



Utah Parent Center
Special needs, extraordinary potential

Age of Majority

Helping Your Child Prepare for the Age of Majority

Age of majority is the legal age established under state law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make.

In Utah, educational rights transfer at the age of majority, which is 18 years old, unless someone seeks guardianship. All of the educational rights provided to the parents transfer to the student when he or she reaches the age of majority. These educational rights may include the right to:

- receive notice of and attend individual education program (IEP) meetings
- consent to reevaluation
- consent to change in placement
- request for mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement, or other aspects of a free appropriate public education (FAPE)

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As parents, we can begin to help our children prepare for adulthood by looking at the role we play in their lives. Do we try too hard to sway our children's decisions? Do we tend to speak for our children instead of letting them speak for themselves? Can we separate our own desires from our children's wishes? It can be hard to let go of our parental role when we love our children and worry about their future, but we may need to step back and look at our own actions.

Our role is to help our children to become comfortable making their own decisions and capable of making good choices. Children develop decision-making skills over time. Young children can practice these skills within the family. Older children can take increasing responsibility for the decisions that affect their lives.

Teaching Young Children How to Make Decisions

- Include your child in purchasing decisions. Does your child help select his or her own clothing and help with grocery shopping and meal planning?
- Discuss important decisions such as vacation plans and major purchases as a family. Routinely state your thoughts out loud so your children have a model for good decision making: "We are not ready to decide on that yet, let's talk about it tomorrow after dinner;" or "Let's gather more information before we buy this."
- Practice with your child what he or she should do if lost.

Utah Parent Center

230 West 200 South
Suite 1101
Salt Lake City, UT 84101
801.272.1051
1.800.468.1160
info@utahparentcenter.org
www.utahparentcenter.org

Stepping Into New Roles

Teaching Older Children How to Make Decisions

- Encourage your child to participate in planning his or her IEP and even leading the IEP meeting.
- Role-play IEP meetings with your child ahead of time to help him or her clarify what he or she wants from the meeting. Practice how to step out of the meeting to discuss a decision in private. Ask your child if he or she wants to invite anyone to the meeting for support.

Additional Tips for Helping Your Child Make Informed Decisions

- Help your child develop good working relationships with school personnel and other IEP team members so there is little disruption when he or she reaches the age of majority.
- Do not allow educators to pressure your child into making decisions he or she is not capable of handling.
- Avoid being overprotective. Do not interfere with your child's desires when it is not truly necessary.
- Stay involved even after you are no longer the primary participant in the development of your child's IEP. IDEA does not address parents' attendance at IEP meetings once a student has reached the age of majority. The school or student could, however, invite a parent to attend the meeting as an individual who is knowledgeable about the student's educational needs and abilities.

Transfer of Rights

Utah transfers rights at the age of majority, beginning at least one year prior to the student reaching the age of majority under state law, the student's IEP must include a statement that the student has been informed that his or her rights under Part B, if any, will transfer. The school must comply with IDEA notification requirements to both the student and the parents.

Families should understand how their state implements these IDEA regulations. Ideally, the student, parents, and other family members will all continue to be actively involved in planning the services and programs for the student's transition into adulthood. As parents of children with disabilities, our challenge is to seek opportunities for our children to make choices for themselves beginning at a very early age and continuing throughout their school years.

Community education programs often have classes for teens on assertiveness or independent living skills. Centers for Independent Living offer workshops for young adults on self-determination and living skills. Leadership workshops and camps can also be beneficial in teaching these skills.

Guardianship

When the student reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

- (A) The public agency shall provide any notice required by IDEA to both the individual and the parents;**
 - (B) All other rights accorded to parents under IDEA transfer to the child;**
 - (C) The agency shall notify the individual and the parents of the transfer of rights; and**
 - (D) All rights accorded to parents under IDEA transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution**
- [20 U.S.C. 1415(m)]**

If a state elects to transfer rights at the age of majority, IDEA requires at least one year of notice to parents and students before a student reaches the age of majority. This notice alerts families to consider whether or not their child is capable of representing him or herself.

At the age of majority, students are granted certain legal rights, such as the right to vote, marry, obtain a credit card, consent to medical treatments, make living arrangements, and sign contracts. Each of the 50 states determines what rights transfer to individuals at the age of majority within that state. Some students may not be able to recognize when a decision needs to be made, consider possible options, or recognize the consequences of their decisions without additional support. For these students, guardianship, conservatorship, or another form of representation by an advocate may be appropriate.

Under guardianship, a person is considered to be legally incompetent. The individual loses the authority to make all the decisions granted to adults. A person called the guardian is assigned by the court to make these decisions. The guardian is usually a parent. The person under guardianship is legally referred to as the ward. Many states offer full or limited guardianship.

Graduation: Another Transition Consideration

If a student with a disability graduates with a regular high school diploma, the student loses eligibility for a free appropriate public education (FAPE). However, if a student graduates with any other type of certificate, the student may retain eligibility for public education services until age 22.

Schools must notify parents before proposing to graduate a student with disabilities because it is considered a change in placement. This notice must be given within a reasonable time before graduation to ensure that parents and students have the opportunity to plan for, or challenge, the pending graduation.

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PACER Center, Inc.
8161 Normandale Boulevard
Minneapolis, MN 55437-1044

http://www.pacer.org/publications/parentbriefs/ParentBrief_May02.pdf retrieved 7/7/2013

National Center on Secondary Education and Transition (NCSET)
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