

Guardianship and Alternatives

Who Will Make Decisions for Your Adult Child?

- At age 18, your child will gain the right to make his or her own decisions unless you take legal action. This includes the right to vote, marry, obtain a credit card, consent to medical treatments, make living arrangements, and sign contracts.
- Shifting rights to young adults who cannot make informed decisions or take responsibility for their choices carries many risks.
- You may need to take legal action to protect your child if he or she cannot:
 - Recognize when a decision needs to be made
 - Think about possible options
 - Understand the consequences of decisions
 - Express his or her needs
- Explore guardianship or another form of support to protect adults who cannot make decisions on their own.



- **Guardianship** - This means that one person will have the legal power to make decisions for another person, mostly used when a person is unable to make his/her own decisions.
- **Alternatives to Guardianship** - For some individuals with disabilities, less restrictive options to legal guardianship may provide the protections needed. Examples include a joint bank account to help with spending, Durable Power of Attorney for Healthcare, Living Will, or Advance Medical Directive.
- **Estate Planning** - This means looking ahead and deciding who will care for your youth, where he/she will live, and the financial needs he/she will have (includes writing wills and setting up special needs trusts).

(Turn over for Next Steps)



Next Steps

- ✓ Start exploring guardianship or alternatives around your child's 17th birthday. The guardianship process takes time. Be ready to file the paperwork on your child's 18th birthday.
- ✓ Read the Illinois Guardianship and Advocacy Commission's "Guide to Adult Guardianship in Illinois" and "Guardianship Fact Sheet" online at <http://gac.state.il.us/osg>. Or, you can call (866) 274-8023 and request to have copies mailed to you.
- ✓ For help, contact an attorney with experience in setting up special needs trusts or guardianship for young people with disabilities.
 - Check the Illinois Attorney General website to find free legal help:
<http://illinoisattorneygeneral.gov/about/probono.html>
- ✓ Forms and petitions for guardianship are filed through each county's Circuit Court Clerk. Visit <http://www.state.il.us/court/default.asp> to find your Circuit Court Clerk's contact information. Guardianship forms are often available on the Circuit Court's website under the Probate Division.
- ✓ Talk to your child's doctor about guardianship. You will need the doctor to fill out a medical report within 3 months prior to filing for guardianship. Remember to schedule the annual check up with this in mind.



Materials supported through a grant from the U.S. Department of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau, D70MC12840. Developed by the UIC - Division of Specialized Care for Children and the Illinois Chapter, American Academy of Pediatrics.