



Preparing for the Age of Majority: Supported Decision-Making and Other Support Options

A collaborative effort between the following agencies:

[New Jersey Department of Education,
Office of Special Education](#)

609-376-9084

nj.gov/education/specialed

[New Jersey Department of Human Services,
Bureau of Guardianship Services](#)

609-631-2213

state.nj.us/humanservices/ddd/services/guardianship

New Jersey Department of Children & Families,
[Office of Education](#) and the [Children's System
of Care \(CSOC\)](#)

1-877-652-7624

nj.gov/dcf/about/divisions/oe

nj.gov/dcf/about/divisions/dcsc

In New Jersey, a child becomes an adult at the age of 18, and all parental rights transfer to the child upon reaching this age of majority.

If you expect your child with disabilities will need help to manage the responsibility of making important adult decisions, do you know about the support options?

Will Your Child Be Ready?

Not every young adult with a disability requires a legal guardian when they turn 18, since many are capable of making informed decisions on their own.

When your child with a disability turns 18 and needs support to handle the responsibility of making important adult decisions, there are several support options to consider. From supported decision making, which preserves the most autonomy for your child, to a power of attorney and the use of an appointed guardian, families should consider which options are the most appropriate to meet their child's unique needs.

Transition Planning: Start the Discussion Early

At least three years before a child turns 18, the child's IEP must include a statement that the child and the parents or guardians have been informed of the transfer of educational rights from the parents or guardians to the child/young adult upon reaching the age of majority. The purpose of providing this information is to protect the child's rights, and will allow the child and parents or guardians time to consider additional support options depending on the unique needs of the child. The support options are based on the child's ability to make informed decisions. The least restrictive option being Supported Decision-Making.

Supported Decision-Making

- Maintains the young adult's decision-making ability with the assistance of an individual or individuals appointed by the young adult.
- Family members, friends, or professionals may be appointed to serve as their support in making decisions.
- Studies have shown that people with disabilities who exercise greater self-determination have a better quality of life, display more independence, are more likely to be employed, and are more likely to be involved in the community.

Supported Decision-Making can help people with disabilities to:

- Understand information, issues, and choices;
- Focus attention in decision-making;
- Weigh options;
- Ensure that decisions are based on their own preferences; and
- Interpret and/or communicate decisions to other parties.

Other Support Options

Power of Attorney

- Allows the young adult to appoint an individual to make decisions on their behalf. The young adult must be able to understand that the appointed person will make the decisions and must be able to grant consent to do so.
- Although not required, consultation from an attorney is recommended in the preparation and execution.
- Low cost, easy to create and change, and revocable at any time.

Guardianship

- Applicable when the young adult lacks the ability to make decisions in some or all areas and is unable to give informed consent and understand the consequences of decisions.
- Requires judicial review since guardianships, including general or limited, impact an individual's right to make decisions in major life areas involving person and/or property, as a court determines.
- The Bureau of Guardianship, within the Department of Human Services may be able to assist eligible families with the process.

Resources

Supported Decision-Making

- [Self-Determination & Supported Decision-Making](https://spanadvocacy.org/download/self-determination-supported-decision-making/), Span Parent Advocacy Network (https://spanadvocacy.org/download/self-determination-supported-decision-making/)
- supporteddecisionmaking.org
- [Supported Decision-Making: Change the Culture, Change the World!](http://rwjms.rutgers.edu/boggscenter/dd_lecture/May172018.html) May 17, 2018 Lecture, The Boggs Center on Development Disabilities (http://rwjms.rutgers.edu/boggscenter/dd_lecture/May172018.html)

Power of Attorney

- [FAQs about Power of Attorney 2018, Rutgers Law School](http://law.rutgers.edu/file/faqs-about-power-attorney-2018) (law.rutgers.edu/file/faqs-about-power-attorney-2018)
- [The Education Power of Attorney: Empowering Students with Disabilities, Special Needs Alliance](https://specialneedsalliance.org/blog/the-education-power-of-attorney-empowering-students-with-disabilities) (specialneedsalliance.org/blog/the-education-power-of-attorney-empowering-students-with-disabilities)

Guardianship

- guardianship.org
- [Guardianship & Alternative Options Go Bag, The Arc of New Jersey](http://thearcfamilyinstitute.org/resources/guardianship-go-bag.html) (thearcfamilyinstitute.org/resources/guardianship-go-bag.html)
- [How to Apply for Guardianship of the Person and Estate \(Property\) of an Individual Eligible for Services from the Division of Developmental Disabilities \(DDD\)](http://njcourts.gov/forms/10558_guardianship_person_and_estate.pdf?c=TUV) (njcourts.gov/forms/10558_guardianship_person_and_estate.pdf?c=TUV)
- [New Jersey Surrogates](http://njcourts.gov/public/assets/directories/surrogateroster.pdf?c=UOU) (njcourts.gov/public/assets/directories/surrogateroster.pdf?c=UOU)
- [Understanding Guardianship, Autism New Jersey](http://autismnj.org/article/understanding-guardianship) (autismnj.org/article/understanding-guardianship)