

## Tips for Guardianship and Alternatives



When your child on the autism spectrum reaches the age of majority – which is 18 years old in most states (double check to see if this is so in your state) - they are legally recognized as an adult. This means that you as a parent no longer have the same legal rights in decision-making on behalf of your child’s medical care, finances, and education. As your child approaches adulthood, consult with professionals such as attorneys, financial planners, and others to help you make critical decisions about your child’s future. There are a number of routes you can consider including guardianship, conservatorship, and other alternatives.

**Guardianship** is a court-ordered arrangement in which one person is given the legal authority to make decisions on behalf of another person whom a court has deemed to be “incapacitated” or incompetent to take care of their own needs. For parents, the decision to seek guardianship can be a difficult one to make. You may want to protect your child with ASD, but there may be some areas where they can make decisions on their own.

As you consider how much independence your child will hold and the amount of authority, assess the variety of ways your child may need assistance. Consider the following areas:

<ul style="list-style-type: none"> <li>• Medical care</li> <li>• Education</li> <li>• Finances</li> <li>• Vocational rehabilitation</li> <li>• Adult services</li> <li>• Transportation</li> </ul>	<ul style="list-style-type: none"> <li>• Living arrangements</li> <li>• Legal matters</li> <li>• Self-care</li> <li>• Daily living activities</li> <li>• Safety</li> <li>• Communication</li> </ul>
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Below we provide an overview of obtaining guardianship and its alternatives. Refer to your local legal services for more information as it applies to you and your family. You can also learn more with the *Special Needs Alliance*, which is a national organization comprised of attorneys committed to helping individuals with disabilities and their families. They have additional resources on their website and a newsletter with information about legal services.

**Special Needs Alliance Website: <https://www.specialneedsalliance.org/>**

## Guardianship

All types of guardianship and conservatorship require court action and begin with a petition filed at the clerk's office at your local courthouse. From there, the clerk's office will begin guardianship proceedings.

### Full or General Guardianship

- Broad control and decision-making authority
- May be appropriate if your child is unable to meaningfully participate in important decisions that affect them



### Limited Guardianship

- Make decisions in only some specific areas, such as medical care
- May be appropriate if your child can make some decisions on their own

### Conservatorship

- Manage only finances, there is no authority to make decisions regarding medical care, education, etc.

## Alternatives to Guardianship

The following section provides alternatives to guardianship that require little to no court action. These options benefit families who have decided with their child that they need some support in specific areas and are independent in others.

### Financial Power of Attorney

- Make decisions primarily about financial management in financial management

### Educational Power of Attorney

- Access to educational records and make decisions concerning Individualized Education Plans (IEPs) and post-high school education

### Healthcare Proxy

- Make decisions about medical care

