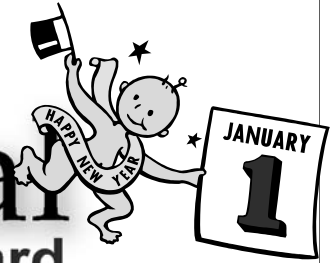




# The Journal of ASA Broward



Issue 67

January 2006

## Thinking About Tomorrow Today

By Dennis D. Bailey, Esq.

The mother and father sat across from me, their eyes wide and questioning as their special needs child played at the head of the conference table, his infantile gurgling so incongruous with his beard shadow. How is it possible, they wanted to know, that disinheriting their son would be in his best interest?

When "typical" parents engage in estate planning, it is often with the warm comfort of visualizing their stacks of money being kindly shifted to their heirs. For parents of special needs children, too often it is a complicated, nerve-fraying experience not unlike a maze of bramble bushes. Every parent of a special needs child must seek the advice of a qualified professional in order to adequately protect their child's future in the unfortunate – but inevitable – event of their demise. This article is but a brief and glancing look at the issues involved.

If the special needs child inherits directly and ends up with assets in his or her name greater than two thousand dollars – a remarkably small figure – the child will lose his eligibility for Medicaid and SSI. Thus the rise in popularity of the idea of disinheriting the special needs child for his own benefit. The idea is that his brothers and sisters will inherit their parents' entire estate and will, gladly and with love in their

hearts, provide for their special needs sibling. And they may, gladly and with love in their hearts, forever and ever. Or life may throw them, and this gambling estate plan, a curve. Some great financial need may arise, a debilitating disease or even a special needs child of their own, or some other catastrophic financial surprise (just talk to anyone in New Orleans this year), which may derail the "gladly and with love in their hearts forever" plan. Or, and it does happen from time to time in even the best families, some sinister force may intrude, such as a personal vice/dependency or an unscrupulous ne'er-do-well. Divorce of the contributing sibling can have a profoundly negative impact, as can the untimely demise of the contributing sibling. In short order, the well runs dry and the special needs child is left stranded and at great risk.

Or the special needs child inherits directly, whether from mom and dad or from grandmother, great aunt or from any other well-meaning benefactor. The net loss in such an event is the loss of eligibility for Medicaid and SSI, a value far greater than the gross inheritance, is most often crippling. The funds can be transferred later to a "self-settled" special needs trust to minimize the estate planning damage, but some costly damage will have already taken its

toll and then, at the death of the child, any money left in the trust will be used to reimburse Medicaid for whatever it spent on the child during his or her lifetime and the balance will be donated to charity. I agree, it sounds rather draconian.

Often, the wisest option is a Special Needs Trust (SNT). Great care and competence is needed to set up an SNT appropriately to protect the child's future, including eligibility for Medicaid and SSI. A properly drafted SNT is a very technical document. The wrong language – "assets to be used for support and health care" – can erase the benefits as fast as the ink dries. In fact, the funds in the SNT are intended to supplement Medicaid and SSI and bring those things into the child's life that Medicaid and SSI will not pay for. The key is to set up the SNT before the funds for the SNT arrive, thereby enabling the valuable tag of the SNT being a "third party" special needs trust. As an example of just one of the benefits of such a tag is that, upon the death of the child, instead of the government stepping in for reimbursement, the balance of the trust will be distributed to whomever the original settler – usually mom and dad – designates, such as the child's siblings or a favorite charity. The creation of a SNT is a matter of following the advice of a competent attorney or financial advisor and creating the SNT, to be funded now or through a last will and testament.

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**Please visit our web site for a complete list of support groups that are available to the general public:**

**www.asabroward.org**

## **Schaefer Consultants Behavior Therapy**

**Lynn Schaefer, Ph.D.**

**11718 NW 12 Street  
Pembroke Pines  
Florida 33026**

**Office: 954-443-8152  
Fax: 954-441-7166**

## **Feeling Disjointed?**

**By Elaine Turner**

JOIN ASA BROWARD! Through membership in ASA, you gain access to vital information, you enjoy the friendship and support from other parents and create the opportunity for your child to participate in recreational/social activities such as Tag Gymnastics, Ice Skating and Horseback Riding. Summer Camp scholarships are also available for needy families.

