



Person-Centered Life Planning: Securing the Future for People with Disabilities

Planned Lifetime Assistance Network of New Jersey (PLAN|NJ)

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AGENDA

- ▶ Life Planning: Securing a Good Life
 - Legal
 - Financial
 - Home and Community
- ▶ Guardianship and alternatives to guardianship
- ▶ Special Needs Trusts
- ▶ ABLE Accounts

ABOUT PLAN/NJ



- ▶ Statewide non-profit organization
- ▶ Established in 1982
- ▶ Member of the National PLAN Alliance

THE PLAN/NJ MISSION is to help families answer the question, ***“Who will care for my loved one when I am gone?”***



HOW CAN PLAN/NJ HELP PEOPLE WITH DISABILITIES AND THEIR FAMILIES?

- ▶ Trustee for Special Needs Trusts
- ▶ Guardian; Support for family/sibling Guardian
- ▶ Representative Payee
- ▶ Life Planning
- ▶ Case management, advocacy, home visit monitoring
 - ▶ Proactive eyes on the person
 - ▶ Service coordination
 - ▶ Advocacy for quality services
 - ▶ Expertise in public benefits and disability and mental health service systems



SUPPORTING FAMILY AND SIBLING GUARDIANS



FUTURE LIFE PLANNING

- Develop a LifePLAN: **Who is your loved one?**
 - Detailed description of the needs of the person with a disability or mental illness
 - Person and family wishes, preferences and goals
- **Locate resources** to support the plan
 - Living: home, school, work, friends
 - Financial status and support roles: income, benefits, ABLE Account; Special Needs Trust; Rep Payee
 - Legal: Guardian or POA; Health Care Proxy
- **Identify appropriate people** to implement the plan



MAKE A PLAN: KEY PEOPLE

➤ Legal Roles

- Successor Guardian; Power of Attorney; Health Care Proxy

➤ Financial Roles

- Trustee; Representative Payee; ABLE account manager; True Link Card manager; budget coach

➤ Home and Community Supports

- Advocate for medical coordination; ISP meetings; emergency response; work; recreation and enjoyment; friends

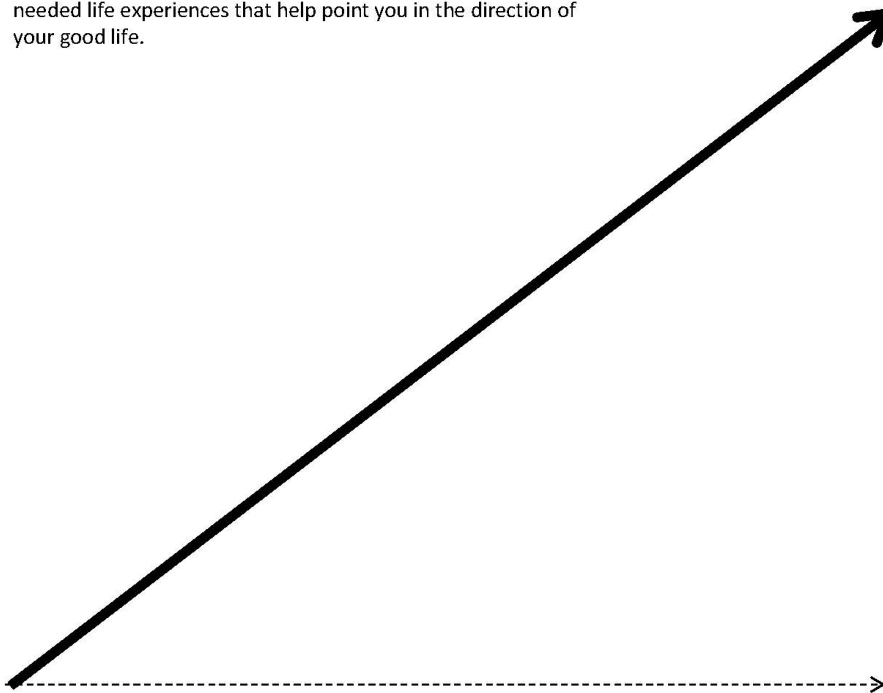


CHARTING the LifeCourse



Life Trajectory Worksheet: Individual

Everyone wants a good life. The bubbles on the right will help you think about what a good life means for you or your family member, and identifying what you know you don't want. You can use the space around the arrows to think about current or needed life experiences that help point you in the direction of your good life.



