

PARENT GUIDE TO LEGAL RIGHTS

This *Guide* explains some of the legal rights of adults in Florida and what they mean for persons with developmental disabilities. It also lists some of the many supports and legal strategies available to support your child in making adult decisions.



Florida
Developmental
Disabilities
Council, Inc.



Turning 18 is an exciting time for your child to make decisions about the future. He or she will make decisions about working, managing money and where to live. Your adult child may want to find a new doctor or a new apartment. Some parents become anxious and concerned for their children’s safety when they think about all of the changes that could happen when their children become adults. It is important that you and your child are as prepared as possible for the transition from childhood to adulthood.

LEGAL RIGHTS: Before children are 18, their parents are their legal guardians, and can make all decisions for them. When children turn 18, they become legal adults with full civil rights. Here are some of the rights adults have in Florida-- and supports you can take advantage of for special needs your child may have. A guardianship judge may consider removing some or all of these legal rights from a person who cannot understand or manage their legal rights.

LEGAL RIGHTS	SUPPORTS AND INFORMATION TO DISCUSS WITH YOUR ADULT CHILD
The right to make educational decisions	<ul style="list-style-type: none"> • Educational Power of Attorney, which is a resource that is authorized to manage activities in an educational setting such as registration activities, completing forms, etc.
The right to manage money and property	<ul style="list-style-type: none"> • Consider a joint account: then either of you can sign the checks. • Direct deposit and online banking save time and trouble. Your child will make fewer trips to the bank. • A Special Needs Trust can be set up –to invest certain kinds of money safely, and still receive federal assistance.
The right to work	<ul style="list-style-type: none"> • Connect your child with job coaches or transitions specialists. • Encourage your child to visit different workplaces to see what they like.
The right to choose a place to live	<ul style="list-style-type: none"> • There are many things to think about when choosing a place to live: budget, safety, access to public transportation, special accommodations, etc. • Check online at the Florida Developmental Disabilities Council www.fddc.org for resources like A Place Where I Belong, Housing in Florida, and A Personal Assessment Guide.
The right to sign contracts and leases (for cell phones, cable TV, apartments, etc.)	<ul style="list-style-type: none"> • Signing a contract or lease comes with responsibilities: to pay a monthly bill for example. • Explain the consequences of breaking the lease or contract. • Consider asking your child to grant you power of attorney so that you can sign contracts for your child if he or she is unable to do so. • Explain about credit ratings, which is important in getting a loan to buy a car, a big TV, or a home.
The right to sue and be sued	<ul style="list-style-type: none"> • Always try to hire a lawyer if you are involved in a lawsuit. • Your child is no longer under the protection of a parent once they turn eighteen in Florida. • Explain that not paying monthly bills can end up in a lawsuit.

MAKING DECISIONS ABOUT WORK AND SOCIAL LIFE

Help your child set goals that are **realistic**. Here are some questions you can ask when talking to your child about work and living arrangements:

- What things do you like to do? Work with people? Work in an office?
- What things are you good at? Cooking? Working with computers?
- Do you have to go to school for certain jobs?
- Do you need to pass a test for certain jobs?
- Do you need to live near your work and support people?
- Do you want to get more education? There are many new programs available, including some that help you take college courses.

LEGAL RIGHTS	SUPPORTS AND INFORMATION TO DISCUSS WITH YOUR ADULT CHILD
The right to choose one's own doctor or dentist, and the medicines to take	<ul style="list-style-type: none"> Your child may want to select a new doctor. Remember that this is his or her right as an adult. You may offer advice if asked, but be supportive of the decision. You can become a "medical proxy" if your child cannot understand how to make medical decisions. Your child can make you a "health care surrogate" if he or she understands how to make medical decisions. Both a medical proxy and health care surrogate can access medical information and apply for public benefits. If your child grants you durable power of attorney (DPOA), you can make medical decisions if he or she is unable to communicate.
The right to apply for governmental benefits	<ul style="list-style-type: none"> Discuss the importance of keeping up with paperwork for governmental benefits. If needed, you can become representative payee to manage the cash benefit for your child's behalf.
The right to vote	<ul style="list-style-type: none"> Your child needs to have a Florida ID or birth certificate to register to vote.
The right to travel	<p>Here are some websites with information helpful when traveling with a disability.</p> <p>www.travelguides.org</p> <p>www.disabled-world.com/travel</p> <p>www.independenttraveler.com/travel-tips/senior-travel/disabled-travel</p>
The right to drive	<ul style="list-style-type: none"> Persons with disabilities have the same rules for getting a driver's license as all adults. The steps are: <ol style="list-style-type: none"> Apply for a learner's permit. Pass a written test. Pass a road test (someone with a valid license must drive you to the road test). If the person needs a car with special modifications, they must bring that car to the road test. If your child wants to buy a car, insurance must be purchased. If your child is financing the car, he or she will need to sign a contract.
The right to choose your social life	<ul style="list-style-type: none"> Social environment includes friends, life-style, religious belief, etc.
The right to marry	<ul style="list-style-type: none"> Your adult child may marry anyone of their choosing. The laws governing marriage apply equally to persons with disabilities.

