

Legal Decision-Making Options

for families of students with disabilities...

Least Restrictive

Independent Decision Making

- Automatically occurs at the age of 18 if no other arrangement is set up.
- Parents and caregivers act as supporters, which allows the person to informally communicate and seek input about legal decisions. Fosters independence.
- No court process or legal document needed
- Assistive Technology can support the person in communicating their own decisions.

Supported Decision Making Agreements (SDMA)

- For those needing assistance from a “supporter” to make decisions about daily living.
- Completed through a **court process**, BUT supporter does not have legal authority.
- SDMAs detail what types of decisions the person wants assistance with.
- Can be ended by the person with disability at any time.

Power of Attorney (POA)

- **Legal document** that gives an identified person (*agent*) power to making legal, medical, and/or financial decisions for the disabled person (*principal*)
- Principal must consent to the agent receiving this authority through the POA.
- Principal can disagree with agent and override decisions.
- Many templates available online, must be witnessed by non-interested party or notary
- Durable POA: option to continue POA if principal become incapacitated or too ill to make decisions

Protective Arrangement

- Obtained through **court process** similar to Guardianship & Conservatorship
- BUT, less restrictive & more individualized to person’s specific needs
- Court appoints someone to help with specific tasks—medical treatment, legal processes, selling property, financial decisions, etc.

Guardianship

- A guardian is assigned through a rigorous **court process** that removes some or all of a person’s decision-making rights related to **HEALTH, SAFETY, and SELF-CARE**
- Authority can range from *Limited* to *Full*
- Must show (1) person lacks capacity to manage health, safety, and self-care, (2) it is necessary to prevent harm to the disable person, and (3) that their needs cannot be met by a less restrictive option
- A judge will make the decision to approve a guardian and their level of authority

Conservatorship

- A conservator is assigned through a rigorous court process that removes some or all of a person’s decision-making rights related to **FINANCIAL AFFAIRS and ASSETS**
- Authority can range from *Limited* to *Full*
- Must show (1) person lacks capacity to manage finances, (2) it is necessary to prevent harm to the disable person, and (3) that their needs cannot be met by a less restrictive option
- A judge will make the decision to approve a guardian and their level of authority

Most Restrictive

Highline Public School’s PROMISE is to ensure EVERY student is known by NAME, STRENGTH and NEED.



Resources

Now that you know a bit more about what options are available to you and your child, you should explore our region's available support resources. This includes information through trainings, written materials, support groups, etc. But most importantly, resources that connect you with legal experts who can provide you with the legal advice and guidance many others cannot. These processes are rigorous and complicated and are often not done alone.

For Protective Arrangements, Guardianship, and Conservatorship in King County Superior Courts:

- The petition must be filed in the Superior Court of the county where the person with disability resides.
- The Court schedules the hearing (within 60 days).
- The Court appoints a Court Visitor.
- The Court appoints an attorney (for the person with disability).
- If the person's assets are less than \$3,000, the county will pay for the costs of the process, the Court Visitor, and the attorney.
- Lay guardians must complete an online training and then complete the declaration of completion form.
- After guardianship is established, you will be required to report to the court every 12, 24, or 36 months.



WA Courts:
[Information Sheet](#)



[WashingtonLawHelp.org](https://www.washingtonlawhelp.org)

These three **COMMUNITY RESOURCES** provide a great deal of information and direct support to families navigating decision-making options. Explore them and do not hesitate to reach out to them!

The Arc of King County

All 6 options

<https://arcokingcounty.org/>



Informing Families

SDMA, POA, and Guardianship

<https://informingfamilies.org/>



Open Doors for Multicultural Families

All 6 options, multiple languages

<https://multiculturalfamilies.org/>



These are **LEGAL RESOURCES** in our area that can connect you with legal experts who are able to give advice and guidance on your specific situation. They include some no or low cost options.

The courts can waive attorney fees in some cases.

Northwest Justice Project

<https://nwjustice.org/get-legal-help>

KCBA Neighborhood Legal Clinics

<https://www.kcba.org/?pg=Neighborhood-Legal-Clinics>

CLEAR Hotline

In King County, call 2-1-1

ELAP: Eastside Legal Assistance Program

<https://elap.org/>

WA Courts Guardian Portal

<https://www.courts.wa.gov/guardianportal/>