



WHEN YOU TURN 18: ALTERNATIVES TO CONSERVATORSHIP

When a person with a developmental disability turns 18 years old, many parents think they must apply for limited conservatorship so that they can continue helping their now adult child with education, healthcare, financial, or other decisions. **There are alternatives** that can help accomplish some of the same powers under the limited conservatorship.



Durable Power of Attorney



This is a legal document allowing a person to authorize someone else to handle monetary decisions on their behalf. It does not require court intervention, but requires the presence of a notary public.

A Durable Power of Attorney covers: banking and financial institution transactions, insurance transactions, estate and trust transactions, tax matters, and benefits from Social Security, Medi-Cal, and other governmental programs. Be mindful that some of these government programs may also ask that their own forms be signed to allow someone else to access their records.

Similarly, there is a Power of Attorney for Healthcare, also known as an **Advance Health Care Directive**, that allows a person to appoint someone else to act on their behalf for medical and healthcare-related decisions, including to accept/refuse treatment, choosing a particular physician or health facility, and to receive and review the person's protected health information.



ALTERNATIVES TO CONSERVATORSHIP



Assignment of Educational Decision-Making Authority California Education Code 56041.5

Age of majority is the legal age established under state law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make. At the age of majority all of the educational rights provided to the parents transfer to the student when he or she reaches the age of majority. Students may, however, provide the school with written authorization/declaration stating their preference to have their parent continue to make educational decisions.



Social Security Representative Payee

More than seven million people who get monthly Social Security or Supplemental Security Income (SSI) benefits need help managing their money. After a careful investigation, Social Security Administration can appoint a relative, friend or other interested party to serve as the “representative payee.” The representative payee would receive the person’s benefits to use on his or her behalf. For more information, visit www.ssa.gov/payee/.



Right to Access Confidential Records

For healthcare, a person can sign a HIPAA medical release form allowing someone else to receive their protected health information.

For all other areas, the person with a developmental disability can sign a consent form allowing agency release of information/records to a specified person, such as a parent, relative, or friend. Some agencies may ask that their own forms be signed to allow someone else to access their records.

Supported Decision-Making (SDM)

Supported Decision-Making (SDM) is another way of describing how everyone makes choices –using friends, family, and professionals to help better understand situations so that an informed decision can be made. People who use SDM do not need someone to make decisions for them or instead of them. It means providing the tools and information necessary so that the person with the developmental disability can make their own informed decision. For more information, visit www.supporteddecisionmaking.org/.

Supported
Decision-
Making

