

THINGS TO CONSIDER WHEN YOUR CHILD WITH A DISABILITY TURNS 18 IN VIRGINIA

Turning 18 is a big deal for all individuals. An 18-year-old is legally considered an adult in Virginia. Therefore, when your child turns 18, he/she is the person that makes legal, financial, medical, and educational decisions in his/her life. For some individuals with disabilities, this will not be an issue. Others may need support.

During school years, when a child qualifies for special education services, that child is “entitled” to those services. There are no waiting lists. Local school systems are the single agency that coordinates special education services. This single point of service coordination does not exist in adult services. For the most part, services in the adult system are not entitlement based. Most postsecondary employment and related service agencies have their own eligibility systems that must be met prior to acceptance into an individual program.

Things to consider when a loved one turns 18:

- **Talk to your child’s pediatric physicians about transitioning to adult medical care providers.** Many pediatric providers will no longer see individuals after they reach age 18. Thus, it is important to make this transition early with the support of your medical providers.
- **If your child is a male, he must register with the Selective Service, no matter if he has a disability.** Register online here <https://www.sss.gov/regver/wfregistration.aspx> or print off a registration form.
- **Register to vote.** At age 18, an individual can register to vote in many places including the DMV, public libraries, the Department of Rehabilitation Services, Centers for Independent Living and online here <https://vote.elections.virginia.gov/VoterInformation>
- **Get a valid ID.** Formal identification is important for adults. This could be a passport, driver’s license, or DMV issued photo identification card.
- **Open a checking account at the bank.** This can help some individuals begin to establish credit. If your teen will apply for and receive SSI, he/she will need to have a bank account for direct deposits. Be advised that there are financial limitations associated with SSI and Medicaid Waivers.

Additional points for consideration, dependent on your child’s support needs and/or eligibility, are listed below.

- **If your teen has an IEP, verify with your child’s case manager or school counselor the anticipated “graduation” or exit date from high school.** This allows you the opportunity to make plans for additional education or training towards employment, including appropriate agency connections. If your child is not working toward a standard or advanced standard diploma, he/she has the opportunity to remain in school up to his/her 22nd birthday. Students with IEPs working towards a standard or advanced diploma must exit school upon completion of the diploma or by their 22nd birthday, whichever comes first.

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- **Decide if you need to apply to be your child's Educational Representative.** An educational representative is a parent, family member, or other competent adult authorized to make educational decisions on behalf of an adult student. Some students will be able to make educational decisions on their own, while others will need assistance. Further information on the transfer of rights for students with disabilities in Virginia can be found in this Virginia Department of Education Technical Assistance Resource Document: http://www.doe.virginia.gov/special_ed/regulations/state/transfer_rights_students_disabilities.pdf.
- **Decide if your child should apply for Supplemental Security Income (SSI).** SSI is a federally-funded, needs-based disability program for adults and children which provides monthly cash benefits. *The applicant must meet disability and income requirements to qualify.* You can apply as soon as the month after the child turns 18. If your child turns 18 on the 1st of the month, file that month. Further information about SSI can be found at: <http://www.socialsecurity.gov/pgm/ssi.htm>. Special rules make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid. Social Security calls these rules "work incentives." If your child is interested in working, BEFORE your child starts working, contact vaACCSES at <http://www.vaaccses.org/> for free counseling on work incentives.
- **Decide if you should apply for Medicaid for your child at your local Department of Social Services office.** Medicaid, a program funded by the federal and state governments, pays for health coverage for eligible low-income adults, children, pregnant women, elderly adults and people with disabilities. Eligibility for SSI usually qualifies the individual for Medicaid in Virginia, but applications for both must be completed. For further information about Virginia's medical assistance programs: http://www.dss.virginia.gov/benefit/medical_assistance/index.cgi
- **If your child isn't already receiving services through a Medicaid Waiver and/or is not currently on a waiting list for a Waiver, decide if your child should be screened for one of the Medicaid Waivers.** Virginia currently has seven *Medicaid Waivers* that provide services and supports to assist individuals with disabilities with their needs at home and in the community. For further information about Virginia's Medicaid Waivers: http://www.dmas.virginia.gov/Content_pgs/ltc-wvr.aspx *The applicant must meet disability and income/resource requirements to qualify.*
- **Consider having your child sign an advance health care directive, naming you as the Representative for Health Care Decisions.** An advance directive is a written document in which people clearly specify how medical decisions affecting them are to be made if they are unable to make them, and/or to authorize a specific person to make such decisions for them. Most hospitals have a blank form.

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- **Consider making an appointment with an elder law attorney, or an attorney who is experienced with disability laws and rights:**
 - **Discuss whether or not guardianship and/or alternatives to guardianship are appropriate.** A *guardian* is a person appointed by a court who is responsible for the personal affairs of an incapacitated person, and for making decisions for that person. An *alternative to guardianship* is any legal tool, social service, natural support, community resource, or government program that does not lead to FULL guardianship. If guardianship is not currently appropriate, a simple Power of Attorney may be appropriate for you to sign documents for your child. Alternatives to Guardianship include Powers of Attorney, Living Wills, Representative Payees, etc. Additional information can be found here - <http://www.vda.virginia.gov/pdfdocs/guardbook.pdf>
 - **Discuss your current estate plan and how you have provided for your child at your death.** If you believe that your child will require Medicaid, SSI, or other governmental subsidies, discuss a Special Needs Trust (SNT) and/or an ABLE account. These tools can prevent Medicaid and SSI financial disqualification. Further information about SNT and ABLE can be found at: <http://www.specialneedsalliance.org/>. Ask other family members if their estate plans include the possibility of any bequest coming to your child. Financial gifts to your child from well-meaning family members, upon their death or before, can jeopardize your child's eligibility for necessary governmental benefits (i.e. Medicaid, SSI, etc.).
- **Look into connecting with the Virginia Department for Aging and Rehabilitative Services (DARS).** DARS provides services such as vocational assessments and employment supports. More information can be found here - <https://www.vadars.org/>
- **Investigate independent housing opportunities.** One option is the voucher program available to those 18 and older who receive waiver services or who are on the waiver waiting list. Additional information can be found here - <http://www.dbhds.virginia.gov/individuals-and-families/developmental-disabilities/community-support-services>
- **If your child will be heading to college –** Many colleges and universities have an Office of Disability Services. Make sure to check out all of the disability services that are available at the college or university being considered.

EDUCATE YOURSELF ON THE RIGHTS, NEEDS, AND LAWS REGARDING ADULTS WITH DISABILITIES.

If you have additional questions, email info@ascv.org or call 804-257-0192.