

Guardianship: The protection of a person's rights and responsibilities by another person.

As parents, we do this as a matter of course for our children. We pay bills, provide transportation, make medical and legal decisions, protect our children daily. But legally at the age of 18 the rights of guardianship pass to the individual- the child. If your child has significant support needs, this transference of rights may not be the best option. If they are unable to independently take care of their personal needs, communicate, manage money or legal affairs, parents need to be aware of their options to gain guardianship over their child. While your child may be in elementary or middle school and 18 may seem far in the future, the future becomes today quicker than you realize. Guardianship planning should begin early.

In Texas, the guardianship process involves: (additionally see Financial Planning Post)

- Filing paperwork with the court
- A court hearing
- A Judge determining a need
- Identifying a guardian

Guardianship requirements vary from state to state, but once a guardian has been named it is typically permanent unless a court intervenes, or the guardian is not able to continue their duties.

There are other options to full guardianship which are less restrictive. Texas was one of the first states to implement supported decision-making as a legal option for young adults. This legal process allows another adult (typically a parent or caregiver) access to materials and accounts to assist the young adult in making life-determinations. The supported-decision making gives individuals more independence, choice and a voice in what happens.

Regardless of the amount or type of support, your child may need beyond the age of 18 – it is never too early to start the planning! Here are some excellent resources to explain the process and help you get started!

Navigate Life Texas: Resources for Kids with Disabilities and Special Needs

<https://www.navigatelifetexas.org/en/transition-to-adulthood/legal-guardianship-for-young-adults-with-disabilities-1>

Texas Health and Human Services

<https://hhs.texas.gov/laws-regulations/legal-information/guardianship>