VISION for a GOOD LIFE

What I DON'T Want

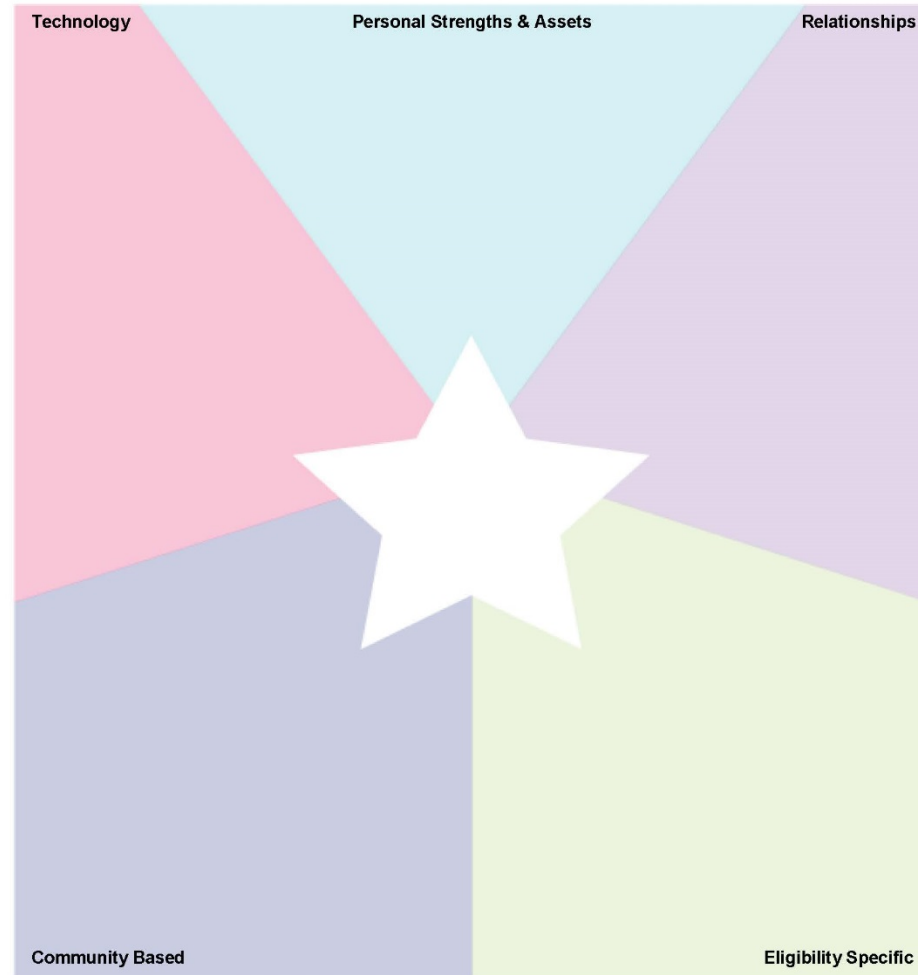


CHARTING the LifeCourse



Integrated Supports

People need supports to lead good lives. Using a combination of lots of different kinds of support helps to plot a trajectory toward an inclusive, quality, community life. This tool will help families and individuals think about how to work in partnership to support their vision for a good life.



Access the LifeCourse framework and tools at lifecoursetools.com

Developed by the UMKC Institute for Human Development, UCEDD. More tools and materials at lifecoursetools.com

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WHAT IS LEGAL GUARDIANSHIP?

