

# Prepare Your Child for Age of Majority and Transfer of Rights\*

Parents want their children to have the skills they need to succeed as adults. While this is important for every young person, youth with disabilities often face extra challenges. That's why they need to be actively involved in setting their high school goals and planning for their transition to adulthood well before they reach the **age of majority**. Age of majority is the legal age established under state law at which an individual is no longer a minor and, as a young adult, has the right and responsibility to make certain legal choices that adults make. This is called **transfer of rights**. In most states, the age of majority is 18, but there are exceptions. It is important to know your state's laws.

## Takeaways from this handout:

- Most young adults, usually at age 18, are granted certain legal rights including special education rights.
- There are ways for parents to prepare for this and stay involved.

## Age of Majority

At the age of majority, **young adults are granted certain legal rights**, such as the right to vote, marry, obtain a credit card, consent to medical treatments, make living arrangements, and sign contracts. Each of the 50 states determines what rights transfer to individuals within that state.

The Individuals with Disabilities Education Act (IDEA) gives states the authority to **transfer educational decision-making rights** to students who receive special education services at the age of majority.

- In a state that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's Individualized Education Program (IEP) must include

a statement that the student has been informed of his or her rights and responsibilities under IDEA.

- The public agency (the school) will provide required notices to both the student and the parents. This regulation does not apply to students who have been determined to be "incompetent" under state law.

## Rights that Transfer

In states that transfer educational rights at the age of majority, all of the educational rights provided to the parents transfer to the student when he or she reaches the age of majority. These educational rights may include the rights to:

- receive notice of and attend Individualized Education Program (IEP) meetings
- consent to reevaluation
- consent to change of placement
- request for mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement, or other aspects of a free appropriate public education (FAPE)

**What's the risk?** Reaching the age of majority can be an exciting time for most students. However, transferring rights to young adults who are unable to make informed decisions or take responsibility for their choices carries many risks. Will the student:

- decide to drop out of high school?
- accept a quick diploma and become ineligible for much-needed transition services?

Many of the decisions young adults make affect their quality of life after high school.

## Helping Your Child Prepare for the Age of Majority and Transfer of Rights

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As parents, we can begin to help our children prepare for adulthood by looking at the role we play in their lives. **Start by asking yourself these questions:**

- *How do I try to influence my children's decisions?*
- *Do I tend to speak for my children instead of letting them speak for themselves?*
- *Can I separate my own desires from my children's wishes?*

It can be hard to let go of our parental role when we love our children and worry about their future. But we may need to step back and look at our own actions. Our role is to help our children to become comfortable making their own decisions and capable of making good choices. **Children develop decision-making skills over time, so begin as young as possible.**

**Encourage older children to take increasing responsibility** for the educational decisions that affect their lives.

- Encourage your child to **participate in planning his or her IEP** and even leading the IEP meeting.
- Role-play IEP meetings with your child ahead of time to help him or her clarify what he or she wants from the meeting. Practice how to step out of the meeting to discuss a decision in private.
- Ask your child if he or she wants to invite anyone to the meeting for support.
- **Help your child develop good working relationships** with school personnel and other IEP team members so there is little disruption when he or she reaches the age of majority.

### What else can parents do?

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- **Ensure** that your child is not pressured into making decisions he or she is not capable of handling.
- **Allow** your child to determine their own course. It is time for students to step forward and parents to step back as much as possible.
- **Stay involved** even after you are no longer the primary participant in the development of your child's IEP. IDEA does not address parents' attendance at IEP meetings once a student has reached the age of majority. Parents often attend their son or daughter's IEP meeting at the student's request.
- **Seek opportunities for your children to make choices** for themselves beginning at a very early age and continuing throughout their school years.

### Look for community programs:

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- Community education programs often have classes for teens on self advocacy or independent living skills.
- Centers for Independent Living offer workshops on self-determination and living skills for young adults.
- Leadership workshops and camps can also be beneficial in teaching skills.

Some students may not be able to recognize when a decision needs to be made, consider possible options, or recognize the consequences of their decisions without additional support.

*For more information see Conservatorship (Guardianship), at [pacer.org/publications/possibilities/conservatorship-guardianship.html](http://pacer.org/publications/possibilities/conservatorship-guardianship.html)*

*\*Adapted from Parent Brief: Age of Majority, 2002, a publication written by PACER for the National Center on Secondary Education Transition.*