



SUPPORTED DECISION MAKING AND TRANSITION TOOLKIT

Financial Section

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Disability
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Supported Decision Making and Transition Toolkit

- **A practical guide for the transition to adulthood for people with disabilities and their support systems**

What is the purpose of this toolkit?

This toolkit provides information, resources, and templates to help individuals with disabilities plan for the future. The toolkit will help people with disabilities to gain independence and make decisions in adulthood. This guide was written and put together by attorneys and advocates at Disability Rights Ohio, Ohio's designated Protection & Advocacy system for people with disabilities. This guide does not provide legal advice. This guide is a tool to assist with decision-making. Should you need this guide in a different format, please contact DRO Communications at communications@disabilityrightsohio.org.

This guide is designed to help individuals with disabilities explore options for assistance with decision making, including supported decision making, powers of attorney, and options other than guardianship that are less restrictive. These tools can also help those with a guardian make decisions alongside their guardian.

Who can use this toolkit?

This toolkit is for individuals with disabilities, as well as their support people, including family, friends, caregivers, and people who assist them with supported decision making.

What is Supported Decision Making?

Supported decision making lets people choose someone to help them make important decisions about their lives. Everyone needs support to make important decisions about their work, school, money, and more. Supported decision making lets people select friends, family, or others to help them with making decisions while practicing self-determination and independence.

What is Guardianship?

Guardianship is the legal role given to an individual to manage the personal activities of another person. This happens when the court has decided that someone, called a **ward**, cannot make their own decisions. The court appoints a guardian to assist the ward with making decisions. Guardians may make decisions about the ward's health care, where they live, how their money is spent, and other personal choices. The guardian should consider the wants and wishes and of the ward. The court can end a guardianship if the ward is re-evaluated, and the court determines that the ward can make their own decisions. Sometimes this is called "becoming your own guardian."

Guardianship is not appropriate for everyone. The need for a guardianship is specific to each individual situation and each potential ward. However, wards, or people with guardians, can use the tools in this kit to make decisions about their lives and work with their guardian to implement their decisions.

This toolkit also provides examples of alternatives to guardianship, including supported decision making, powers of attorney, and others.

We hope that this toolkit makes you feel confident in speaking up for what you want in your life.

For more information you can contact Disability Rights Ohio at 614-466-7264

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Financial

Words to Know:

- **Financial** - Relating to money, banking, or investments.
 - **Social Security Benefits** - Money paid to you by the government to help you cover daily expenses.
 - **Representative Payee** - A person who will help you manage your benefits who works for the Social Security Administration.
 - **Beneficiary** - A person who receives services or supports.
 - **Investing** - Putting money into something in the hope that it will make you more money.
 - **Agent** - A person who is given the power to make choices about your money when you are not able to manage your own money.
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Knowing how to manage money is important. This includes knowing if you can manage your own money or if you need someone to help you. This section will tell you about programs where you can get money to help you pay bills and get services and programs that can help you manage and save the money you earn. Good money management can help you become more self-sufficient.

Social Security Benefits

Social Security benefits are money paid to people with disabilities to help them pay for the costs of living such as rent, utilities, food, and clothing.

As a young person with a disability, you might be receiving Social Security benefits, either Supplemental Security Income (SSI) or less likely, Social Security Disability Insurance (SSDI). This guide is intended primarily for youth receiving SSI.

The Social Security Administration (SSA) is the federal agency that runs the SSI and SSDI programs. The SSA checks to make sure that people meet the requirements to stay in the program (people who might be receiving SSI or SSDI) on a regular basis, usually every three years or so.

Age-18 Redetermination

If you are already getting SSI before you turn 18, when you turn 18, SSA will conduct the “Age-18 Redetermination” to decide if you still have a disability based on their definitions for adults. The adult standards to qualify for benefits are different than the standards used for child disability benefits. The adult standards look at your ability to earn money. If you meet adult standards, your benefits will continue. If you begin working, your wages will affect your monthly cash payment.

