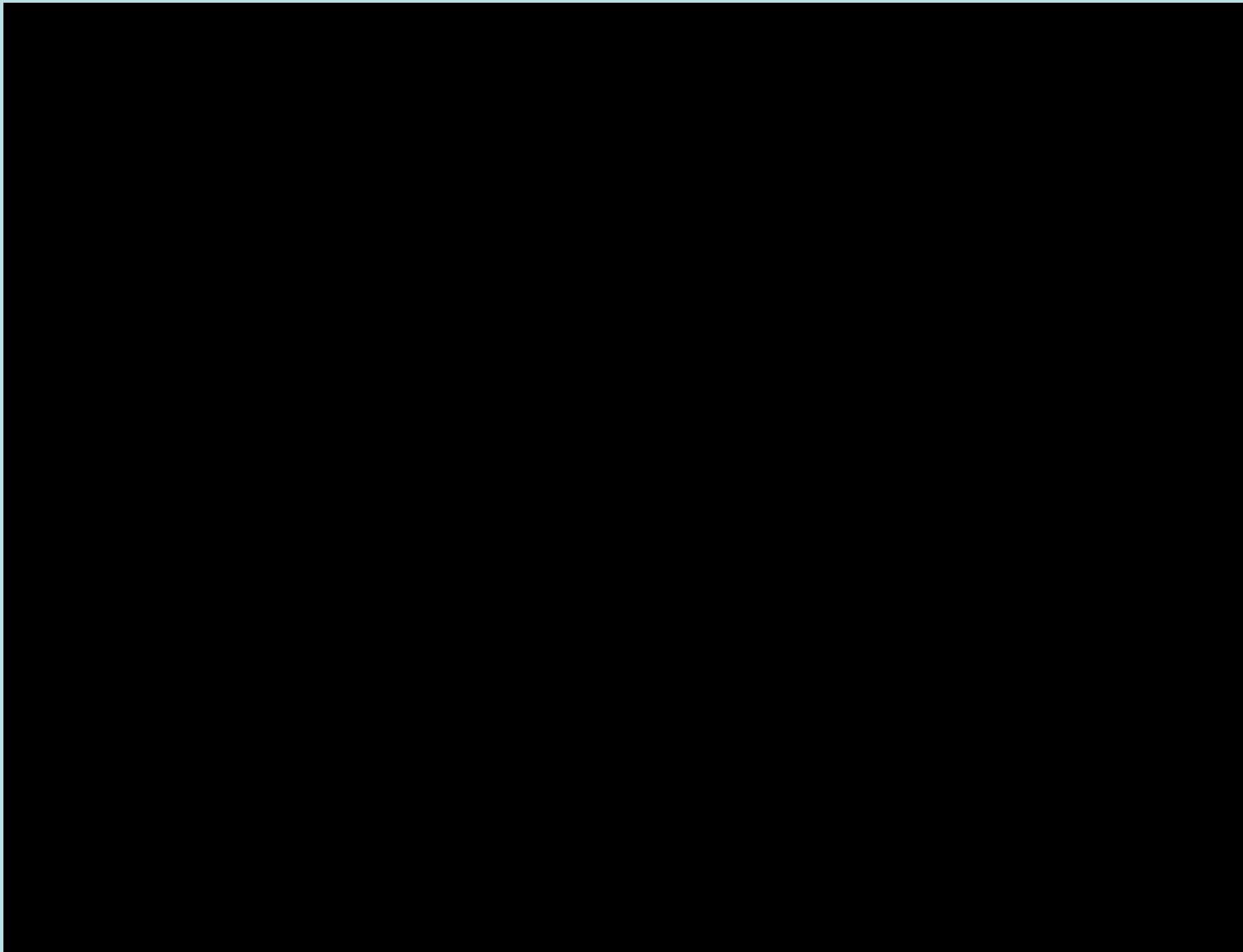
- When an adult SSI recipient lives with family or friends and doesn't pay his share of household expenses, his SSI benefit will be reduced by one-third.
- In 2019, the SSI amount is \$771. If a person does not pay his fair share of expenses, his benefit goes down to \$514.

Avoiding the 1/3 Reduction

- Submit a simple statement to SSA stating SSI recipient will pay his “fair share” of household expenses or rent space in the home at a “flat rate”.
- The amount the person pays must be under the total SSI amount (\$771 in 2019) or SSA will determine he can't afford it and will apply the 1/3 reduction.

