

HOW CAN BASE LEGAL ASSIST MY FAMILY?

Attorneys can help
families navigate

SPECIAL EDUCATION

legal issues for students
whose educational
performance is adversely
impacted by their disabilities

Examples:

- 👉 Individualized Education Program (IEP) Disputes
- 👉 Transfers of IEPs and accommodation
- 👉 Education disputes and remedies
- 👉 Understanding parental rights



For more information about the below
referenced services or contact
information for representatives in your
local area, please scan these codes:

EFMP Family Support Coordinator



Oversee identification,
enrollment & resources for
military families with
special needs to help them
understand and navigate
systems of care



School Liaison Office

They provide education
services for PreK-12
Students, Families and
Educators serving military
connected students



Legal Assistance Office

Available to provide legal
advice and counseling to
Airmen and Guardians of
students whose education-
al performance is impacted
by their disabilities



DAF Family Vector Video Library

Contains a series of short
videos explaining terms
and topics of interest for
EFMP military families re-
lated to special education
law, and other areas

Prepared by the
EFM Legal Assistance
and Policy Branch

for more information contact us at:
AF.EFMP.LegalAsstPolicy@us.af.mil



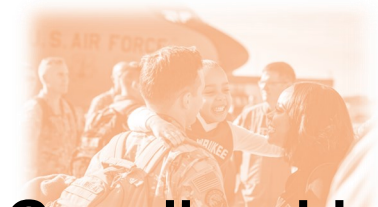
U.S. AIR FORCE



UNITED STATES
SPACE FORCE™

SPECIAL EDUCATION

Legal Assistance
on
Guardianships



Guardianships

In most states, when a child with a disability turns 18, he or she is no longer a minor in the eyes of the law. All rights previously held by parents under the law automatically transfer to the child unless the parents have guardianship or another legal arrangement. Parents have various options, but there is no one-size-fits-all solution for all disabilities or situations.

What happens at age of majority?

- Parents no longer have access to educational, health, or financial records
- Parents do not have the authority to enroll students in schools/institutions
 - Parents cannot make medical decisions or talk to medical providers
 - Parents cannot coordinate care
 - Parents cannot manage finances

When is guardianship not required?

Students whose disability does not impair their ability to make decisions may choose to consent in writing, to the parents/guardians to act as decision-makers regarding their education. This is often accomplished by having the adult child sign a power-of-attorney for financial/educational

matters and a designation of health care surrogate for medical matters.

In some cases, the child may simply invite the parent to attend an IEP meeting or ask his or her parent for advice concerning education. If the adult child is competent, decisions regarding health, education, and finances become that child's to make. Likewise, whether to consult with or formally appoint parents as decision-makers is up to the competent adult child.

When is guardianship advisable?

If an adult child is not competent, however, guardianship is the legal process by which a guardian is appointed to care for an adult with a disability.

If, due to a disability, the child lacks the capacity to consent or otherwise understand and sign planning documents, then a guardianship proceeding through the local court is the way in which a parent can maintain legal authority over a disabled adult child.

A guardian, once appointed, can then exercise decision-making authority over the adult child, such as financial decisions, medical decisions, residency decisions, and/or decisions about the social environment. The guardian also can enforce the rights of the adult child, such as ensuring the

adult child receives the benefits to which he or she may be entitled.

Will legal assistance attorneys help?

Legal assistance attorneys can ask you questions about your situation and determine whether guardianship might be appropriate in your particular situation. Parents should take time to discuss their concerns, including the student with a disability if possible, and talk to their child's education and health professionals. This information will be relevant during your attorney consultation. Each state has its own process for guardianship governed by state law. Although the legal assistance attorneys may not be able to represent you in court, they can screen your case and recommend courses of action and resources so that you can make sure your child is protected and, crucially, prevent gaps in legal authority over your child's decision-making.

Does my child have the right to talk to an attorney?

Dependents are also eligible to obtain legal assistance from military providers, within the constraints of their respective missions. It is important to disclose when both parents and the adult-to-be in question are present at the same appointment to allow the attorney to clear any possible conflict of interests before providing advice.