

What is the Age of Majority?

When any young person turns 18 in Massachusetts, they reach the “age of majority.” This means they are legally considered adults, with adult rights and responsibilities. For example, they can sign their own IEPs, vote, or take out a loan.

Why is the Age of Majority Important?

All decision-making shifts from parents to the student at the age of majority. Students and families should plan ahead and discuss the students’ options before age 18. Students can decide to:

- make all legal, financial, and medical decisions for themselves,
- share responsibility with their parents or with another designated adult,
- or leave all decision-making to a court-appointed guardian, usually their parents.

If no other plans are made in advance, on their 18th birthday – no matter what the disability is – the student becomes their own full legal guardian.



Resources

The LINK Center, a transition project of the Federation for Children with Special Needs
www.fcsn.org/linkcenter/home/getting-started/age-of-majority/

MA ESE Special Education Secondary Transition Website: www.doe.mass.edu/sped/secondary-transition

Technical Assistance Advisory SPED 2011-1: Age of Majority: www.doe.mass.edu/sped/advisories/11_1.html

When you turn 18: Commonwealth of Massachusetts, Office of the Attorney General: www.mass.gov/ago/consumer-resources/your-rights/18/whenyouturn18.pdf

Massachusetts Law about Guardianship and Conservatorship: www.mass.gov/courts/case-legal-res/law-lib/laws-by-subj/about/guardian.html



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street
Malden, MA 02148

781-338-3000 | www.doe.mass.edu



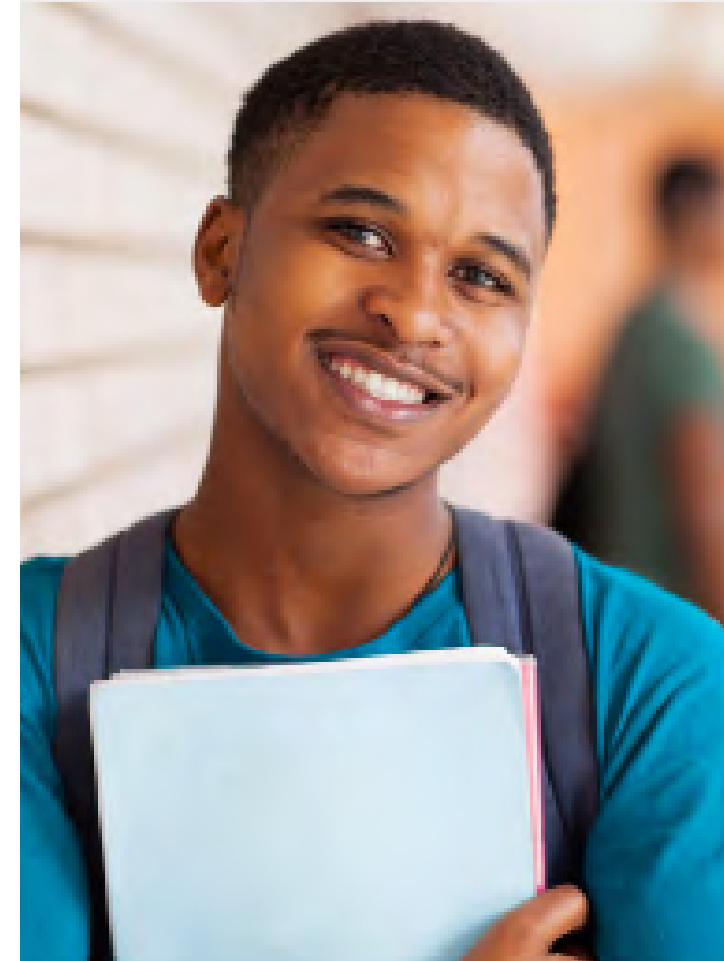
FEDERATION FOR CHILDREN
WITH SPECIAL NEEDS

Federation for Children with Special Needs

The Schrafft Center
529 Main Street, Suite 1M3
Boston, MA 02129
800-331-0688 | www.fcsn.org

TIPS: Transition Information for Parents and Students with IEPs

(Ages 14-22)



Decision-Making and the Age of Majority

A series of brochures produced by
The LINK Center - a project of the
Federation for Children with Special Needs,
and the Massachusetts Department of
Elementary and Secondary Education (ESE)

Age of Majority: What you need to know...

TIP 1: Learn about the rights and responsibilities of turning 18. At age 18, students can:

- Sign their own IEP
- Register to vote and serve on a jury
- Open a bank account without a co-signer
- Purchase a car or sign a lease
- Apply for Supplemental Security Income (SSI) and MassHealth
- Apply for a Section 8 Housing Choice Voucher

*All males must register for Selective Service

TIP 2: Learn about some decision-making options:

- Joint/custodial bank accounts allow one or more people to manage an account
- The student who is 18 can appoint an advocate to help with education, adult services, or health-related matters
- The student who is 18 can appoint a Healthcare Proxy who can make medical care and treatment decisions
- The student who is 18 can sign a Power of Attorney to allow someone else to make financial decisions for them
- The Social Security Administration can appoint a “representative payee” (usually a family member) to manage benefits
- Trusts can be set up to manage funds and other assets for the person with a disability

Start early! Begin planning for the Age of Majority at least one year before the student's 18th birthday.

- Through Conservatorship, a court can appoint a “conservator” to manage the person with a disability’s financial needs
- If the student has severe disabilities and is incapable of making effective personal decisions, a court can appoint a legal guardian who will have all decision-making rights

TIP 3: When a student turns 18 they sign their own IEP, unless...

- They choose to share decision-making by allowing a parent or guardian to participate in the IEP meeting and co-sign the IEP, or
- They decide to delegate decision-making by allowing their parent or guardian to continue to make all educational decisions, or
- A court appoints the parent (or other adult) to be the legal guardian and make all decisions for the student

TIP 4: Learn how the Age of Majority affects students in school:

- Students who are 18 can make their own educational choices, including whom to invite to the IEP meeting, whether they should have an IEP, and – in conversation with the IEP Team – what goals and services should be included on the IEP
- School districts are required to let the parent and student know that decision-making rights will transfer at least one year before the student’s 18th birthday
- The IEP written when the student is 17 must include a statement that the student has been informed about the rights they will have when they turn 18

From elementary school on, support students to learn decision-making skills so they are prepared to become adults.

Examples of Decision-Making Options:

Tony has been very involved in his IEP and transition planning since turning 14. After high school he would like to attend college and be an advocate for people with disabilities. Tony has been participating in advocacy groups for youth with disabilities and has become a strong self-advocate. Tony and his parents both feel that he understands his disability and strengths and that he can make decisions independently.

Ana wants to attend community college and get a job working in a daycare. She is on track to graduate from high school with a diploma but is uncomfortable making important decisions by herself. Ana has a good relationship with her parents and before turning 18 decided that she wanted to share decision-making with them to help her be successful after high school and into adulthood.

Elias loves cars and wants to be a mechanic. He really wants to earn a diploma but might not meet the academic standards. His parents are concerned about his ability to make good decisions without their help and started talking to Elias about decision-making options when he started high school. Elias trusts his parents and decided to delegate decision-making to them so that he can meet his goals for life after high school.

Mia is non-verbal with significant physical and cognitive impairments. She lives with her parents and is unable to care for or advocate for herself. When Mia turns 18 her parents will seek legal guardianship because she is unable to make effective decisions for herself and needs her parents to manage her academic, medical, and financial needs.