

The Transfer of Rights Will Automatically Occur on Your Child's 18th Birthday

Prepare your child to:

- ◆ Understand his/her rights
- ◆ Understand his/her choices and to make informed decisions
- ◆ Participate in his/her IEP and other meetings where planning and decision making occur involving his/her educational experiences or future
- ◆ Recognize his/her strengths and weaknesses
- ◆ Understand his/her disability
- ◆ Become independent
- ◆ Believe in himself/herself and develop self-determination



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Guardianship

One reason a statement of the transfer of rights is given at least one year before a student with a disability turns 18 is to alert parents and guardians that they must consider whether or not their child is capable of making informed decisions at the age of majority. In some cases, parents or guardians may determine it is necessary to have their child declared legally incompetent and placed under guardianship so that the court-assigned guardian, which can be the parent, can make the decisions for the student. Guardianship requires court intervention. It is an expensive and lengthy process.

Legal Options Manual

<https://bit.ly/2WMMVas1>

Delegation of Right to Make Educational Decisions

A student with a disability between the ages of 18 and 22 who has not been declared legally incompetent and has the ability to give informed consent may execute a Delegation of Right to Make Educational Decisions. The Delegation allows the student to appoint his/her parent or agent to make educational decisions on his/her behalf. The student has the right to terminate the agreement at any time and resume his/her right to make decisions. The specific wording to be included in the agreement can be found in the Arizona Revised Statutes 15-773.

Support is available from:

Raising Special Kids

www.raisingpecialkids.org

Pilot Parents of Southern Arizona

<http://pilotparents.org>

ADE-ESS Secondary Transition

<http://www.azed.gov/specialeducation/transition/>

Prepare Your Child for the Future

Transfer of Rights at Age of Majority



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Arizona Department of Education
Exceptional Student Services
1535 West Jefferson Street, Bin #24
Phoenix, Arizona 85007
602-542-4013

Prepare Your Child

A parent or guardian should begin preparing a child for making choices and decisions long before the child reaches the age of majority. For many parents of children with disabilities, this step may be difficult because, as a parent, you spent years advocating and speaking on behalf of your children. As a result, it is not easy to step back and begin to allow your child to speak on his or her behalf. However, recognizing the need for this stage in the life of your child is essential. In order to prepare your student with a disability for the transfer of rights, it is necessary for a parent to begin to step back, listen, and involve the student in the decision-making processes early.

TIPS:

- ◆ Involve your child in IEP and transition planning early and make sure his/her voice is heard.
- ◆ Discuss important decisions with your child ahead of meetings so that he/she is informed and prepared to participate.
- ◆ Encourage your child to develop good relationships with school personnel and other agency and/or service providers.
- ◆ Make sure educators and other agency and/or service providers listen to your child and avoid pressuring him/her.
- ◆ Include your child in all decisions that impact his/her life, in and out of school.



Transfer of Rights at Age of Majority

According to IDEA, beginning not later than one year before the child reaches the age of majority under state law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child upon reaching the age of majority.

Under Arizona state law, the age of majority is 18. In order to prepare students and parents for the transfer of rights, the law above requires schools to inform all children with disabilities before their 17th birthday that certain rights will automatically transfer to them.

Parents and guardians should realize this is an exciting time for many students, and it is important that students approaching the age of majority be well prepared to begin assuming new responsibilities as young informed adults.

The age of majority in the state of Arizona is 18. Rights that transfer to an 18-year-old student include:



⇒ Student may provide consent for reevaluation and/or agree to a change in placement



⇒ Student receives notices of IEP meetings and attends



⇒ Student may request mediation or a due process hearing



⇒ Student may register to vote



⇒ Student may get married



⇒ Student may participate as a jury member



⇒ Student may consent to medical treatment



⇒ Student may obtain a credit card

⇒ Student may apply for a loan

Contents adapted from:

Age of Majority:
Preparing Your Child for Making Good Choices:
www.ncset.org/publications