

Rules of 18

In Wisconsin, when a person reaches his or her 18th birthday, he or she legally becomes an adult. Ability or disability does not matter. Upon reaching the age of 18, all the rights of legal adulthood are in effect (except for drinking beer or alcohol. This is not a right until age 21). Some of these rights include the ability to:

- Vote;
- Get married;
- Make a will;
- Make a contract (rent an apartment, buy a car, take out a loan);
- Give or refuse consent for medical treatment;
- Make independent decisions free from parental control; and
- Apply for credit

There are also responsibilities that come along with these rights. Some of these responsibilities include:

- Being tried in adult criminal court; (This actually begins at age 17 and, in some circumstances, can occur as young as age 14 if the individual is "waived" into adult court.)
- Self support; (Parents are not required to support their adult children.)
- Serving on Jury Duty if called to do so;
- Being held liable for contracts entered into; and
- REGISTERING FOR THE DRAFT. It does not matter if someone is capable of serving or not. EVERY male citizen and alien residing in the United States must register within 30 days of his 18th birthday. Even a male with severe disabilities must register, although there may be no way he can serve. Failure to register for the draft is a federal crime.

Parents must understand that they do not continue to have decision-making authority for their adult child after that child turns 18. Even in cases of severe disability, adults are presumed able to act on their own behalf unless a court of law decides otherwise.

There are options for individuals who need assistance with decision-making. Guardianship is the most widely known option, but there are other possibilities.

Guardianship can be established for an individual who lacks the mental capacity to make informed decisions about his or her own care or finances. Physical disability and/or making poor decisions without actual mental incapacity are not enough to require guardian.

There are different types of guardianship. Full guardianship may not be needed. Sometimes a limited guardianship can be established so that the individual with a disability can retain some rights. The types of guardians include: Guardian of the Person, Guardian of the Estate, Temporary Guardian, Limited Guardian, Standby Guardian and Successor Guardian. Parents do not necessarily need to serve as their adult child's guardian. A friend, another family member or a volunteer guardian appointed by the judge can assume this role.

Another option to consider may include utilizing Power of Attorney. Having a Representative Payee for financial matters may be sufficient. Good information is needed to make informed decisions in this area. As in other areas of life, the least restrictive option possible deserves serious consideration.

Information for this handout was obtained from:

- "Guardianship of Adults: A Decision-Making Guide for Family Members, Friends and Advocates," a handbook by Roy Froemming, J. D., and Betsy Abramson, J. D. It is available from the Department of Health and Family Services. Division of Supportive Living, ATTN: Publications Order, One West Wilson St., P. O. Box 7851, Madison, WI 53707-7851. Include the publication number (PSL-460), your name, address and a phone number in case of questions.
- "On Being 18," by Attorney David E. McFarlane, published by the State Bar of Wisconsin, 5302 Eastpark Blvd., P. O. Box 7158, Madison, WI 53707-7158. Phone number: (608) 257-3838.
- The Wisconsin Guardianship Support Center, Elder Law Center, Coalition of Wisconsin Aging Groups, 2850 Dairy Drive, Suite 100, Madison, WI 53718-6751. Phone number: (608) 224-0660 or toll free at 1-800-488-2596.
- Wisconsin Coalition for Advocacy, 16 North Carroll Street, Suite 400, Madison, WI 53703. Phone number: (608) 267-0214 or toll free at 1-800-928-8778.