

Legal Guardianship and Other Choices for Young Adults

When you turn age 18 you become legally responsible for your choices. You can vote, sign contracts, join the military, and have your own bank account. Some people will legally need someone to continue making decisions for them. Others may need a little support. The type of legal support someone needs depends on many things.

Supported Decision Making

Supported Decision Making is optional. In Wisconsin, this is a legally binding document.

An independent adult chooses a person(s) to help them with big decisions. This person(s) will have access to medical records and/or bank records. You should choose people you trust.

The support person(s) have access to all the needed information to help you make a decision. They are **not** legally allowed to make decisions for you. You are **not** required to ask for their help before you make a decision.

Supported decision making does **not** limit your rights. Your caregiver or guardian does not have authority to speak for you to doctors, lawyers, bankers, etc. You are still responsible for your choices to get married, seek medical care, and choose how to spend your money. You are also responsible for what happens by making those choices.

supporteddecisionmaking.org has resources, publications, and a state-by-state guide to information.

Who may need Supported Decision Making:

Young adults with developmental or decision making challenges may benefit from Supported Decision Making.

Most people ask their friends and family for opinions when making a big decision. This can include:

- If you should apply to a certain job.
- If you should rent or buy a home.
- Choosing a specific doctor.

Asking trusted people for their opinions on these choices is **not** the same as supported decision making. If you want help with choices like this, it does not mean you need supported decision making.

Power of Attorney

A Power of Attorney (POA) is helpful in case you cannot make financial or medical decisions for yourself.

When you create a POA, you choose who will make decisions for you if you cannot. The document exists “just in case.”

Activating a POA is a separate step after the POA is created. Some people with specific deficits may need a Power of Attorney activated when they turn 18. Power is activated after specific medical providers evaluate you.

There are two POA options: financial, and medical. They are **not** the same thing. You can create them separately.

Activating a POA means that the identified person makes financial and/or medical decisions on your behalf. This person must sign off on decisions for you. You can activate a financial POA by itself, a medical POA by itself, or you can activate them together.

More information about Power of Attorney is available at: powerofattorney.uslegal.com/frequently-asked-questions-faq/

Who may need Power of Attorney:

Everyone over the age of 18 should create a Power of Attorney (POA) document so everyone knows who they want to make decisions for them if it is needed.

People who need it activated are determined legally “incapacitated.” These people are unable to “receive and evaluate information effectively or to communicate decisions to such an extent that the individual lacks the capacity to manage his or her health care decisions.”

Guardianship

Guardians can make legal decisions for you. This is to keep you safe and help you be as independent as possible. Guardianship is only recommended and necessary if it is clear that you cannot make complex decisions for yourself.

If it is unclear if guardianship is needed, an evaluation can be done to figure it out. It can be done by a primary care doctor, psychiatrist, clinical psychologist, or neuropsychologist. This evaluation shows if there are weaknesses in areas of decision making.

In the state of Wisconsin, guardians must complete a training. The training is online, free, and can be done at any time.

More information on legal guardianship is available at: gwaar.org/guardianship-resources

Who may need Guardianship:

Sometimes young adults with developmental or cognitive challenges will need a legal guardian.

In Wisconsin, these challenges must be permanent difficulties with decision making. The young adult cannot do important independent tasks no matter how much opportunity and training they get.

Wisconsin Guardianship Support Center

Provides legal information and resources to families and professions on guardianship, alternatives to guardianship, Powers of Attorney, and other related issues.

You would not have Supported Decision Making, legal guardianship, and activated Power of Attorney at the same time. If you need help making decisions, you would choose only the level of support that is appropriate.

How Caregivers Can Prepare Their Teens for Independence

Begin involving teens in decision making processes.

- Prepare teens for medical visits by:
 - Going over prescriptions
 - Any medical issues
 - Goals for the visit
- Encourage providers to speak directly to the teen during visits.
- The teen should take part at school meetings for their accommodation plans.
- Discuss with your child what they want to do after they turn 18. As a caregiver, determine whether these are reasonable goals given your child's skill set.

Gradually increase the teen's responsibility for household tasks. This includes doing:

- Laundry
- Making snacks and meals
- Cleaning up
- Routine home repairs

Talk with your teen about money and budgets. Include them in weekly budget discussions. This can include:

- How much you are spending on groceries.
- How to save for this year's vacation.

Your health care team may have given you this information as part of your care. If so, please use it and call if you have any questions. If this information was not given to you as part of your care, please check with your doctor. This is not medical advice. This is not to be used for diagnosis or treatment of any medical condition. Because each person's health needs are different, you should talk with your doctor or others on your health care team when using this information. If you have an emergency, please call 911. Copyright © 11/2023 University of Wisconsin Hospitals and Clinics Authority. All rights reserved. Produced by the Department of Nursing. HF#8310.