

PURPOSE OF THIS DOCUMENT:

This document was created by the [Washington Medical-Legal Partnership](#) to assist parents, caregivers, and young adults understand options other than guardianship that may be helpful for families supporting adults with disabilities.

This document provides general information only. Additional information about alternatives to guardianship, what to know when your child with disabilities turns 18, supported decision making agreements, and durable power of attorney can be found at WashingtonLawHelp.org.

Alternatives to Guardianship – Practical Considerations

Many parents believe they need to file for guardianship when their child with disabilities turns eighteen. Educational or medical providers may have told them they should file to protect their loved one from harm. However, whenever possible, parents should try other options to support their adult child with making and communicating decisions. Guardianship severely restricts the rights of a person with disabilities.

Washington law requires that less restrictive alternatives be considered before a court can grant guardianship. The following are some options other than guardianship that may be helpful for families supporting adults with disabilities.

Consenting to Medical Care

- **Durable Power of Attorney (DPOA):** A person over eighteen can choose to sign a DPOA for medical decisions. The person signing must be able to understand the idea of giving another person authority to make decisions on their behalf. They don't need to understand technical legal terms.
- **Supported Decision Making Agreement (SDMA):** A person over eighteen can also choose to sign an SDMA, which allows one or more supporters to help the person understand and communicate medical decisions.
- Washington State has an **Informed Consent statute** (RCW 7.70.065) that allows medical providers to accept consent to health care from certain people, including parents, for adults who are not able to consent on their own behalf.

Applying for and Managing Supplemental Security Income (SSI)

- **You do not need to have guardianship to help someone else apply for SSI.** Social Security Administration (SSA) rules allow a person who is responsible for the applicant's care to sign the application if the applicant is unable to sign or to understand the application.
- SSA will normally appoint a **Representative Payee** to manage the benefits of an adult unable to manage their own benefits. SSA may appoint parents, other family members, or other trusted individuals as Representative Payees.

Applying for Benefits with the Developmental Disabilities Administration (DDA)

- **DDA rules allow certain relatives to apply for DDA on an applicant's behalf** if they are primarily responsible for the applicant's care and the applicant lives with them. The rules also allow others to apply for adults unable to apply for themselves due to a medical condition. Washington Administrative Code §388-823-0025.
- **Requirement to send notices and consult:** DDA is required to continue to send notices and to "consult" with the parents (or other family members in some cases) of a DDA client over eighteen, regardless of whether the parents have guardianship or authority under a DPOA. DDA may ask for additional authority, such as a DPOA, if a parent seeks to consent to specific services on behalf of an adult DDA client.

Educational Decisions

- **Durable Power of Attorney (DPOA):** A person over eighteen can choose to sign a DPOA for education. The person signing must be able to understand that they are giving another person authority to make educational decisions on their behalf. They don't need to understand technical legal terms.
- **Educational Representative:** A parent or other person can request that the school appoint them as an educational representative for an adult student. The school will require two written opinions from medical professionals that the student is incapable of informed consent. Washington Administrative Code §392-172A-05135.
- **Notices:** School districts must continue to send notices to the parents of a student eligible for special education services after the student turns eighteen (in addition to sending notices directly to the student).

Washington Apple Health and Community Placement

- **Durable Power of Attorney (DPOA):** A person over eighteen can choose to sign a DPOA giving someone else authority to communicate with state agencies about Washington Apple Health benefits and community placement decisions.
- **Authorized Representative:** A person over eighteen can choose to sign an Authorized Representative Designation Form (DSHS 14-532) giving someone else authority to manage eligibility-related interactions with state agencies. If an adult is unable to designate an authorized representative due to a medical condition, parents and others can submit the form themselves. Authorized representatives can request appeals of Washington Apple Health eligibility decisions.

Commitment to a Mental Health Facility

Washington's civil commitment laws set out the requirements and procedures that a person (including a guardian) must follow to commit an adult to a mental health facility for treatment. Guardianship orders do not grant this authority, and guardianship is not required to file for civil commitment.

Picking up Prescriptions

- Parents and others should be able to pick up prescriptions for an adult with disabilities. It may be necessary to show a photo ID to pick up certain prescriptions, such as controlled substances.