

Preparing for Age 18 - Considerations

Legal Rights and Responsibilities

Social Security

- Benefits Counseling by a WIPA**
Make a referral in advance of age 18 so that the youth and family benefit from this Social Security expert.
- Redetermination with Social Security using the adult definition of disability.**
Watch for letter from Social Security
May utilize Section 301 to maintain current SSI Status
PROMISE enrollees are eligible for 301
Provide a copy of the ASPRIE Services Plan with goals, VR Individual Plan for Employment or other evidence of a formal plan with employment goals
- Representative Payee**
If the youth is unable to manage their SSI money, Social Security will assign a Representative Payee
- Working and accruing retirement credit**
If the youth is employed, he or she will be accruing credits for retirement and SSDI. When sufficient credits are earned to be eligible for SSDI, the youth or young adult may collect both SSI and SSDI and will need to follow all the rules for BOTH

Selective Service

- All males are required to register with the Selective Service within 30 days of turning 18 unless institutionalized or hospitalized.**
Refer youth to www.sss.gov to register online or to the local post office to complete the form
Registration is required in order for the youth to be eligible for federal student financial aid or government employment.

Special Education – Transfer of Rights

- All parental rights under IDEA automatically transfer to the young adult unless guardianship is in place**

Both parent and young adult sign that they understand this.

Schools are still required to 'inform' the parents, but the young adult has the right to not invite their participation in the IEP process.

FERPA - Family Educational Rights and Privacy Act

- All educational records are confidential and accessible to the parent and youth. At age 18, this right transfers to the young adult.**

Young adult must provide consent in order for others to have access to records unless guardianship is in place, there is evidence of power of attorney for educational decisions, or the student is a dependent for tax purposes. This applies to high school or post-high school programs in public education and in post-secondary education

HIPAA - The Health Insurance Portability and Accountability Act

- Presumes all health records remain confidential, with no access by others, unless specifically given, or guardianship is in place**

Consent signed annually at the point of medical service

Register to vote

- Voting in local, state and national elections are Americans may vote at age 18 unless declared incompetent by a court of law, including if the individual has a guardian.**

Federal law - all voting locations must be accessible. Everyone should be able to enter polling locations and navigate the space. This includes the parking lot and walkways.

States determine the identification needed. State laws govern the extent to which an individual has the right to be assisted by others in the process of registering and voting.

Look for options - State and municipalities may offer of early voting, vote by mail, online voting, absentee voting and more.

The Legal Acronyms

- Learn what laws, protections and responsibilities apply under the many federal laws.**

- IDEA
- ADA
- 504
- HIPAA

Understanding what each is, the differences, the roles and responsibilities of the parties
What resources exist to support this understanding by the young adult?

Other Areas to Attend to at Age 18

Identification

- Having a form of identification is necessary for many adult responsibilities and personal needs. Consider what is available and appropriate.

- Driver's license
- State identification card
- School identification card
- Other

Health Care

- Transition from pediatric to adult care.
Consider what options for continuing medical care are available.

- Health care and health insurance
Consider what options are available

- Medicaid
- Private Insurance

Guardianship

- A legal determination that a surrogate will make decisions for a person who is over the age of 18 and unable to make decisions due to some level of incapacity.**

Without guardianship, the 18-year old retains all adult legal rights

What are the types of guardianship in the state. For example: Plenary (Full) or Limited guardianship

- Medical
- Financial
- Education
- Residential and Habilitation, including daily support

What resources are available in the community to train and assist families?

Marriage - Household

- Relationships will impact the number in the household which impacts the eligibility for many public benefits.**

Household earnings may increase or decrease depending on the relationships or marriages
Recipients of Social Security Child Disability Benefits marry other CDB or lose the benefits.

Access in one's own name

- Adults may legally sign contracts**

Unless legal decision for guardianship assigns a surrogate to make decisions.

Contracts can include purchasing a cell phone plan, a vehicle, etc.

Other Resources to Consider

- Benefits Counseling by a WIPA
- Legal services for individuals with disabilities, including PABSS – Protection and Advocacy for Beneficiaries of Social Security
- Information and referral services, such as 2-1-1

In Summary

- Moving to adulthood, with its many rights and responsibilities does not occur on the 18th birthday
- Becoming an adult is a process