

# Quality of Care and Choices for Persons with Disabilities

PRESENTED BY



Courtney Elder Law Associates

*Elder Law • Special Needs Planning • Estate Planning*

FRASCOGNA COURTNEY, PLLC

## PERSONS WITH DISABILITIES

- Need basics: food, clothing, shelter
- Need fun and enjoyment of life –  
Recreation, travel, entertainment
- Need care and assistance with ADLs

# FUNDING PROBLEMS

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- Limited household income
- Shortage of financial assets
- Fractured families – single parent homes
- Insufficient public benefits (SSI, Medicaid cuts)

# OUR PERSONAL EXPERIENCE

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Daughter (42) with cerebral palsy (Melanie)  
Twin sister with no disability (Melissa)

“Girls just want to have fun!” Cindy Lauper

Melissa – tennis, basketball, cross-country

Melanie – wheelchair tennis, adaptive water skiing, ballet

# HOW TO PAY - OPTIONS

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- Private Pay – family, disabled person's income
  - but reduction of SSI if others pay food/shelter
  - ABLE account may avoid ISM reduction
- Gifts, bequests, death benefits to disabled person
  - may terminate SSI, Medicaid until spent
- Special Needs Trust can fund needs, protect public benefits

# FUNDING SPECIAL NEEDS TRUSTS

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## **THIRD PARTY TRUST**

- Gifts from family, others
- Fund-raisers
- Bequests in wills and living trusts
- Life insurance
- Retirement accounts (as beneficiary)

## **SELF-SETTLED TRUST**

- Litigation settlement (lump sum, structured annuities)
- Inheritance
- Life insurance benefit
- Personal assets
- Guardianship/conservatorship assets

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## Title search: Quality of Care and Choices for People with Disabilities

Also available as part of the eCourse

[2022 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Quality of Care and Choices for People with Disabilities"