

TRANSFER OF RIGHTS

for students with disabilities

STUDENTS!

Yea,
I'm 18!



SD LAW SAYS:

- You become an adult when you turn 18.
- You make all of your own decisions.
- No one can speak on your behalf (unless you give them permission).

When you become an adult, you may need extra help from someone when making decisions to keep yourself healthy and safe. There are different ways that people can help you. One way is to choose a **Power of Attorney**.

Huh, what's that?

POWER OF ATTORNEY

is when you choose a person to help make decisions for you and act on your behalf.



There are two types

POWER OF ATTORNEY

- You tell someone or put into writing that you want him/her to be your Power of Attorney
- If something happens to you and you can't make decisions on your own, the person you chose as your Power of Attorney can't make decisions for you either
- You can choose to have a different Power of Attorney at any time, and you can decide to stop having a Power of Attorney at any time

DURABLE POWER OF ATTORNEY

- An attorney should help write the document which says you want a certain person to be your Durable Power of Attorney
- The Durable Power of Attorney will make decisions for you even if you become unable to make decisions on your own
- You can choose to have a different Power of Attorney at any time, and you can decide to stop having a Power of Attorney at any time - unless you become unable to make decisions

MORE ON THE OTHER SIDE...

THERE ARE TWO MORE WAYS THAT SOMEONE CAN HELP YOU MAKE DECISIONS. THEY ARE CALLED A **CONSERVATOR** AND A **GUARDIAN**.

CONSERVATOR

GUARDIAN

WHAT

Person who helps you make decisions about your money

WHO

- One or more adults; or
- Public agency; or
- Non-profit corporation; or
- Bank or trust company

HOW

Appointed by a judge during a court hearing

WHAT

Person who helps you make decisions about your life, such as where you live, and educational and medical decisions

WHO

- One or more adults; or
- Public agency; or
- Non-profit corporation

HOW

Appointed by a judge during a court hearing

HOW IT WORKS

START

You will receive a letter in the mail stating that someone wants to be your conservator and/or guardian. The letter will tell you when to come to court.

You will go to court to talk with the judge. If you do not want a conservator and/or guardian or you want someone else, ask the judge for an attorney to help you.

The judge decides if you need a conservator and/or guardian and which decisions you need help with.

If the judge decides you need a conservator and/or guardian, the judge issues an order appointing someone and you will receive a copy of that order.

3 DIFFERENT TYPES OF CONSERVATORS & GUARDIANS

Full All areas of your life

Temporary Need help right away, but only for a short time

Limited Only some areas of your life

If you disagree with the judge's decision, you have 30 days to find an attorney and tell the court you want the decision changed.

YOUR RIGHTS

WHEN YOU HAVE A CONSERVATOR &/or GUARDIAN

You can also go to the court at a later time to try to get the conservatorship and/or guardianship changed.

- You continue to have all rights not given to your conservator and/or guardian.
- You should continue to participate in making decisions about all areas of your life.
- You can seek to have the court change the conservator and/or guardian; change the areas of your life in which you need help; or remove the conservator and/or guardian if you no longer need help. You can ask the court to appoint an attorney to help you.



1.800.584.9294



1.800.658.4782



SOUTH DAKOTA
ParentConnection

1.800.640.4553

This document is for informational purposes only. It is not intended as legal advice. Because each situation is unique, it is recommended that you consult with an attorney to discuss all options. The contents and printing were developed under a grant from the U.S. Department of Education (Project # H328M140021). However, the contents do not necessarily represent the policies of the Department of Education, and you should not assume endorsement by the Federal Government.