

Guardianship and Alternatives

Transition Skills Tips & Tools



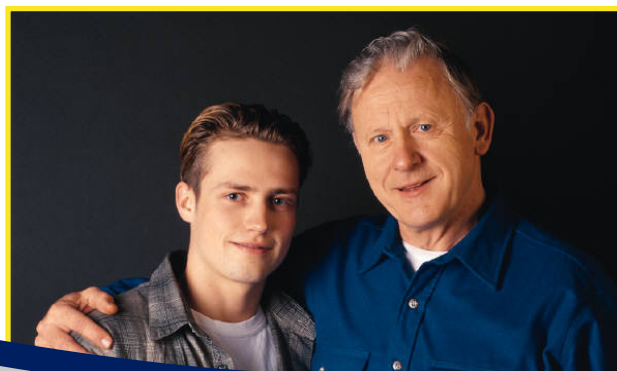
Who Will Make Decisions for Your Adult Child?

- At age 18, your child will gain the right to make their 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 their own decisions.

Alternatives to Guardianship - For some individuals with disabilities, less restrictive options to legal guardianship may provide the protections needed. Examples include supported decision making, joint bank account to help with spending, durable power of attorney for health care, living will or advance medical directive.

Estate Planning - This means looking ahead and deciding who will care for your youth, where they will live, and the financial needs they will have. Estate planning includes writing wills and setting up special needs trusts.



(Turn over for
Next Steps)

Next Steps

- ✓ Supported decision-making includes the individual with a disability in getting help, thinking about options, making choices and letting others know what decisions they made. Learn about supported decision-making and Illinois' Supported Decision-Making Act (Public Act 102-0614), which took effect Feb. 27, 2022, at gac.illinois.gov/content/dam/soi/en/web/gac/documents/supported-decision-making/igac-supported-decision-making-bro-5-4-22.pdf.
- ✓ 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" at gac.illinois.gov/osg/guide-to-adult-guardianship-in-illinois.html and "Guardianship Fact Sheet" at gac.illinois.gov/aboutus/guard-faq.html. You can also call (866) 274-8023 and request to have copies mailed to you.
- ✓ Contact your DSCC Care Coordinator for available regional or local resources offering help with guardianship and special needs trusts.
- ✓ Contact an attorney with experience in setting up special needs trusts or guardianship for young people with disabilities.
 - Check with the Special Needs Alliance to find special needs planning attorneys at: www.specialneedsalliance.org/
- ✓ You can file forms and petitions for guardianship through each county's Circuit Court Clerk. Visit www.illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/ to find your Circuit Court Clerk's contact information. Guardianship forms are often available on the Circuit Court's website under the Probate Division. You can contact IL Court Help to learn more about specific practices in your county. Call or text (833) 411-1121 or visit www.ilcourthelp.gov/hc/en-us.
- ✓ Illinois Legal Aid provides legal self-help centers across the state. Visit www.illinoislegalaid.org/get-legal-help/lshc-directory to find a legal self-help center in your community. You can visit a self-help center to use a computer for free, search online for answers to your legal questions, find and prepare court forms, and get other help depending on your location.
- ✓ Talk to your child's doctor about guardianship. You will need the doctor to fill out a medical report within three months prior to filing for guardianship. Remember to schedule the annual check-up with this in mind.

We're here to help.

To learn more about the Division of Specialized Care for Children's programs and services, check out our website at: dsc.illinois.gov

