

# PROTECTING & MAXIMIZING PUBLIC BENEFITS

Written & Presented by:  
H. Clyde Farrell  
Certified Elder Law Attorney  
Farrell & Johnson, PLLC  
1000 Mo-Pac Circle A  
Austin, Texas 78746  
[cfarrell@txelderlaw.com](mailto:cfarrell@txelderlaw.com)  
512-323-2977

Christina Leshner, JD, BSW  
[www.lawlesher.com](http://www.lawlesher.com)  
5615 Kirby Drive, Suite 412  
Houston, Texas 77005  
(713) 529-5900  
[clesher@lawlesher.com](mailto:clesher@lawlesher.com)

1

## FOR NEW PRACTITIONERS

① income < \$2313 =  
SS pension OR QIT required  
grossing

② asset | Countable | exempt  
limited married? TBD | money market | Home  
Single < \$2,000 | CDs | pre need  
2nd car | funeral  
oil/gas mineral? | car  
[IRAs?]

③ medical test / care needs  
eg: medical necessity (SPW/MT med)  
CCAD - typically ADLs

④ medicaid bed?

2

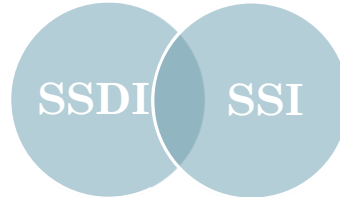
## SSDI & SSI

### Social Security Disability Insurance (SSDI)

- Monthly cash benefit
- Medicare
- Not Means Tested

### Supplemental Security Income (SSI)

- Monthly cash benefit
- Medicaid
- Means Tested



Can be eligible for both

3

## SSI ELIGIBILITY REQUIREMENTS

- **Categorical:** Disability, 65+, Blindness
- **Alienage:** Ineligible except certain groups such as:
  - Citizens & aliens entering before 8/22/96
  - Aslyees and refugees
  - Veteran or on active duty in the armed services
- **Income Limits:**
  - \$771/mo. individual, \$1,157/mo. couple; first \$20 exempt
- **Resources Limits:**
  - \$2,000 individual, \$3,000 couple; residence & other exemptions
- Who? No/ little work history

4

## “SSI INCOME”

- SSI Income includes any Food, Shelter, or Cash
- As of 3/9/05, clothing is not “income.”
- A trust (or an individual) can give an SSI beneficiary **ANYTHING** without affecting eligibility, **EXCEPT**:
  - Food
  - Shelter
  - Cash
  - Other countable “resources”
- An SSI beneficiary can have “household goods” and “personal effects” without limit, provided they are in actual use

## REGULAR (“COMMUNITY”) MEDICAID ELIGIBILITY

- Automatic
  - SSI
  - Temporary Assistance for Needy Families (TANF)
  - Children and Pregnant Women Program
  - Medically Needy Program
- Upon Application
  - Adult Disabled Children
  - Medicare Savings Programs

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Protecting & Maximizing Public Benefits

Also available as part of the eCourse

[2019 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the  
15<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Maximizing Public Benefits"