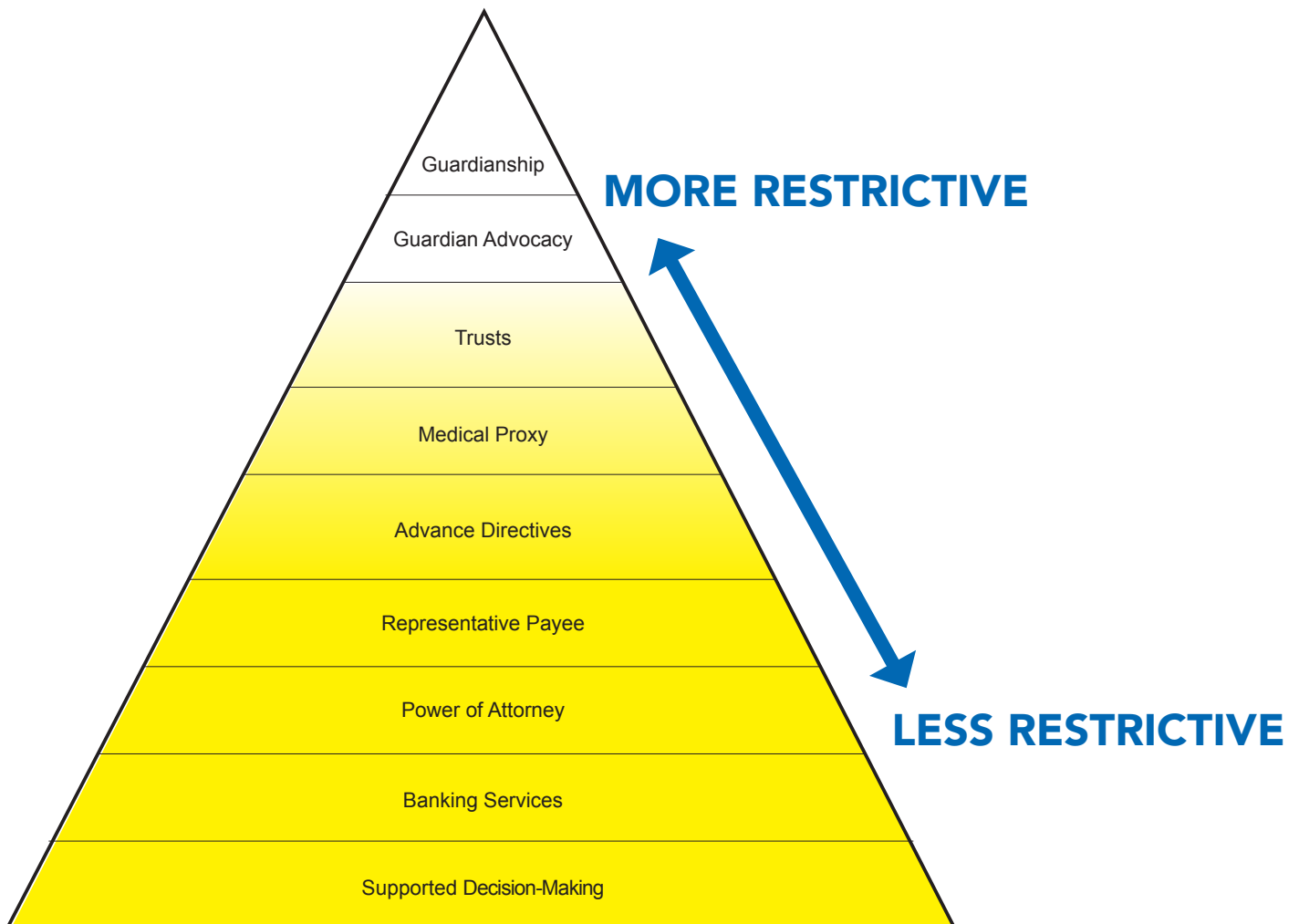
CIRCLES OF SUPPORT

Most young people ask for advice and guidance from their parents when making important decisions. But they can also benefit from advice and assistance from many other people. These people are your adult child's **circle of support**.

People in the circle of support should: know your child well; understand their likes and interests; know their strengths and capabilities; and support them to become more independent. Circles of support often include family members, trusted friends, someone from a place of worship, a teacher, a caregiver or service provider, a mentor or life coach, and others.

SOME THINGS YOU SHOULD KNOW ABOUT LEGAL GUARDIANSHIP

- In the past, many parents became legal guardians of their disabled children when they turned 18.
- Now many parents and support people turn to Less Restrictive Alternatives. For more information, go to www.supportingchoices.org or fddc.org.
- When a person is assigned a legal guardian, all or some of their rights are taken away by a judge and given to the guardian.
- For a person to get their rights back, they have to go back to court and show they are able to take care of things themselves.
- Guardianship is an expensive process
- If someone in your child's circle of support suggests guardianship, ask if there are better choices.



KEEPING SAFE

Listen to your adult child, and look for signs of abuse, neglect or exploitation.

- **Abuse** is when someone bullies, threatens, or hurts someone.
- **Neglect** is when someone is not taking good care of someone, like not feeding them well, or not keeping the house clean—if that's how they are supposed to be helping someone.
- **Exploitation** is when someone is trying to get someone else to do something that isn't good for them, like taking their money and not returning it, or trying to make them do something sexual that they do not want to do.
- **Internet Exploitation** is a danger for everyone. Don't give out addresses, phone numbers, social security numbers, debit card numbers, or any other personal information unless you know it is safe:
 - These are some **safe sites**: job applications, government benefits, online stores like Amazon and Ebay.



*Considering Guardianship?
Consider ALL of the Options*



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WWW.SUPPORTINGCHOICES.ORG

WWW.FDDC.ORG

WWW.GUARDIANTRUSTS.ORG