I went over the rights at issue in the guardianship with Austin at school. He responded to each of the rights as shown in the table below.

|  |  |
| --- | --- |
| To marry or divorce | “I can make that decision.” |
| To vote or hold an elected office | “I don’t vote now” |
| To enter into a contract | “I can make that decision” |
| To make or revoke a will | “I’m not sure what that means” |
| To sue and be sued other than through a guardian | “I can make that decision” |
| To possess a license to drive | “I can make that decision” |
| To buy, sell, own, mortgage or lease property | “I would need help” |
| To consent to or refuse medical treatment | “I would need help” |
| To decide who shall provide care and assistance | “I can make that decision” |
| To make decisions regarding social aspects of his life | “I would need support and help with social decisions” |

In the course of my investigation and to provide the Court with as much information from different perspectives as possible regarding Austin’s abilities for self-determination, I created a table which lists various task or life decisions by type and asked the participants (Colleen, Brett, Ms. Evans, and Austin) to indicate strengths (abilities) and limitations (needs support). I considered the responses from all participants, noting that responses were where they felt confident. Many areas were unmarked in all the documents.

|  |  |  |
| --- | --- | --- |
| **Area** | **Abilities** | **Needs support** |
| **Social** | * Polite, social, kind, respectful. * Likes to talk to people and makes friends easily. * No girlfriend. Not in serious relationship. * Independent but prefers to talk out situations. |  |
| **Communication** | * Very good about advocating for self if not understanding. * He will always ask for help if confused. * Writes down shopping lists of what he needs. | * Does not express his needs very well. * Can get overwhelmed with certain legal things but asks later after he thinks about the situation. * Needs help with explaining the meaning of some things. |
| **Personal/safety**  **Personal/safety** | * Does not like any disagreements with others that linger. * Knows how to read labels. * Looks both ways before crossing the street. * Wants to live on his own. * Says he won’t give money away to strangers. * Not a dare devil. * Knows how to call police or ask parents and friends for help. * Expresses curiosity about jobs and school. * Very motivated to do well. * Very inquisitive and always asks for help if needed. * Does well talking through situations. * Has a great moral compass. | * Does not have much curiosity. * Needs help to self-motivate. * Struggles to ask for help. |
| **Medical/Health** | * Austin does his own medicine every night on his own and knows what he needs to do. * Has been making own counseling appointments for a few months. * Takes care of his “button” with daily flushes. * He is capable of making food and eating at appropriate times. * Knows how to dial “911”. | * I make all Austin’s appointments. * Austin asks when it’s time to re-order any of his medicine. * Needs simpler terms to understand medical reports. |
| **Education** | * Attendance is good. * Only misses school for doctor appointments. * Does not like to miss school. * Participates well in school. * Interacts with his peers well. * Enjoys helping other kids. * Would like to go to college. Has always been told he is the hardest working in the class. Teachers asked, “can I clone him?” They always say, “no student works harder.” |  |
| **Employment** | * Worked at SCRAPS and they’ve called numerous times wanting him to work there again. | * Would like to start working after school. * Needs help with finding a job. * Needs help with applications. |
| **Transportation** |  | * Would need help choosing routes. * Would need someone to go with him a few times. * As long as it’s the same route, then could do it on his own. * Changes may stress him out. * Needs help finding certain locations. * May need help scheduling the written test for driver’s license. |
| **Residential** | * Austin is a routine follower. * If it is not part of the routine, sometimes he gets frustrated. * He knows his chores and gets chores done without being asked. * Knows when to cook and eat meals. * Takes showers daily. * Takes his medicine every day. * Does his chores every weekend without being asked. |  |
| **Financial**  **Financial** | * Knows the difference between wants and needs. | * Needs quite a bit of help with finances. * Does not understand what budgeting is. * No bank account at this time. * No savings at this time. * Needs to learn about money to feel comfortable with a bank and savings account. * He has been exploited once and will ask a family member if it comes up again. * May need help opening a bank account. |