- ▶ Parents no longer have legal rights to make decisions or gain information at child's 18th birthday
 - Medical, housing, legal, financial, educational
- ▶ A person or agency is appointed by the Court to act on behalf of the individual
 - Limited Guardianship
 - Guardian of Person, Property or both



WHAT ARE ALTERNATIVES TO GUARDIANSHIP?

- Powers of Attorney and Health Care Proxy
 - Both documents require capacity to understand
 - No Court involvement
 - Both documents are revocable
- Conservatorship
- Representative Payee for Social Security Benefits
- Trustee for a Special Needs Trust

WHAT ARE THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN?

- Duties
 - Personal visits
 - Annual report to the courts
 - Promote self-determination
 - Assist with revocation if appropriate
- The balancing act: promoting autonomy and independence while protecting from harm

WHAT IS A SPECIAL NEEDS TRUST (SNT)?

- ▶ Funds used to supplement public benefits for improved quality of life
- ▶ The beneficiary does not have direct access to the trust, thereby is protected from exploitation
- ▶ Prevents beneficiary from owning assets that could eliminate means tested government benefits such as SSI, Medicaid, Food Stamps, HUD Housing, other
- ▶ The trust can provide things to enhance his or her life, such as personal care assistance, transportation, education, recreation, clothing, electronics, furnitur

TWO TYPES OF SPECIAL NEEDS TRUSTS

➤ Third Party

- Funds from parents, grandparents, friends, insurance
- Remainder to designated beneficiary

➤ First Party (Self-Settled)

- Funds from the beneficiary, a settlement, direct inheritance, earnings, savings, child support
- Remainder: Payback provision to Medicaid

WHAT IS A POOLED TRUST?

- Held by a non-profit organization
- Multiple individual sub-accounts pooled together for investment and fee reduction purposes
- **PLAN/NJ Community Trust:** Families may join at no cost
- Parents, family members and friends of a person with a disability may contribute to benefit the individual
- A pooled trust functions like a Special Needs Trust
 - Funds to supplement public benefits, not replace them
 - Improve quality of life
 - Can be 3rd party or 1st party sub-accounts



EXAMPLES OF TRUST DISTRIBUTIONS

- Treatments or equipment not covered by Medicaid or Medicare
- Tuition, books
- Clothing
- Utilities such as cable and telephone
- Real estate
- Transportation, vehicles, repairs
- Insurances
- Pre-paid funeral arrangements



ABLE ACCOUNTS: ACHIEVING A BETTER LIFE EXPERIENCE ACT OF 2014

- ▶ Protecting eligibility for Medicaid, Supplemental Security Income, other Federal benefits
- ▶ More choice and control over spending
- ▶ A new avenue to save and promote independence



ABLE ACCOUNT: THE BASICS

- ▶ If the account grows to more than \$100,000, Supplemental Security Income (SSI) payments will be discontinued, but Medicaid remains intact
- ▶ There is an annual contribution limit, currently set at \$15,000
- ▶ It must be established for a disabled individual whose disability onset was prior to the age of 26
- ▶ A person can only have one ABLE account

ABLE ACCOUNT BASICS

continued

- ▶ While the account balance remains below \$100,000, gains in the account are not taxed
- ▶ Distributions will not be taxed if made for qualifying disability-related expenses (QDE)
- ▶ Upon death, state Medicaid agencies must be repaid out of the account balance for any benefits provided to the beneficiary while the account was in existence



HOW CAN PLAN/NJ HELP?

- ▶ Successor (back-up) for key legal roles
 - ▶ Sibling guidance and family support
 - ▶ Eyes and ears for Guardian and Trustee, including out-of-state Guardians and Trustees
- ▶ Life Planning consultations
- ▶ Routine home-visit monitoring and advocacy
- ▶ As needed statewide support services



FOR MORE INFORMATION, CONTACT:

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