

A WAZE TO ADULTHOOD

Do You Know....



Fact Sheet for Georgia's Parents Decision-Making Options for Young Adults with Disabilities

My Child is Turning 18. What do I do?

Turning 18 is a big deal. Your child becomes an adult at 18 and all the privileges and responsibilities of adulthood transfer to them. This includes the authority to make decisions for themselves. This is a good thing. It is the gateway to adult life. But it can also be a scary time if you and/or your child believe they are not ready or able to make their own decisions. Thankfully, there are options available.

Everyone needs some help making decisions. Some people may ask others their opinion on whether to take a job, or they may have someone who helps them with their taxes or understand a contract. But some people with disabilities may need more or different kinds of supports. They may need help in making important decisions or if they have a significant mental or cognitive disability, they may need someone to make decisions on their behalf. For example, individuals with significant intellectual disabilities or dementia may need a substitute decision-maker.

It is best to use the least restrictive option available to you and your adult child if they need help making decisions. That way your child's rights as an adult will be preserved.

Here are important options from **LEAST RESTRICTIVE** to **MOST RESTRICTIVE**.

Supported Decision-Making Agreement

Powers of Attorney

Guardianship/Conservatorship

Resources

[Georgia | Supported Decision Making](#)

[Guardianship Law.pdf \(georgia.gov\)](#)

[I Decide Georgia - Supported Decision-Making - DECIDE Your Future \(idecidega.org\)](#)

[Parent Center Hub Parent Guide to Getting Ready for the Age of Majority](#)

[P2P USA - Supported Decision-Making & Alternatives to Guardianship](#)

[PEATC Resources on Supported Decision-Making](#) (click on the Supported Decision-Making tab on the page)

[Sample Powers of Attorney](#)

[Supported Decision-Making - Georgia Council on Developmental Disabilities \(gcdd.org\)](#)

Contact your PTI

Parent to Parent of Georgia
800-229-2038
770-451-5484

<https://www.p2pga.org>



Fact Sheet for Georgia's Parents

Supported Decision-Making Agreements (SDMAs)

Supported decision-making can be informal or formal. If formal, the person with the disability enters into an agreement with supporters they choose. It can be a written plan and is changed as needed. There is no court process involved. An SDMA can cover health, finance, education, employment, housing, and more. The person and their supporters talk about the types and levels of supports needed. Supporters help inform the individual, ask questions, and go over options, but the individual with the disability makes the decisions and maintains their rights. In 2021 Georgia passed a law that among other provisions defined supported decision-making.

Powers of Attorney (POA)

Powers of Attorney are a form of supported decision-making. Under a POA, the person with a disability authorizes another individual (parent, spouse, friend) to make decisions on their behalf in certain circumstances. There are educational POAs, healthcare POAs, financial POAs, and general POAs which are more global in their authority. Some POAs are in effect all the time; other POAs only go into effect if the person becomes incapable of making the decision (e.g., they were in a car accident and are not conscious.) For a POA to be legal, the person with a disability must be competent to sign it. This means they must know what they are signing and understand the authority they are granting under the POA.

Guardianship/Conservatorship

Guardianships and conservatorships are the most restrictive options. The individual with a disability is determined incapacitated (unable to make their own decisions) by a probate court and a guardian is appointed to make decisions on their behalf. There are full (**plenary guardianships**) in which the guardian makes all decisions, even up to the food the person can eat, the people they can see, where they live, etc. There are also **limited guardianships** in which a guardian is appointed for specific areas such as health care decisions. Under full guardianship, the individual is likely to **lose all or many of their civil rights** such as the right to vote or enter contracts. **Georgia law** states that guardianships should not take away decisions the individual is capable of making. Some people with significant disabilities need guardianship, but it is a decision to enter carefully. It can be expensive and difficult to reverse. **Conservatorships** are when the court appoints someone to manage the **financial affairs** of the incapacitated individual. A petition for guardianship and conservatorship can be filed with the court simultaneously.

EDUCATIONAL REPRESENTATIVE

An **educational representative** is a competent adult authorized to make educational decisions on behalf of an adult student that is determined to **NOT be competent** to make their own educational decisions.

Under IDEA, every state is required to develop a procedure for the appointment of a parent or other competent adult to make educational decisions for students who cannot do so. This educational representative is a competent adult authorized to make educational decisions on behalf of an adult student.

To find out about this process contact the **Georgia Department of Education** at <https://www.gadoe.org>.

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