

A WAZE TO ADULTHOOD

Do You Know....



Fact Sheet for North Carolina's Parents Decision-Making Options for Young Adults with Disabilities

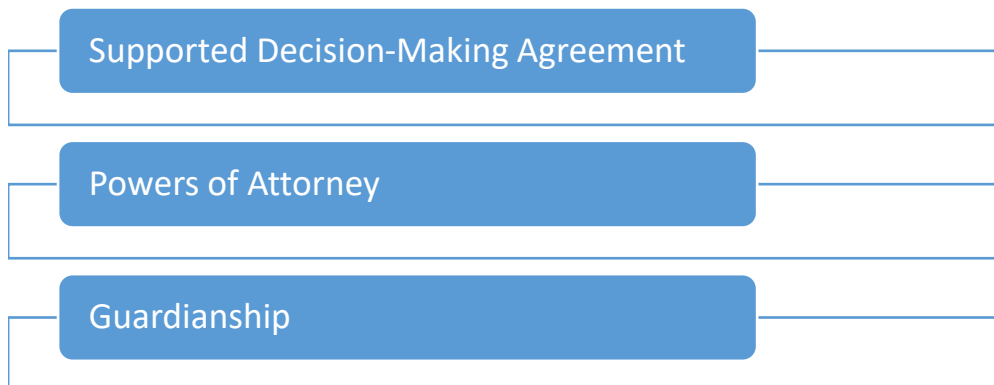
My Child is Turning 18. What do I do?

Turning 18 is a big deal. Your child becomes an adult at 18 and all the privileges and responsibilities of adulthood transfer to them. This includes the authority to make decisions for themselves. This is a good thing. It is the gateway to adult life. But it can also be a scary time if you and/or your child believe they are not ready or able to make their own decisions. Thankfully, there are options available.

Everyone needs some help making decisions. Some people may ask others their opinion on whether to take a job, or they may have someone who helps them with their taxes or understand a contract. But some people with disabilities may need more or different kinds of supports. They may need help in making important decisions or if they have a significant mental or cognitive disability, they may need someone to make decisions on their behalf. For example, individuals with significant intellectual disabilities or dementia may need a substitute decision-maker.

It is best to use the least restrictive option available to you and your adult child if they need help making decisions. That way your child's rights as an adult will be preserved.

Here are important options from **LEAST RESTRICTIVE** to **MOST RESTRICTIVE**.



Resources

[Guardianship | North Carolina Judicial Branch \(nccourts.gov\)](http://nccourts.gov)

[NCCDD - Making Alternatives to Guardianship a Reality in North Carolina](#)

[North Carolina | Supported Decision Making](#)

[Parent Center Hub Parent Guide to Getting Ready for the Age of Majority:](#)

[P2P USA - Supported Decision-Making & Alternatives to Guardianship](#)

[PEATC Resources on Supported Decision-Making](#) (click on the Supported Decision-Making tab on the page)

[Sample Powers of Attorney](#)

[Supported Decision-Making in North Carolina – Massachusetts Guardianship Policy Institute](#)

Contact your PTI

Exceptional Children's Assistance Center

704-892-1321/800-962-6817

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Fact Sheet for North Carolina's Parents

Supported Decision-Making Agreements (SDMAs)

Supported decision-making can be informal or formal. If formal, the person with the disability enters into an agreement with supporters they choose. It can be a written plan and is changed as needed. There is no court process involved. An SDMA can cover health, finance, education, employment, housing, and more. The person and their supporters talk about the types and levels of supports needed. Supporters help inform the individual, ask questions, and go over options, but the individual with the disability makes the decisions and maintains their rights.

Powers of Attorney (POA)

Powers of Attorney are a form of supported decision-making. Under a POA, the person with a disability authorizes another individual (parent, spouse, friend) to make decisions on their behalf in certain circumstances. There are educational POAs, healthcare POAs, financial POAs, and general POAs which are more global in their authority. Some POAs are in effect all the time; other POAs only go into effect if the person becomes incapable of making the decision (e.g., they were in a car accident and are not conscious.) For a POA to be legal, the person with a disability must be competent to sign it. This means they must know what they are signing and understand the authority they are granting under the POA.

Guardianship

Guardianship is the most restrictive option. The individual with a disability is determined incapacitated (unable to make their own decisions) by the court and a judge appoints a guardian to make decisions on their behalf. In North Carolina, there is a **Guardian of the Person** who is responsible for the personal decisions of a person the court deems incapacitated, including decisions about personal care, health care, education, and residence. The court can also appoint a **Guardian of the Estate** responsible for managing the estate and financial affairs of a person the court deems incapacitated. A court-appointed **General Guardian** performs all these responsibilities. There are also **limited guardianships of the person, the estate, and general guardianships** in which a guardian is appointed for specific areas such as health care decisions or managing a bank account, but the individual maintains other decision-making rights. Some people with significant disabilities need guardianship, but it is a decision that should be entered into carefully. It can be costly and difficult to reverse. North Carolina law encourages courts to consider limited guardianships tailored to the needs of the incompetent person.

EDUCATIONAL REPRESENTATIVE

An **educational representative** is a competent adult authorized to make educational decisions on behalf of an adult student that is determined to **NOT be competent** to make their own educational decisions.

In North Carolina, if there is no court-appointed guardian or competent adult with power of attorney, **two professionals will assess the student** to see if they can understand the nature, extent, and consequences of a proposed educational program, evaluating the benefits and disadvantages of options or meaningfully communicating their understanding.

If the student is **certified as "incompetent"** the parent will be appointed to act as their educational representative. If a parent is not available, another family member or surrogate parent will be appointed. **The student or someone who knows the student can challenge this decision.**

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