

THE SC
SUPPORTED Decision Making
PROJECT

Stop, Look, and Listen:

A Guide to Age of Majority for Students with IEPs in South Carolina

Approaching age 18 brings important considerations for students with IEPs, their teachers, their parents, and for other professionals supporting them. Parents should not be advised to pursue guardianship of a loved one without an understanding of less restrictive alternatives.

This tool provides information and resources for planning with purpose around some of the areas affected by the legal transition to adulthood. Each of the below sections, "Education," "Finances," "Health," "Relationships," and "Home and Community," is covered in greater detail on our [website](#).

Education

- + According to the Individuals with Disabilities Education Act (IDEA) IDEA, once students reach legal adulthood (the "age of majority in SC" is 18), they are recognized as the person responsible for decisions related to their IEP. [300.520(a)(1)]
- + Many people are not aware of the options and resources related to supporting young adults with disabilities as they approach age 18. Parents may be advised to pursue guardianship without any explanation of the other options and resources available. The vast majority of students with IEPs don't need their educational decision-making authority removed or given to someone else. Like students without disabilities, they probably just need support as they learn new skills.
- + Two questions every family and IEP team should ask themselves are:
 - How will we support students as they learn to make and communicate responsible decisions about their education?
 - How will we help to ensure they have the opportunities they need to learn how to make and communicate responsible decisions regarding their education?

Finances

- + For young adults with and without disabilities, turning 18 brings some changes regarding their responsibility for financial decisions.
- + Very few young adults have had the opportunities to build all the skills and knowledge they will need to handle their finances without support. They have not had formal and informal opportunities to do things like manage a bank account, use a debit/credit card, learn about how credit works, and how to avoid situations where people may be trying to take advantage of them financially.

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- + Past mistakes with money, poor math skills, and problems with impulse control alone are not a sign that someone is incapable of handling their own finances with support.
- + Two questions every family and IEP team should ask themselves are:
 - How will we support students as they learn to make and communicate responsible financial decisions?
 - How will we help to ensure they have the opportunities they need to learn how to make and communicate responsible financial decisions?

Health

- + From basic health and wellness to dealing with more complicated medical conditions, health care management is a complicated and highly individualized topic for young adults with disabilities. Those with and without disabilities learn as we go and part of that process should involve determining how we get input and support for things we do not yet understand.
- + At age 18, all young adults in SC have the full authority to be the sole decision maker in health-related matters. The only two exceptions are (a) they are under a court order for guardianship or (b) two doctors have determined that a patient is unable to give their consent in an emergency situation and invoked the SC Adult Healthcare Consent Act (SC Code Ann. 44-66-30).
- + Two questions every family and IEP team should ask themselves are:
 - How will we support them as they learn to make and communicate responsible healthcare decisions?
 - How will we help to ensure they have the opportunities they need to learn how to make and communicate responsible healthcare decisions?

Relationships

- + A common concern parents mention regarding their son or daughter's transition to adulthood is safety in relationships. Parents of young adults with disabilities often worry more about their sons or daughters recognizing danger, situations where they are being taken advantage of, and making decisions regarding relationships that will expose them to risk.

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+ An IEP team may want to consider goals related to relationships as they relate to living independently. Relationship goals that will increase one's independence can and should be driven by the desires, concerns, strengths, and preferences of the student as they relate to healthy relationships.

+ Two questions every family and IEP team should ask themselves are:

- How will we support them as they learn to make and communicate responsible decisions about friendships and romantic relationships?
- How will we help to ensure they have the opportunities they need to learn how to make and communicate responsible decisions about friendships and romantic relationships?

Home and Community

+ Many parents express concern regarding the transition from school to adulthood and the students' ability to find their place in their communities. Areas of consideration may include things like emergency preparedness, activities of daily living at home, engaging in recreation, and more.

+ IDEA addresses preparing students for their lives after high school. The transition IEP must include "appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills." Second, the transition IEP must include "the transition services (including courses of study) needed to assist the child in reaching those goals" [34 CFR §300.320(b)]. For this reason, broad independent living concerns can and should be addressed in a student's IEP.

+ Two questions every family and IEP team should ask themselves are:

- How will we support them to live as independently as possible in their home and community?
- How will we help to ensure they have the opportunities they need to learn how to make and communicate responsible decisions about their place in their home and community?