



## Turning 18 in Virginia What Individuals with Disabilities Need to Consider

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.

Below are some things that you should consider as your loved one turns 18:

- **Talk to your child's pediatric physicians about transitioning to adult physicians.** Many pediatric providers will stop seeing a person once they are adult age.
- **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.
- **Get a valid ID.** Formal identification is important for adults. This could be a passport, driver's license, or DMV issued photo identification card.

You may also want to think about having your child:

- **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>
- **Open a bank account.** This can help some individuals begin to establish credit. If the individual will apply for and receive SSI as an adult, 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.

Depending on your child's support needs and/or eligibility, you may want to consider these things:

- **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.** If your child is not working toward a standard or advanced diploma, they can choose to remain in school up to their 22<sup>nd</sup> birthday. Students with IEPs working towards a standard or advanced diploma must exit school upon completion of the diploma or by their 22<sup>nd</sup> birthday, whichever comes first.
- **Decide if you need to apply to be your child's Educational Representative.** An educational representative is a 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](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. As an adult your child can apply as soon as the month after the child turns 18. Further information about SSI can be found at: <http://www.socialsecurity.gov/pgm/ssi.htm> .



- **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 insurance coverage for eligible low-income adults, children, pregnant women, elderly adults and people with disabilities. For further information about Virginia's medical assistance programs: [http://www.dss.virginia.gov/benefit/medical\\_assistance/index.cgi](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's Medicaid Waivers provide services and supports to assist individuals with disabilities with their needs at home and in the community. The applicant must meet disability and income/resource requirements to qualify. For further information about Virginia's Medicaid Waivers: <http://www.dmas.virginia.gov/#/longtermwaivers> *If your child is on a Medicaid Waiver waitlist, make sure to contact your waiver case manager when your child turns 18, and talk about how that affects their priority level on the waitlist.*
- **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.
- **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/> If your adult child receives SSI, Medicaid, or Medicare and is interested in working, contact vaACCSES at <http://www.vaaccses.org/> for free counseling on work incentives BEFORE your child starts working.
- **Investigate independent housing opportunities** such as the voucher program available to those 18 and older who receive waiver services or who are on the waiver waiting list. <http://23.29.59.140/developmental-services/housing>
- **If your child will be heading to college,** make sure to check out the disability services that are available at the college or university being considered.
- **Consider making an appointment with an elder law attorney, or an attorney who is experienced with disability laws and rights to:**
  - **Discuss whether 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. Alternatives to guardianship include Powers of Attorney, Living Wills, Representative Payees, etc.
  - **Discuss your current estate plan and how you have provided for your child at your death.** If you believe that your adult child will utilize Medicaid, SSI, or other governmental subsidies, discuss a Special Needs Trust (SNT) and/or an ABLE account with the attorney. These tools can help 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 assets/resources 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 governmental benefits (i.e. Medicaid, SSI, etc.) It is important that you discuss these things with a legal advisor to plan accordingly.

***Plan early! Educate yourself now to prepare for adulthood!***