

Family Tip Sheets:

What Should I Know About Supported Decision-Making?

The Basics

Once your child turns 18, they are considered a legal adult and can make their own educational, health, and financial decisions. This is called the “age of majority.” Sometimes parents go to court to become a conservator for their child so they can make decisions for them. Conservatorship takes away all of your child’s legal rights. Keep in mind: someone who is incarcerated has more rights than someone under a conservatorship. Supported decision-making helps people with disabilities make their own choices about their life with support from a team. Supported decision-making looks different for everyone.

What Questions Should I Ask?

- Who is the “ideal candidate” for supported decision-making?
- If my child cannot sign their name or communicate, how can they participate in supported decision-making?
- Can I see an example of a supported decision-making agreement?
- Can supported decision-making agreements change over time?
- If I choose conservatorship, how can I set it up to give my child as many rights as possible?
- My child’s school is having a lawyer come in to set up conservatorships for all parents of a student with a disability. I feel uncomfortable with this. What should I do?
- Are there alternatives to conservatorship other than supported decision-making?

Who Can Help Me?

Talk to your child’s teacher about how they can help your child build decision-making skills in school and learn ways to discuss decision-making supports with your child at home.

The Tennessee Council on Developmental Disabilities can help you figure out steps for supported decision-making. Visit their [Supported Decision-Making web page](#) or contact them at TNddc@tn.gov.

Myths

Myth #1: I will not be able to attend my child’s IEP or other planning meetings unless I’m their conservator.

After 18, your child will decide who attends their IEP and other planning meetings. You are still allowed to attend these meetings as long as your child wants you to be there. Talk about this at IEP meetings before your child turns 18 so everyone is on the same page.

Myth #2: If my child can’t make decisions on their own, I need to be a conservator.

We all need help making decisions sometimes. Decision-making takes practice. Sometimes students need an accommodation to communicate or better understand information. For example, if your child can’t sign their name with a pen on a paper, that doesn’t mean they can’t make decisions about their life. They need an accommodation.

Myth #3: My child with an intellectual or developmental disability can't get benefits unless I'm their conservator.

Your child does not need a conservator to get benefits. As long as your child still wants you involved, you will still be able to help them understand and apply for government benefits.

Myth #4: Conservatorship is the only option to keep my child safe.

It is safe for everyone to learn how to make their own decisions and practice making choices. Research shows people who make their own decisions are actually safer. In some cases, you might explore options that will provide protection without taking away all of your child's legal rights. These options include durable power of attorney, becoming a representative payee, joint bank account, a special needs trust, and more.