Estate Planning

- SSI and Medicaid Asset Limit
- Special Needs Trust



Relationships and the “S word”



Feelings May Be Adult, But...

- It's important to have conversations about what is acceptable and what is not.
- If an adult acts on feelings without understanding the consequences, those actions could affect the rest of his life.
- Parents (and some providers) have a hard time accepting that people with IDD have these feelings and do not talk about it.

Lifelong Consequences

- People with IDD are often drawn to people who are younger. Once an individual turns 18, this becomes a serious issue because they may engage in activities with minors that will lead to criminal action.
- Statutory rape does NOT require intent! If an adult has sexual relations with a minor, he could face criminal charges.

Legal System



You Have the Right to Remain Silent...

- Minors can ask for a parent to be present during questioning and once he asks for his parent, police must stop questions until the parent arrives. This is NOT the case with adults, even adults with disabilities.
- People with IDD often answer questions in ways they think the questioner wants them to.

You Have the Right to an Attorney...

- It's very important to prepare individuals for any interaction with law enforcement.
- For individuals who may not understand the finer points of the legal process, just teaching them to say "I want a lawyer" in response to any question from the police will protect them. (This is good advice for everyone!)

Does Guardianship Protect Against Criminal Charges?

- A person with a guardian can be arrested, questioned, convicted and imprisoned.
- Test of capacity is different in these contexts:
 - Guardianship
 - At the time of the offense
 - To stand trial
 - To be executed



planning

living, change, working, collaboration, post-secondary, preparation, success, team, possibilities, support, prepared, assessment, systemic, confident, exciting, relevant, independence, employable, exploration, supports, services, ongoing, necessary, future, employment, learning, career, imperative, adulthood, challenging, outcomes, self-advocate, education, bridge, college, movement, life-changing, coordination, linkages, connections, inclusive, continuous, breakthrough, skills, community, life-long, work, careers, experience, limit, competence, and vocation.



Changes in Education

- When a student turns 18, all rights under the IDEA transfer from the parent to the student.
- Students who want their parents to maintain rights in the IEP process can sign an Educational Power of Attorney. The student still maintains ultimate decision-making authority, but the parent has a seat at the table and a voice in the process.

Transition Services

- Supports that help students with disabilities prepare for life after high school.
- Examples of these services are:
 - Working: identifying interests; evaluations to determine what supports will be needed; developing skills by working
 - Continuing Education: looking at college programs or career training schools
 - Daily Living Skills: determining what supports are needed for independent living

Transition Services

- Transition Services must be written into the student's IEP
- If a student disagrees with his transition plan or the transition services he is receiving (or not receiving), he can ask for mediation, request due process or file a complaint with the Virginia Department of Education.

College

Programs for people with IDD

- George Mason: Mason LIFE
- VCU: ACE-IT in College; School 2 Work;
- Northern Virginia Community College: College Steps
- J. Sargeant Reynolds Community College: Program for Adults in Vocational Education (PAVE); Courage to Succeed

Accommodations in College

- Education Accommodation: any change or adjustment to required tasks or the classroom that allows students with disabilities to have an equal opportunity to experience education just like other students.
- Accommodations provided in an IEP do NOT apply in college.
- Contact the college's Disability Support Services Office early to discuss support needs.

Info on Continuing Education After High School

- Virginia DOE: College Planning Resource Center; College Guide for Students with Disabilities
- Think College
- U.S. DOE: Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities
- VCU Center on Transition Innovations

Employment

- The American with Disabilities Act (ADA) protects individuals with disabilities from discrimination in employment.
- An employee has the right to ask for an accommodation to help perform the job.

Other Options

- Post-High School Programs
- Day Support Programs (center- and non-center-based)
- Volunteer in the Community
- Prevocational/Job Skill Development
- Supported Employment

And for parents...



You can't touch this
You can't touch this
You can't touch this
You can't touch this
You can't touch this

WHAT???

- Parents are often shocked to learn how their own rights are affected by their child reaching adulthood.
- They may see changes in how they are treated in many settings:
 - Doctors' offices
 - School
 - Bank
 - Insurance Company (including Medicaid)
 - Social Security

Laws Affecting Parent Access

- The Big 2:
- HIPAA (medical)
- FERPA (educational)—protects parents access to school records of minors but the right transfers to the student at age 18

Thanks!

For more information about
all of these topics (and more!),
go to

dlcv.org/coa

