



## Transition: Age of Majority Considerations

The age of majority is the legal age set by state law where a person is no longer a minor, is responsible for their choices, and has certain rights and requirements to follow as a legal adult. This is called a **transfer of rights**. In Michigan, the age of majority is 18 years. This applies to all individuals; those with and without disabilities.

### Age of Majority and Education

The *Individuals with Disabilities Education Act* (IDEA) states a child must be informed of his or her transfer of rights one year before reaching the age of majority. This right transfers from parents or guardians to the individual. Districts must notify the parent and the student of the transfer of student rights on or before the student's 17th birthday. At the annual individualized education program (IEP) team meeting for the IEP which will be in place when the student turns 18, the district must notify the student of the transfer of rights again. A statement must be included in the student's IEP at that time indicating the individual and parents received this information.

When individuals reach their age of majority, they have the right to make decisions about their special education services, including the right to:

- Attend their IEP Team meetings.
- Consent to any special education evaluations.
- Provide input during IEP development.
- Access dispute resolution options.
- Give signed permission for any personal records being sent to outside agencies under the *Family Educational Rights and Privacy Act* (FERPA).
- Disagree with any school records.
- Invite anyone they choose to the IEP Team meeting.

### Rights That Transfer at Age of Majority

The following are some examples of additional rights that transfer at age of majority. The right to:

- Sign a home lease, legal contracts, or finance a mortgage.
- Get a credit card or driver's license.
- Open an individual bank account.
- Marry, vote, and enlist in the armed services.
- Consent to medical treatment.
- Make living arrangements.

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## Preparing for Age of Majority

It is important for students and parents to discuss what happens when rights transfer and consider actions they can take ahead of time. Parents can advocate for their child, help them develop self-advocacy skills, and prepare for legal obligations. The following are some key considerations for planning for age of majority:

- Get a [Michigan identification card](#) (if student does not have a driver's license).
- Register for [Selective Service](#) if the student is a male between 18-25 years of age regardless of disability (consideration is given if a draft were reinstated).
- [Register to vote](#) in Michigan.

## Age of Majority and Assigning Rights

Some parents of students with disabilities have concerns about their child's ability to be independent and may request legal guardianship to continue assisting their child with decisions. An individual with a disability who has reached the age of majority may also request the court consider assigning full or partial guardianship to a parent or someone else to assist them with legal decisions on their behalf. This involves a legal court proceeding and should only be done if necessary. There are a number of alternatives for parents to obtain or maintain guardianship for their adult child when they reach age of majority. Guardianship allows parents to be involved in the decisions their child makes but, ultimately, the individual has the say on how they live their life and the decisions made. Michigan Alliance for Families provides a number of [options and alternatives to guardianship](#) which might be available. These include:

- Supported decision making (assisting individuals in decision making).
- Powers of attorney, trusts, directives for health care, and others.

## Resources



Michigan Alliance for Families:

- Rethinking Guardianship Videos ([Part 1](#) and [Part 2](#))
- [Rights and Responsibilities, Transfer of Rights](#)

- [ARC Michigan: Rethinking Guardianship](#)
- [Michigan Administrative Rules for Special Education \(MARSE\)](#)
- [Michigan Department of Health and Human Services \(MDHHS\), Developmental Disabilities Council \(DDC\): Transfer of Rights, What Do I Need to Know](#)