



Children With Disabilities – What Happens When They Turn 18?

📅 June 19, 2014 · 👤 Culshaw Miller Lawyers (<https://www.culshawmiller.com.au/author/slinky-seo/>)

Blog post by Daniel Sampson (<https://www.culshawmiller.com.au/Daniel-Sampson/>)



In some circumstances, children with a decision making disability will need appropriate care arrangements when turning 18 years of age. Once children turn 18 they are no longer within the jurisdiction of the Family Court with respect to parents being able to apply for Court Orders in relation to their welfare.

If suitable informal arrangements are not made for a person with a disability in this transition from adolescence to adulthood, then the person who seeks care of the child may need to apply to have themselves appointed as a Guardian for the child.

Guardianship applications in Western Australia are dealt with by the State Administrative Tribunal (SAT). The SAT will investigate the Application for Guardianship of a person with decision making or health issues, and determine whether guardianship would be in the person's best interests.

In the case of a person under 18 years of age, an application can be made when the child is 17 years of age to ensure that appropriate arrangements are in place for when the person transitions to legal adulthood. The guardianship commences upon the person's 18th Birthday.

It may also be appropriate to apply to the Family Court for adult child maintenance where a child needs financial support because of health issues beyond the age of 18 years. Ordinarily the Administrative system of Child Support will not continue beyond a child's 18th birthday and legal intervention may be required.

For more information regarding Guardianship visit the website of the Office of the Public Advocate (http://www.publicadvocate.wa.gov.au/G/guardianship_frequently_asked_questions.aspx?uid=6194-8506-7822-0632).

If you require legal advice or assistance please contact one of our Lawyers for an appointment (<https://www.culshawmiller.com.au/contact/>).

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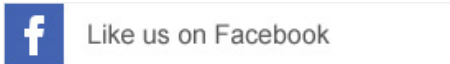
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