

## Practice Areas

### Estate & Incapacity Planning

- ◆ Last Will & Testament
- ◆ Living Will
- ◆ Designation of Healthcare Surrogate
- ◆ Durable Power of Attorney
- ◆ Revocable Trust
- ◆ Quit Claim Deed
- ◆ Probate & Trust Administration

### Emergency & Advocacy Services

- ◆ Emergency & Standard Guardianships
- ◆ Long Term Care Facility Resident's Rights
- ◆ Medicaid Applications & Appeals
- ◆ Representation of Trustees

### Special Needs Planning

- ◆ Guardianship
- ◆ Guardian Advocacy
- ◆ Special Needs Trusts
- ◆ Pooled Trusts
- ◆ Estate Planning for People with Special Needs
- ◆ Government Benefits Eligibility Counseling

### Government Assistance

- ◆ Protecting Lawsuit Proceeds & Inheritances While Preserving Medicaid & SSI Eligibility
- ◆ Exceptions to Medicaid Lien Recovery
- ◆ Veterans Benefits Eligibility Counseling

Our firm takes a holistic approach to providing excellent elder law services to clients of all ages.

We accomplish this by :

- ◆ Empowering our clients to make deliberate decisions that result in the client's peace of mind.
- ◆ Providing expert guidance to co-create the solutions that fulfill the client's goals.
- ◆ Committing ourselves to the client's well-being.



**Stephanie Schneider** is the former Chair of The Florida Bar Elder Law Section. She was Certified as an Elder Law Attorney by the National Elder Law Foundation October 1997, and by The Florida Bar June, 1998.

**Board Certification** assures the public the attorney has substantial experience and has demonstrated special knowledge, skills and proficiency in certified areas of practice and professionalism and ethics in the practice of law.

*Law Office of*

**Stephanie L. Schneider, P.A.**

*Board Certified Elder Law Attorney*

1176 N. Pine Island Rd, Suite 208  
Plantation, FL 33322

Phone: 954-382-1997  
Fax: 954-382-9997

E-mail: [careforu@fl-elderlaw.com](mailto:careforu@fl-elderlaw.com)  
[www.fl-elderlaw.com](http://www.fl-elderlaw.com)

## PLANNING FOR INDIVIDUALS & FAMILIES WITH SPECIAL NEEDS



*Law Office of*

**Stephanie L. Schneider, P.A.**

*Board Certified Elder Law Attorney*

## SPECIAL NEEDS PLANNING: Creating a Comprehensive Plan for Your Loved One's Future

Aging is a process that takes us from birth to older adulthood. The challenges of aging are intensified for a person with disabilities. Disabilities may begin at birth (i.e. autism, spina bifida, cerebral palsy, mental retardation, Prader Willi syndrome) or, occur later due to an illness or accident. As parents, we may believe we can always protect our children and that we will always take care of them. However, a parent must plan for the time they will not be able to provide for the care of their minor or adult child with a disability due to their own illness or death.

We recognize that there are many facets that need to be coordinated and balanced - legal, financial, social, medical - that require professionals from multiple disciplines to come together and support families. We use our expertise in the law, our creativity and supportive environment to guide you and co-create solutions so that you may achieve your goals.

**We counsel families with special needs about unique planning issues such as:**

**GUARDIANSHIP: *As a parent what do I need to do as my child approaches age 18?***

- Consult with us before your child reaches age 18 as it can take 4-6 weeks to become a guardian
- Together we will create a guardianship that does not remove rights unnecessarily
- We will create a plan to empower your child to remain as independent as possible & protected
- Appoint a standby guardian in the event of your death or incapacity
- The guardianship stays open in the court throughout your child's lifetime



**GUARDIAN ADVOCACY: *Do I need a guardianship if my child is high functioning?***

Some children are high functioning despite their disability. In these situations, we will explore the option of you becoming a *Guardian Advocate*. This is a legal proceeding where legal rights are not removed. The role of the Guardian Advocate is to provide a person with a developmental disability with assistance in financial and medical decision-making, while allowing the person with disabilities to reach their fullest potential.

**ESTATE PLANNING FOR PARENTS: *Should I disinherit my child who has a disability since he/she cannot handle their financial affairs and receives government benefits?***

One way for parents and grandparents to plan for an inheritance for a loved one with special needs is to create a 'special needs trust' (SNT). You can treat your child with disabilities just like your other children. You select how much will fund the trust, who will serve as trustee, and who will receive the balance in the trust when your child passes away. As long as the trust assets do not pass through the hands of the child with the disability government benefits are maintained. It is a win-win situation since the child will still receive financial and medical assistance from the government while having their quality of life improved through the special needs trust.

**SPECIAL NEEDS TRUSTS (SNT): *We just settled a lawsuit for my child and she will now be receiving money which she cannot manage. Will she lose her government benefits?***

Protecting assets received from a lawsuit and preserving existing government benefits can be accomplished with a special needs trust. The federal and state governments allow the settlement proceeds to be placed in either a SNT or a pooled trust and benefits are preserved. The special needs trust can only be created by a parent, grandparent, guardian or court. Therefore, if the person does not have capacity to authorize you to create the trust for them we will need to create a guardianship first.

**GOVERNMENT BENEFITS: *What government programs can provide financial and medical assistance to my minor or adult child?***

Minors or adults with disabilities may qualify for:

### Supplemental Security Income (SSI)

- Monthly cash benefits
- Must have limited assets and income
- Must be aged, blind or disabled
- If eligible, automatically approved for basic Medicaid

### Childhood Disability Benefits (DAC)

- Must prove the disability occurred prior to age 22
- Must prove that the adult child did not work or marry
- Cash benefit paid when parent retires or dies

### Developmental Disability Medicaid (DD)

- Covers medical services
- Operated by Agency for Persons with Disabilities

