



Transition: Assisted Living and Assisted Employment

RUSSO LAW GROUP, P.C.

Estate Planning, Elder Law & Special Needs



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 - Lead Planner in Garden City, Islandia and Manhattan
- Practice Areas: Elder Law, Estate Planning, Medicaid, Special Needs, Social Security Disability and Real Estate
- Currently Appointed to the Executive Committee of the Elder Law & Special Needs Section
- Bar Memberships: New York State Bar, Nassau County Bar, & Nassau County Women's Bar Association



We Will Cover...



Special Needs Planning



Government Benefits



Things to Consider



Memorandum of Intent

Government Benefits





Government Benefits

Money

- Supplemental Security Income (SSI)
- Social Security

Medical

- Private Insurance
- Medicaid

SSI and Medicaid

Financially Means
Tested

Limited Assets and
Income Allowed

Medicaid Waiver
Programs

Parental Deeming
Stops at Age 18
for SSI &
Age 21 for Medicaid

In-kind Income May
Reduce SSI Benefit





Things to Consider

Decision Making

Parent Decides

- If your child is under the age of 18 (in NY)

Parents Lose the Right to Make Decisions

- when your Child reaches age 18 (in NY)
- A legal Guardian needs to be appointed by the Court, unless:
 - Durable Power of Attorney, Health Care Proxy and Living Will
 - If your child has capacity and is 18 or older



Case Study

- Aging Parent:
 - Health failing
 - Guardian appointed but not changed when Standby Guardian unavailable
- Disabled Child:
 - Living at home
 - Collecting benefits
 - Co-dependent on mom



Where will my child live?



Independently	Support	Family	Group
Live Independently	Live Independently with Supportive Services	Live with a Family Member	Live in a Group Residence

Employment



There are Programs Available to Parties
Receiving SSI Who are Still Working

PASS Program

Ticket To Work

New York State also has Employment
Opportunities through OPWDD

Socialization



Family Support Services

- Support Groups
- Aid Services

Importance of Group Activities

- Day Care Programs

Case Study

- Aging Parent:
 - Mom is in nursing home
- Disabled Child:
 - Living at home, but needs some assistance
 - Collecting benefits
 - Has a job





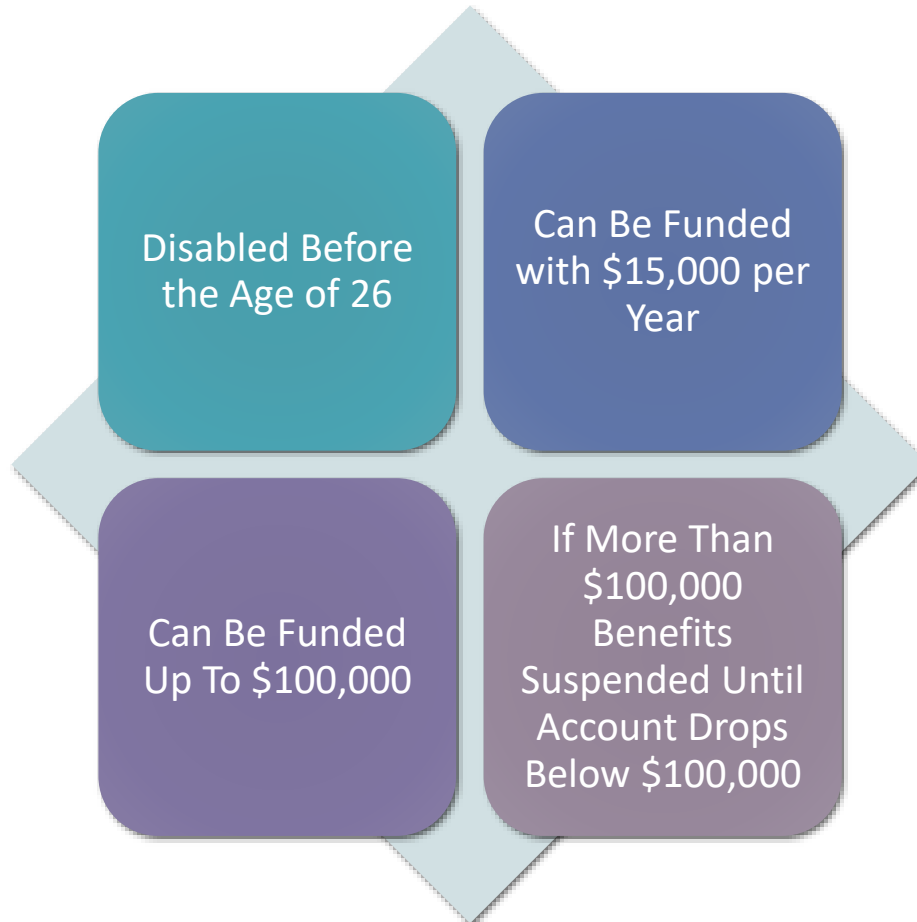
What if your child has assets?

Special Needs Trusts

Pooled Trusts

- Protects the assets and the income of a person who is disabled, while accessing Government benefits

ABLE Accounts



Memorandum of Intent

Working Together: A Guide for Family, Friends and Advocates



Legal Resources

- Academy of Special Needs Planners (ASNP)
 - www.specialneedsanswers.com
- National Academy of Elder Law Attorneys (NAELA)
 - www.naela.com
- Special Needs Alliance (SNA)
 - www.specialneedsalliance.com

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Any Questions?





Have a Great Day!

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