

Guardianship and Autism: A Parent's Guide

As your child with autism spectrum disorder (autism) approaches the age of 18, you may begin to wonder if they will be able to make all of the decisions that adults need to make on their own. This can be a scary and uncertain time for parents and caregivers as well as their children who are transitioning into adulthood. Perhaps you are considering legal guardianship but aren't sure if it's the right choice for your child. You want your child to be as independent as possible, but you also want to make sure they are safe, protected, and have everything that they need. In this article, we will explore your options regarding guardianship and some of its alternatives to help you make the best decision for your family.

What is full legal guardianship?

Legal guardianship generally pertains to a person's everyday decisions. A plenary (or full) guardian is able to make nearly all decisions on behalf of their adult child. This includes rights to decisions regarding a person's living arrangements, safety, health, custody, education, and support. Some consider this type of guardianship an extension of parental rights into the child's adulthood. With full guardianship, any rights the parent had when the child was under 18, they would continue to have into the child's adulthood. Full guardianship should be reserved for the care and protection of those who are truly incapable of caring for themselves and making their own decisions.

Since full guardianship is considered an extreme deprivation of a person's rights, courts may have safeguards in place to protect the adult child from exploitation or abuse. Experts such as healthcare professionals may be consulted in order to testify to the person's needs. Moreover, a representative or yearly review could be ordered to ensure the person's care is appropriate and that guardianship is still warranted.



Full guardianship seems extreme for my child. Are there other options?

Yes! There are several options to consider. Before we explore them, please note that some of these terms are interchangeable or may vary from one state to another. It is best to consult a legal professional in your state before making any major decisions.

Conservatorship The term "conservatorship" is often used interchangeably with guardianship, and some parents may wonder if there is a difference. While laws vary from state to state, conservatorship is usually limited to decisions regarding finances and property. For instance, under a conservatorship, your child could be unable to enter into contracts, buy or sell property, or conduct other types of business without you.

Limited (or Partial) Guardianship With this option, a judge could decide which decisions would be under your authority, and which rights, powers, and duties would remain with your child. This is a very flexible way to provide as much independence as possible while ensuring your child's needs are met in a way that suits them personally.

Power of Attorney This option can give a parent the ability to act as an agent for their child or to do business on their behalf if they are unable to do so. It is also possible to have your child sign a healthcare power of attorney, which would enable you to make healthcare decisions and have access to medical records.

Supported Decision Making This option is a less-restrictive alternative to guardianship options. Advocacy groups for people with disabilities offer services to help them be as independent as possible, providing the support to help them do so. For more information on this option, visit [The National Resource Center for Supported Decision Making](#).

This is a lot to consider. How do I know which choice is the right one?

The good news is that you don't have to do this on your own. Be sure to consult with your child's school in the years leading up to his or her age of maturity. The school staff will offer a wealth of information, discuss transition options with you in every Individualized Educational Plan (IEP) meeting, and offer guidance to help you make an informed decision. It is also a good idea to partner with healthcare professionals and seek legal counsel. Last of all, but most importantly, no one knows your child as well as you do. Absolutely consider everyone's input, and then do what you think is best for this person you love so dearly. Know that you can always increase or decrease your child's level of support over time as they mature, and you both have a better idea of what they can handle on their own.