



TRANSITION CHECKLIST: FOR MILITARY CHILDREN WITH A DISABILITY TURNING 18 IN VIRGINIA

Be a self-advocate. Educate yourself with basic knowledge of your specific disability and be able to educate others. Understand the disability, how it affects you, and how it might affect future employment and/or career choices. Name and know the purpose of prescribed medications. Attend the Naval Medical Center Portsmouth Transition Forum. Call 757.953.7379 to register.

Know military programs/resources. Meet the Health Benefits Advisor (HBA) at your nearest MTF. HBAs are a wealth of information. Know your Exceptional Family Member Program. Be familiar with official military websites including Military One Source [militaryonesource.com] and your military Family Support/Community Service Centers [https://www.cnic.navy.mil/ffr/family_readiness/fleet_and_family_support_program.html].

Talk to your pediatrician and other healthcare providers about transitioning to adult medical care providers. They can assist you on this journey. Healthcare transitions take lots of thought and planning and many pediatrics do not see young adults over the age of 21.

Sign an advance health care directive. An advance directive is a written document used to share your wishes in health related matters. It allows one to designate a parent or other person as the specific health care proxy to make medical decisions if one is too ill or unable to make such decisions. The two most common types are the living will and the health care power of attorney. Most medical facilities or the MTF Legal Services Department can provide a blank copy.

Review your Individualized Education Program (IEP) and participate in IEP meetings. The IEP is a written document developed for each public school child eligible for special education. Before an IEP can be written, the child must be eligible for special education. The IEP is mandated by the Individuals with Disabilities Education Act (IDEA), a federal law that guides how states and public agencies provide early intervention, special education, and related services. It entitles students with disabilities to a free, appropriate public education through age 21 and must include a transition plan that begins “not later than the first IEP to be in effect when the child turns 16”. After high school graduation, IDEA no longer applies. Other federal laws, the Americans with Disabilities Act (ADA) and Section 504 of the Vocational Rehabilitation Act of 1973, apply but accommodations and services must be requested.

Visit your School Liaison Officer. School liaison officers network, educate and work in partnership with local schools to enhance the education experience.

Verify with your school counselor your anticipated “graduation” or exit date from high school. This allows the opportunity to make plans for additional education or training towards employment including appropriate agency linkages. If not working toward a standard or advanced standard diploma, the student may remain in school through age 21, inclusive.

Designate an Educational Representative, if still attending school. An educational representative is authorized to make educational decisions only on your behalf. Ask your school counselor for a copy of “Transfer of Rights to Students with Disabilities Who Reach the Age of Majority” or the “Power of Attorney for Educational Decisions Made under the Individuals with Disabilities Education Act”. If applicable, parents may submit a certification form of the inability of a student to provide informed consent. Get samples of forms from:
http://www.doe.virginia.gov/special_ed/regulations/state/transfer_rights_students_disabilities.pdf.

Apply for Supplemental Security Income (SSI) and the Ticket to Work Program. SSI is a federally funded needs-based program that pays benefits to individuals with disabilities who have limited income and resources. Disability criteria for SSI as an adult differs from that of a child. If not already receiving SSI, apply 30 days prior to the 18th birthday. The Ticket to Work Program is an incentive program that provides adult SSI beneficiaries with more employment related choices while also receiving SSI Benefits. Apply at your local Social Security Administration Office. Applications can be submitted online at <http://www.socialsecurity.gov/>.

Be knowledgeable of Representative Payee. A representative payee is appointed to receive/ manage government benefits for a person unable to do so. If receiving Social Security benefits (or income through the Veteran's Administration) know that the federal government recognizes the rights of the representative payee. It does not recognize the rights of a power of attorney (POA).

Apply for Medicaid at the Department of Social Services in the city where you live! Medicaid, funded by the federal and state governments, pays for medical care for eligible individuals. Eligibility for SSI usually qualifies for Medicaid in Virginia; however, individual applications for both programs must be completed. For more information, visit: <http://www.dss.virginia.gov>.

If not already receiving a Medicaid Waiver and not on a waiver waiting list, apply! Currently, Virginia has Medicaid Waivers to assist individuals with disabilities. With limited exceptions waiting lists can be very long. For further information, visit http://www.dmas.virginia.gov/content_pgs/ltc-wvr.aspx or call The Endependence Center at (757) 461-8007.

Make an appointment with an attorney experienced in disability laws and rights regarding adults with disabilities to discuss whether guardianship, conservatorship, and/or alternatives to guardianship is appropriate. *Regardless of disability or cognitive skills, children become legal adults in most states at age 18. Parents do not automatically continue as guardians.*

- A guardian is a person appointed by a court who is responsible for the personal affairs of an incapacitated person, and for making decisions for that person.
- A conservator is the person authorized by the court to handle one's financial affairs. In many cases, the court will name the same person to serve as both guardian and conservator
- An alternative to guardianship is any legal tool, social service, natural support, community resource, or government program that does not lead to full guardianship. Alternatives to Guardianship include Powers of Attorney, Living Wills, Representative Payees, etc.

Parents, financial and life planning is crucial. Discuss your current estate plan, Special Needs Trust (SNT), and how to provide financially for your child at your death. A SNT allows you to plan for your child's financial future and prevent Medicaid and SSI disqualification. Ask other family members if their estate plans include the possibility of any bequest coming to the child. Financial gifts to a special needs child from well-meaning family members jeopardize the child's eligibility for necessary governmental benefits (i.e. Medicaid, SSI, other governmental subsidies, etc.)

Note: To find a state-by-state guide of legal resources available to military families, visit http://www.americanbar.org/portals/public_resources/aba_home_front.html. Click on Directory of Programs. For more information, contact your service specific Legal Services Office, the Regional Legal Service Office Mid-Atlantic (RLSO-MIDLANT) at 757.341.4470/4588, or the Virginia Office for Protection and Advocacy at <http://www.disabilitylawva.org>.

Know TRICARE. Visit: www.tricare.mil.

- Unmarried children are eligible for TRICARE until their 21st birthday (23rd if a full-time college student).
- Eligibility for a child with disability incapable of self-support may continue after the 21st birthday if the disability existed prior to age 21 or between 21 and 23 while a full-time college student. To determine eligibility the sponsor must complete the applications requirements for the secondary dependency program. <https://www.dfas.mil/militarymembers/SecondaryDependency/SDC.html>. The application process varies between the branches of services.
- After aging out of TRICARE, the young adult without a disability (up to age 26) may enroll in TRICARE for Young Adults. Contact your local Health Benefits Advisor or the managed care support contractor for details/other options.