

# Your Child with Disabilities is Turning 18

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## Is this for me?

Yes, if:

- Your child cannot care for themselves because of a disability.
- You want to know what to do when your child turns 18.

## Should I file for guardianship?

This means going to court. It can be costly.

You may not need a guardianship. We explain options here. One might meet your child's needs.

## What is informed consent?

Adults generally have the right to decide about their own medical care and/or treatment. *Informed Consent* means making such decisions after medical providers inform you about

- The possible risks and benefits.
- Other options.

To give informed consent, you must be able to understand your choices and decide.

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◆ Health care consent for children under 18 is different. [RCW 7.70.065\(2\)](#).

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## What is the Consent to Health Care Statute?

This Washington law allows you in some situations to make health care decisions for an adult whose mental incapacity keeps them from doing so. [RCW 7.70.065\(1\)](#). The law looks for a substitute decision maker *for an adult* in this order:

- An appointed guardian.
- Someone with durable power of attorney to make the patient's health care decisions.
- The patient's spouse or registered domestic partner.
- The patient's children who are at least age eighteen (as a group).
- The patient's parents (as a group).

- Starting 7/28/19, the patient’s adult brothers and sisters (as a group).
- Starting 7/28/19, the patient’s adult grandchildren who know the patient
- Starting 7/28/19, The patient’s adult aunts and uncles who know the patient
- Starting 7/28/19, in some cases, an adult with a special relationship to the patient described in RCW 7.70.065(1)(a)(x)(A).

## **How do I make health care decisions for an incapacitated adult?**

You choose what they would want if they were competent to decide. If you cannot do this, you should decide based on what you believe is in their “best interests.”

## **What is a representative payee?**

A government agency appoints a representative payee to receive and manage benefits for someone whose disability keeps them from doing it themselves. If your adult child gets government benefits, you can ask the agency to appoint you payee.

## **Who uses representative payees?**

Agencies including:

- Social Security Administration
- Veterans Administration

Some Washington state programs use similar *protective payees*. [RCW 74.12.250](#); [74.08.280](#); [WAC Chapter 388-460](#).

## **If I become representative payee, how do I manage their benefits?**

You must use their benefits for their personal care or well-being.

## **Do I need to be a guardian to be a representative payee?**

No.

## **What if they do not want me to be payee?**

They may not want a payee at all. They may want someone else to be payee. The agency in charge of the benefits can explain any rights the person has to object and to appeal the decision.

## Where can I get more info?

Read [Alternatives to Guardianship for Adults](#), also available at [WashingtonLawHelp.org](#).

## What if I need legal help?

- Apply online with [CLEAR\\*Online](#) - [nwjustice.org/get-legal-help](#)  
or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- Outside King County: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- King County: Call 211 for info and referral to a legal services provider, weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200 or toll-free 1-877-211-WASH (9274). You can also get info on King County legal service providers at [www.resourcehouse.com/win211/](#).
- Seniors age 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County can call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at [WashingtonLawHelp.org](#).

*Northwest Justice Project produced this publication based in part on materials previously produced by Columbia Legal Services with funding from the Snohomish Co. Department of Human Services.*

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This information is current as of June 2019.

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