If you don't meet adult standards after the Age-18 redetermination, your SSI payments will stop. However, your benefits may continue, even if you don't meet adult standards, if you are still in a special education or vocational rehabilitation program. Some examples of these programs are:

- If you haven't graduated yet, are still attending school, and still have an IEP between ages 18 to 21
- If you have an individualized plan for employment (IPE) from Opportunities for Ohioans with Disabilities (OOD)
- If you are participating in SSA's Ticket to Work program and have an individualized written employment plan
- If you have an approved Plan to Achieve Self-Support (PASS)

Under these circumstances, your benefits will continue until you complete the program, you stop being in the program, or SSA determines that even if you continue in the program, you are likely to resume benefits in the future.

Whenever you are receiving benefits, it is important to report your earnings (the money you make) to SSA to avoid overpayments (being paid too much SSI) or a change to your benefits.

Managing Your Benefits

As a minor (someone who is under 18) getting SSI, you likely have a representative payee. **A representative payee** is someone appointed by SSA to get your SSI benefits for you. This is normally a parent or caregiver. The job of the representative payee is to use your benefits to pay for your current and future needs.

After you turn 18, SSA will think that you are able to manage your own benefits. This means your monthly cash payment will go directly to you, and not to your representative payee. You will be responsible for deciding what to do with your money and making sure you have enough for your living expenses like rent, food, and bills.

If you need help managing your money, you can reach out to a trusted family member, friend, or someone else who you want to help you make decisions. If you are still in school, you can talk to your IEP team about adding a goal to your IEP on how to manage money. If you are getting services from OOD, you can talk to your OOD counselor about services they can give you to help you learn how to use your money. Also, you can try contacting your local Center for Independent Living to see if they offer these services.

In some cases, SSA may decide that you cannot manage your own benefits and will appoint a representative payee to manage your benefits for you. If you have a representative payee and are concerned about how they are managing your benefits, contact Disability Rights Ohio at (614)-466-7264.

What is a Representative Payee?

- A Rep Payee (Representative Payee) is either a person or an organization that gets your SSI or SSDI payments for you.
- The Rep Payee is required to use that money to pay for your current needs, which are things like paying your rent and utilities, and paying for clothing, household needs, and medical care. The Rep Payee will also help manage any money that is left over.

How do I get a Rep Payee?

- To get a Rep Payee, you must be receiving SSI or SSDI payments.
- You can get a Rep Payee one of three ways:
 - If you want, you can choose a trusted person to be your Rep Payee
 - Or, if you want a Rep Payee but do not know someone who you would like to be your Rep Payee, you can ask the SSA to appoint you a Rep Payee of their choosing.
 - Or, SSA may decide that you need a Rep Payee and appoint you one
 - This happens when SSA decides that you need help managing your money.

What does a Rep Payee do? What can they help me with?

- A Rep Payee helps you manage your SSI or SSDI payments, as well as manage your daily living expenses.
- A Rep Payee will help you pay your bills and use your SSI or SSDI payments to pay for your necessary expenses.
- Ideally, a Rep Payee will work with you to help plan for your financial goals or wishes. Financial goals are what you want to happen with your money.
- If you do not want to or are not able to manage your finances, a Rep Payee may be a helpful person to add to your life.

What if my Rep Payee is not taking care of my money?

- If you believe your Rep Payee is not taking care of or stealing your money, you should tell SSA right away.
- General Contact for SSA:
 - Toll Free: 1-800-772-1213
 - Toll Free TTY: 1-800-325-0778
 - Or visit: <https://www.ssa.gov/>

What if I no longer want a Rep Payee?

- You have the right to receive your own SSI or SSDI payments once you turn 18 unless SSA believes you are not capable of having and managing your own money.
- If you have a Rep Payee because of a physical or mental disability, you must show SSA that you are now mentally and physically able to manage your own money.
 - You can do this by providing SSA with:
 - A doctor's statement that there has been a change in your condition and that the doctor believes you are able to care for yourself; or
 - An official copy of a court order (a document from a judge) saying that the court believes that you can take care of yourself; or
 - Other evidence that shows your ability to take care of yourself.
 - **However, if the evidence shows your condition has improved so much that you no longer need a Rep Payee, SSA may reevaluate your eligibility for disability payments all together. ¹ This could mean that you lose your SSI payments.**

¹ Adapted from: <https://www.ssa.gov/payee/faqbene.htm?tl=8%2C10%2C11%2C12>.

STABLE Accounts

It's important to save for your financial future! Your finances are the money that you earn and how you use that money. Saving your money can help you pay for bills that you didn't know would come and allow you to work toward your own goals.

