

PLANNING FOR THE FUTURE WITH PLAN/NJ

Planned Lifetime Assistance Network of New Jersey

Ellen Ball Nalven, M.Ed. Executive Director

AGENDA AND HOUSEKEEPING

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



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 Special Needs Trusts

Guardian; Representative Payee

Life Planning

Case Management, Advocacy, Home Visit Monitoring



CASE MANAGEMENT AND ADVOCACY: LIFE PLAN AS GUIDE

- Proactive eyes on the person
- Service coordination
- Advocacy for quality services
- Expertise in public benefits and disability

and mental health service systems



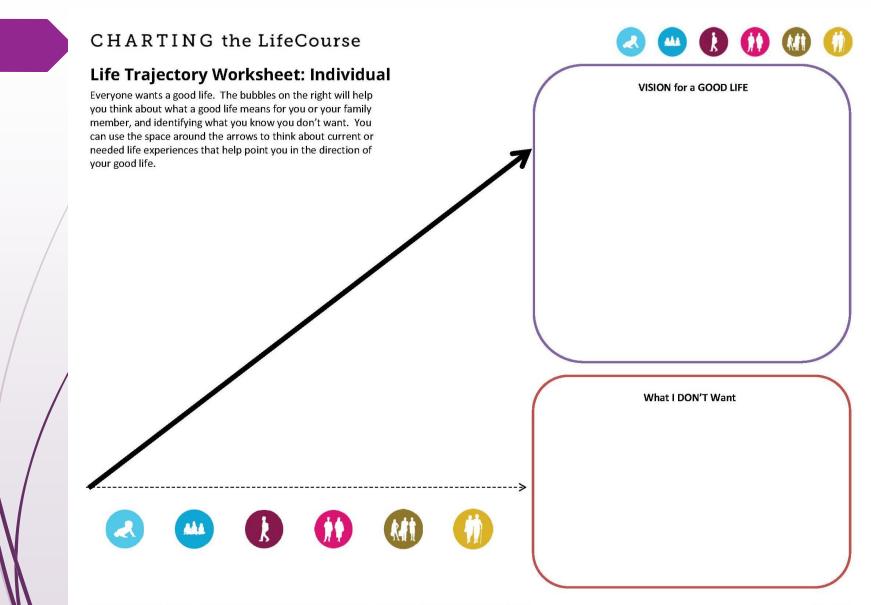
FUTURE LIFE PLANNING

- 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

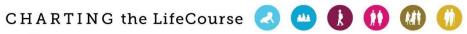


MAKE A PLAN: KEY PEOPLE

- 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; enjoyment; friends



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



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.



WHAT IS A SPECIAL NEEDS TRUST?

- Also known as a Supplemental Benefits Trust or SNT
 - Funds used to supplement public benefits for improved quality of life
- The beneficiary does not have direct access to the trust
 - Prevents beneficiary from owning assets that could eliminate means tested government benefits
- Two Types of SNTs:
 - Third Party funds from parents, grandparents, friends, insurance
 - First Party funds from the beneficiary, a settlement, direct inheritance, earnings, savings



BENEFITS OF A SNT

- The beneficiary may continue to collect benefits: 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, furniture
 - The trust protects assets from being claimed by creditors or government agencies
- The beneficiary is protected from being exploited through the appointment of a trustee



WHAT IS A POOLED TRUST?

- Multiple individual sub-accounts pooled together for investment and fee reduction purposes
- PLAN/NJ Community Trust: Families may join at no cost
 - The individual, 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



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 on qualified disability expenses
 - A new avenue to save and promote independence





ABLE ACT: THE BASICS

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



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
- 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



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
- 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

- capacity to understand POA is required
- no Court involvement
- POA is revocable
- 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



HOW CAN PLAN/NJ HELP?

- Successor (Back-up) for key roles
 - Sibling guidance
 - Eye's and ears for Guardian and Trustee
- Life Planning Consultations
- Routine home-visit monitoring and advocacy
- As needed support services

FOR MORE INFORMATION, CONTACT:

PLAN/NJ P.O. Box 547 Loeser Avenue Somerville, NJ 08812 Phone 908-575-8300 Fax 908-927-9010 www.plannj.org info@plannj.org Ellen Ball Nalven, Executive Director Jason Miller, Director of Social Services Nancy Dilliplane, Director of Trust Services

