

## TIPS FOR PARENTS WHEN YOUR CHILD WITH A DISABILITY TURNS 18 IN VIRGINIA

- **Talk to your child’s pediatric physicians about transitioning to adult medical care providers.** Many pediatric providers will no longer see children with disabilities when they reach the age of majority. Thus, it is important to make this transition with the support of your medical providers. If you or your spouse is a member of the armed services; all of the following tips will still apply to you and your child, as well as other services that may be available to you from military specific programs, i.e. EFMP or other.
- **Have your child sign an advance health care directive, naming you as the Representative for Health Care Decisions.** Most hospitals have a blank form.  
*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, or to authorize a specific person to make such decisions for them.
- **Apply to be your child’s Educational Representative for the school and/or guardian/power of attorney for areas of need.** This keeps you in the information loop in order to assist with decision making. Further information on the transfer of rights for students with disabilities in Virginia can be found in the 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)  
*An educational representative* is a parent, family member or other competent adult authorized to make educational decisions only on behalf of an adult student.
- **Verify with your child’s case manager or school counselor the anticipated “graduation” or exit date from high school.** This allows you the opportunity to make plans for additional education or training towards employment including appropriate agency linkages. If your child is not working toward a standard or advanced standard diploma, they have the opportunity to remain in school through the age of 21, inclusive.
- **Apply for Supplemental Security Income (SSI) for your child at your local Social Security office, if not already received.** File the month after the child turns 18. If your child turns 18 on the 1<sup>st</sup> of the month, file that month. You can make the application for your child within 30 days prior to their 18<sup>th</sup> birthday, but Social Security will then need to make two different eligibility decisions. Further information about SSI can be found at: <http://www.socialsecurity.gov/pgm/ssi.htm>  
*SSI* is a federally-funded needs-based disability program for adults and children which provides monthly cash benefits.
- **Apply for Medicaid for your child at your local Department of Social Services office, if not already received.** Eligibility for SSI usually qualifies the child for Medicaid in Virginia, but applications for both must be completed. 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)  
*Medicaid* is a program, funded by the federal and state governments, which pays for medical care for those who can’t afford it.

- **If your child isn't already receiving services through a Medicaid Waiver and/or is not currently on a waiting list for one of the DD Waivers (CL, FIS, or BI Waiver) , make sure to apply for the appropriate waivers with and without waiting lists.** Virginia currently has five *Medicaid Waivers* (CL, FIS, BI, CCC Plus and Alzheimer Waivers) that provide services and supports to assist individuals with disabilities with their needs in the community. Each Waiver has a specific process for entering the system, requesting a screening to determine eligibility, and the variety of services available. Individuals can be on one waiting list while receiving services from another waiver. The waiting lists for the DD Waivers are very long so it is best to apply as soon as possible. For further information about Virginia's Medicaid Waivers:  
[http://www.dmas.virginia.gov/Content\\_pgs/ltc-wvr.aspx](http://www.dmas.virginia.gov/Content_pgs/ltc-wvr.aspx)
- **Make an appointment with an attorney who is experienced with disability laws and rights regarding adults with disabilities:**

- ▶ **Discuss whether or not guardianship and/or alternatives to guardianship are appropriate.** If guardianship is not currently appropriate, a simple Power of Attorney may be appropriate for you to sign documents for your child. Alternatives to Guardianship include Powers of Attorney, Living Wills, Representative Payees, etc. Additional information can be obtained from Virginia's protection and advocacy organization:  
<http://www.dlcv.org>

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.

- ▶ **Discuss your current estate plan and how you have provided for your child at your death.** If you believe that your child will require Medicaid, SSI, or other governmental subsidies, discuss a Special Needs Trust (SNT). Further information about Special Needs Trusts can be found at: <http://www.commonwealthcommunitytrust.org/index.html>  
A *SNT* allows you to plan for your child's financial future upon your death and prevent Medicaid and SSI disqualification.
- ▶ **Ask other family members if their estate plans include the possibility of any bequest coming to your child.** It may be necessary to put a Special Needs Trust in place. Financial gifts to your child from well-meaning family members, upon their death or before, can jeopardize your child's eligibility for necessary governmental benefits (i.e. Medicaid, SSI, etc.).

- **EDUCATE YOURSELF ON THE RIGHTS, NEEDS, AND LAWS REGARDING ADULTS WITH DISABILITIES.** The internet is a valuable tool.

**If you have additional questions, call  
Care Connection for Children at (757) 668-7132 or the  
Endeppendence Center, Inc. at (757) 461-8007**

*Developed by the Hampton Roads Consortium for Children and Youth Workgroup-a consortium of local agencies working together to address gaps in services for children and youth with special needs.*