A STABLE account is one way people with disabilities can begin saving while still keeping their benefits (normally SSI payments). You can use the information below to decide whether a STABLE account is right for you.

What is a STABLE Account?

A STABLE Account allows people with disabilities to save and invest their money without impacting other benefits, like Medicaid or Social Security Income (SSI). You can choose to save money in cash or invest the money in the STABLE account using different investment options. Some of the options can help you earn more money, but they can also lose your money, so you should fully understand those options before picking them.

STABLE accounts can also be used like a regular checking account.

You can choose to have a STABLE Card, which is a debit card you can use to easily spend money from a STABLE Account. It is available at no cost to all STABLE Account holders.

The STABLE Card is a loadable debit card. Individuals can take specific amounts of money from their STABLE Account and put it onto their STABLE Card for Qualified Disability Expenses.

Qualified disability expenses can be things like your living expenses, education, transportation, assistive technology, and other services.

To open an account or get more information you can visit

<https://stableaccount.com>

Who can qualify for a STABLE account?

The account owner (sometimes called the “**beneficiary**”) must be over age 18 and a United States Citizen or legal resident.

The beneficiary must be blind or have a medically determinable or mental impairment resulting in severe functional limitations

The condition must have developed before age 26 (including diagnosis) and lasted (or will last) at least one year.

Visit stableaccount.com/eligibility/ to take the quiz to find out if you would be able to apply.

How will a STABLE account impact my other benefits?

If you receive Supplemental Security Income (SSI) you can put money in your STABLE account and this will not impact your income limits to receive SSI.

Who can help me with setting up or managing my STABLE account?

An authorized legal representative (ALR) can assist you with opening and managing your STABLE account.

- An Authorized Legal Representative can be any of the following:
 - A trusted adult the account owner chooses
 - someone with power of attorney
 - a legal guardian, spouse, parent, or sibling
 - a rep payee

If you are under the age of 18, you can have an Authorized Legal Representative who is over 18 open an account on your behalf.

Visit stableaccount.com/eligibility/ to learn more.

Are there risks (bad things that may happen) involved in the STABLE account?

If you choose to use one of the investment options in the STABLE account, it is possible to lose money investing with a STABLE Account. You will not lose money if you use the cash option where you deposit cash in your STABLE account.

Are there fees associated with a STABLE account?

Yes, there are small fees. Ohio residents pay \$15 a year to keep their account.

There may be additional fees if you use an investment option.

Financial Power of Attorney (FPOA)

Investing is when you put money into something in the hope that it will make more money than you originally put in. For example, investing 10 dollars and receiving 20 dollars would mean you made 10 dollars.

A financial power of attorney (FPOA) is a legal document that gives someone else (called your “agent”) the power to make choices about your money when you are not able to manage your own money.

Customizing a FPOA

The FPOA can be changed so it works exactly how you want it to. Here are some ways that you can change a FPOA:

- Say what type of money your agent can control: If you don’t want your agent to manage all your money, you can use the FPOA to describe the types of money your agent can manage, such as a specific bank account.
- Follow directions: If you want your agent to follow certain directions or wishes, you can write down directions in the FPOA. The agent will be required to follow your instructions.
- Use a timeline:
 - A regular FPOA is active immediately and will continue to be active.
 - A “springing” FPOA is only active after a specific date or event. For example, a FPOA can be written so that it is only active if you can no longer make decisions about your money yourself.
 - You can also write a FPOA so that it ends after a certain time. For example, after a few months, a year, or five years.

Choosing an agent

Any adult can be your agent, but it is good to choose someone that you trust. The agent will be following your FPOA and making decisions about your money for you. You should speak with the person you choose to be your agent to make sure they are interested in being your agent.

Ending the FPOA

Unless you add an end date to your FPOA, it will automatically continue. If you want to end your FPOA, you will have to fill out another form. This form is called a “FPOA revocation form.”

Financial Resources

- <https://www.ohiolegalhelp.org/topic/financial-poa>
- <https://stableaccount.com>
- <https://bettermoneyhabits.bankofamerica.com/community/en/lessons/financial-independence-first-steps>
- <https://www.nationaldisabilityinstitute.org/downloads/#financial-toolkit>
- <https://www.nationaldisabilityinstitute.org/financial-wellness/financial-capability/>