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Love, equity, and access for young people with disabilities

presents:
Life Planning for Families with Special Needs

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Important Questions

• Who will care for my child when I am gone?
• Where will my child live?
• Who will make certain that he or she receives proper medical attention?
• Who will manage my child’s care
• Who will make educational decisions for my child?
• Will there be enough money to provide for a good quality of life for my child?
Life Planning

Includes a well-thought out plan so that everyone involved in your child’s care recognizes his or her needs. Developing this plan will allow families to provide the best quality of life possible and assist a child to develop to his or her fullest potential with all the support necessary.
What does the Life Plan Consider?

• The child’s medical, behavioral, social, emotional, educational, vocational needs
• The family’s assessment of the child’s needs and their hopes for the future
• An assessment of the financial commitment necessary to provide the child with the proper amount of care and support.
Other Important Considerations

• A child with special needs might never be capable of self-support
• The need for care may be life long
• Government benefits and supports might not be available long term
• What are the capabilities of the child?
Possible Actions

- Do nothing and hope for the best—NO
- Rely solely on government benefits—NO
- Develop a Life Plan—YES
- Put together a team of professionals to assist in the development of a LP—YES
- Review Estate Plan including the need for a SPECIAL NEEDS TRUST—YES, YES
- Get your own house in order—huh?
The Life Plan Components

• A Letter of Intent
• A well-thought out Estate Plan
• A Team approach to planning-The family, a special needs lawyer, a financial planner
• REVIEW PLANNING ON A REGULAR BASIS
• Hold a team meeting AND
• Remember to involve the child if possible!
Special Needs Estate Planning

• Review the need for a Will with a Special Needs Trust.
• Decide who will be the Executor, Trustee and Guardian of your minor children.
• Make sure everyone eighteen and older has **advance directives** OR a guardianship in place.
The Letter of Intent

Letter of Intent is a non-legally binding document consisting of the caregiver’s intentions for the child

– Communicates the needs of the child and desires of the family and provides a “guidepost” to future caregivers

– The “Letter” can be in any form you desire—audio, video, written etc.

– Review and revise it regularly
The Team Approach

- Family members
- The child
- Future care/advocacy organization
- Financial planner or insurance agent
- Lawyer
- Accountant
Advocacy
Be sure there is always an advocate for your child

- An individual, often a parent, sibling or relative who is familiar with the needs of the child
- Review evaluations, IEP’s, ISP’s and medical information in order to make informed decisions
- Make sure the advocates have copies of all life planning documents
Guardianship

Guardian of the Person

Vs.

Guardian of the Property

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Appointing the Guardian

- The petition
- The hearing
- Periodic accounting and reports

Continued court involvement provides added protection to the child and the guardian
Funding A Life Care Plan

• The use of life insurance
• Re-titling assets—very important!
Government Benefits

Social Security
Social Security Disability
Medicare
vs.

Means-based programs
Supplemental Security Income
Medicaid
SPECIAL NEEDS TRUSTS
Self-Settled Special Needs Trusts

- Created with the child’s own assets
- Must contain a “payback” provision
- Must be established by a parent, grandparent, guardian or by court order
Supplemental Needs Trusts-3

Party Trusts

• Hold assets for the benefit of a child with special needs
  – Lifetime trust
  – Will
• Provide a “supplemental” source of funds without jeopardizing Medicaid eligibility
• Contain certain limitations on the use of trust property
• A non-countable asset for Medicaid eligibility purposes
• No payback provision

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Pooled Trusts

- Established with the child’s own assets
- Managed by a non-profit organization
- Assets are pooled for investment and management purposes only
- Modified payback provision
Conclusion

• Every child is unique
• Plan early and review plan on a regular basis
• Look for team players who are familiar with children with special needs
• Once the planning is done, relax and have peace of mind………

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The End

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LEGAL REFERRAL
Organizations that provide training and assistance for guardianship petitions

UCP of Brooklyn
(718) 859-5420
(718) 436-7600

Westchester Arc – for Westchester Only
(914) 949-9300

AHRC
(212) 780-2500

Legal Aid Society
212-577-3300

Legal Services of Hudson Valley
(914) 949-1305
Is your child **struggling** in school? Does your child have **special needs** or an **IEP** (Individualized Education Program)? Do you have questions about your young person with a **disability**?

**WE CAN HELP**

**CONTACT OUR FREE RESOURCE LINE**

**CALL US**
212•677•4660

**TEXT US**
212•646•3175

**VISIT OUR WEBSITE**
INCLUDENYC.ORG

**ACCESS FREE RESOURCES ONLINE**

**ATTEND A FREE WORKSHOP IN YOUR COMMUNITY**
¿Está su hijo/hija **luchando** en la escuela? ¿Tiene su hijo/hija un **IEP** (plan de educación individualizada)? ¿Tiene Ud. preguntas sobre su hijo/hija con **necesidades especiales**?

**NOSOTROS PODEMOS AYUDAR**

**CONTÁCTE NUESTRA LÍNEA DE RECURSOS GRATUITA**

**LLÁMENOS**
212•677•4668  
**MÁNDENOS UN TEXTO**
646•693•3157  
**WHATSAPP**
212•858•0795

**VISITE NUESTRA PÁGINA WEB**
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**ACCESO A RECURSOS EN EL INTERNET**

**ASISTA UN TALLER GRATUITO EN SU COMUNIDAD**

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