

# TURNING 18: GUARDIANSHIP, ENTITLEMENTS & WAITING LISTS



***The Arc***

*of New Jersey*



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# WHAT IS GUARDIANSHIP?

- Guardianship is a protective mechanism allowing one individual to make decisions for another individual, when the individual cannot make decisions for him/herself



# WHEN SHOULD YOU START THE GUARDIANSHIP PROCESS?



- At age 18 the law considers a child emancipated
- Even the parents of a child with a severe disability are not automatically the guardians of their child
- Only a judge can appoint a guardian for a person over the age of 18
- Parents should start the process when their child is about 17 ½ years old

# Plenary guardianship v. Limited guardianship

- What is limited guardianship?
- When is it appropriate?



## GUARDIANS ARE RESPONSIBLE TO

- Make decisions for the individual under guardianship
- These decisions are of a legal, medical and financial nature
- All decisions must be made in the best interest of the individual under guardianship
- Guardians are to encourage the individual to be as independent as possible

# ALTERNATIVES TO PLENARY GUARDIANSHIP

- **Limited guardianship**
- **Conservatorship**
- **Power of Attorney**



# OPTIONS FOR OBTAINING MEDICAID ELIGIBILITY

- SUPPLEMENTAL SECURITY INCOME (“SSI”)
- ABD MEDICAID (Aged, Blind, Disabled)
- WORKABILITY
- DISABLED ADULT CHILD (“DAC”)



# SUPPLEMENTAL SECURITY INCOME

- Eligibility Criteria For SSI
  - Individual With A Disability
    - Unable to Engage in Substantial Gainful Activity (“SGA”)
    - SGA = \$1,470/MONTH
  - Income Limit = Approximately \$900 / month
  - Asset Limit = \$2,000
  - Individual over the age of 18, income and asset limits are based on the individual only
  - Individuals under the age of 18, income and assets limits include parents





# SSI AND MEDICAID

- In New Jersey, an individual who qualifies for SSI benefits also qualifies for Medicaid
- There is no additional application or paperwork to complete



# ABD MEDICAID

- Individual with a disability
- Income limit – approximately \$1,215/month
- Asset limit = \$4,000
- Apply to the County Board of Social Services



# WORKABILITY

- Individual with a disability
- At least 16 years old
- Working full or part time
- New Jersey Resident
- Earning no more than approximately \$73,000 per year
- Assets no longer count
- Unearned income of no more than approximately \$1,215 per month
- Practical considerations, shortcomings and pitfalls



## DISABLED ADULT CHILD (“DAC”) CRITERIA

- An individual can receive benefits based on parent’s work history
- When a parent collects a disability benefit or a retirement benefit from SSA
- To be a DAC, the individual must be at least 18 years old
- Disability manifest before age 22
- Individual received SSI
- Lost SSI due to receipt of an SSA benefit on a parent’s work history



# SOCIAL SECURITY BENEFITS AND MEDICARE

- SSA benefits typically provide a higher monthly benefit to the individual than SSI benefits
- Once an individual receives SSA benefits for a period of 24 month the individual will receive Medicare
- Often once an individual begins receiving SSA
  - The individual may lose SSI benefits
  - And Medicaid benefits
    - Unless the individual qualifies as a Disabled Adult Child (“DAC”) for Medicaid

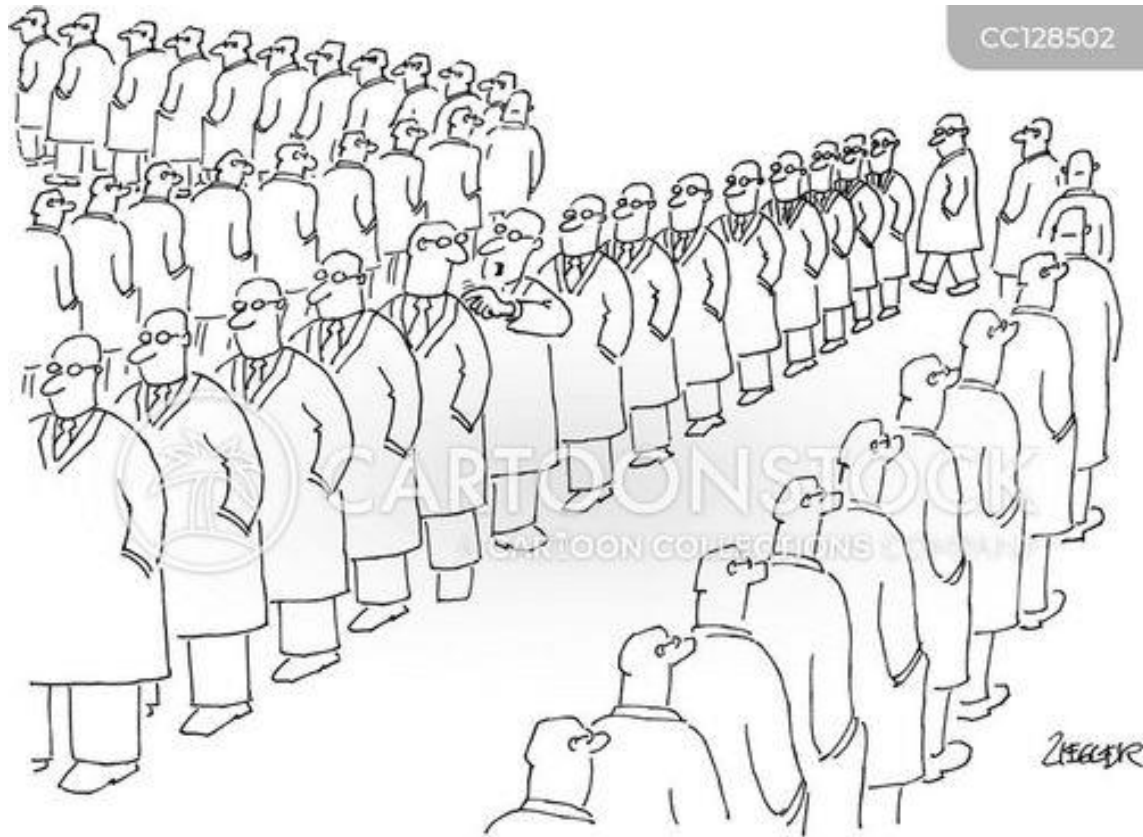


# SOCIAL SECURITY DISABILITY INSURANCE (“SSDI”)

- SSDI is a benefit paid to a disabled individual who has worked and paid into the Social Security System
- The amount of the benefit is based on the individual’s work history
- Individuals who receive SSDI benefits are eligible for Medicare
- An individual can receive SSI and SSDI at the same time



# WAITING LISTS



*"Have you been waiting long?"*

# All Starts with DDD



- Must be DDD Eligible
- Should apply at age 18
- List is in 2 parts.
- Youngest Parent Age 55
- Exceptions to 55 Rule
- Annually at ISP Meeting
- Retroactive Addition



# What are we Waiting For?

- Waiting for a Community Care Program (CCP) Application
- CCP provides a larger budget to help pay for services, including residential
- Do not delay –Priority Category of CCP Waiting List is 10 to 12 years long.

# Questions?



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