

# Quality of Care and Choices for Persons with Disabilities

PRESENTED BY

**CELA**

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

---

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

3

# OUR PERSONAL EXPERIENCE

---

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



4

## HOW TO PAY - OPTIONS

---

- 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

---

### **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

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: 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"