By attending meetings, you learn about such important subjects as I.E.P.'s (Individual Education Plans), Successful Inclusion and Special Needs Dentistry. At the same time, you meet other parents who will give you support in your efforts to do the best for your child and referrals to resources you may not know about. You make new friends while your child gets the

opportunity to participate and socialize with other children in the recreational activities through ASA.

I made the mistake of isolating myself when my child was growing up and he and I missed out on some great opportunities.

We hope to meet you soon!

*Elaine Turner is the mother of a 25 year old autistic son. His behavioral issues caused continuous damage to her home. After training at the Art Institute of Ft. Lauderdale, Elaine has established Exceptional Designs, Inc. which creates safe and imaginative environments to meet the needs of the child and the family thus saving the need for constant maintenance and repair*



## **Thinking About Tomorrow...**

*Continued from page 1*

There is no one "right answer" that fits all families. Parents of special needs children need to do their homework. They need to self-educate on the various estate planning tools available and on the professionals who have earned a reputation for being able to understand the special issues involved and the pros and cons of the various options. The idea is to make sure whatever resources are available are used to benefit the special needs child in every aspect. With a reasonable amount of planning and forethought, mom and dad can attain this goal.

Doing so will not only protect the future of the young man at the head of the conference table, but will also afford his loving parents and siblings some peace of mind.

*Dennis D. Bailey, the father of an autistic child, has been both a prosecutor and a criminal defense attorney, as well as a civil rights attorney, in south Florida for twenty years. In addition to his Special Kids Law Center practice, he also teaches at the police academy.*

**SPECIAL KIDS LAW CENTER  
2114 N. Flamingo Road #176  
Pembroke Pines, FL 33028  
(954) 437-3171 office  
(954) 430-9471 fax**

## **Youth Link Program**

**By Ana Verez**

"ARC Broward's Youth Link program provides individual advocacy services to children ages 14-21 (up through 21 if enrolled in an academically program with a diploma or leading to a high school diploma or its equivalency) enrolled in the Broward County School system or in a Broward Private School system. The children have to be properly classified, in accordance with rules established by the State Board of Education and local school district policies, with Specific Learning Disabilities, Educable Mentally Handicap, Trainable Mentally Handicap, Profoundly Mentally Handicap, Autism, Physically Impairment, and/or Language Impairment. The individual advocacy services will educate the student and their significant others about their rights, intervene on behalf of students who have a grievance against a public or private service provider or

who believe that their rights have been violated, for the purpose of reaching an equitable settlement which ensures that the student receives the benefits and services to which he/she is entitled without resorting to litigation. In addition, services may include attending meetings related to transition, networking, outreach, group meetings with the students and their families. If you would like more information about the program or would like to enroll, please contact either Ana Verez, Coordinator of Family Support Services, (954) 746-9400 Ext. 4171, or Blanca Onetto, Transition Specialist, at (954)746-9400 Ext. 3337

Ana Verez  
Coordinator of Family Support Services  
ARC Broward, Inc.  
(954) 746-9400 Ext. 4171  
averez@arcbroward.com

### Advertisements

ADVERTISE WITH US—our newsletter is circulated to over 350 people, families and/or professionals throughout the community. Advertising space is available as follows:

- business card size-----\$25
- ¼ page-----\$50
- ½ page-----\$75
- full page-----\$150

### Membership

Please check your address label for expiration date. If applicable, please send your membership dues to our PO Box address. Don't forget to make any necessary changes.

Thank you for your support!

*Due to budget constraints, we will not be able to send you a newsletter if your dues are not current.*

### Thank You!

Special "thank you" to GRACA for meeting each month to assemble and label newsletters for distribution.

WE WOULD ALSO LIKE TO THANK THE ADULTS FROM THE ARC ADULT TRAINING PROGRAM for volunteering their time and effort as well. Your tireless contribution is greatly appreciated!

ASA Broward especially thanks chapter member Denise Karp for maintaining a free informational list serve for all persons interested in Autism. IT'S YOUR #1 SOURCE FOR AUTISM RELATED INFO IN SOUTH FLORIDA E-mail Denise at deniseslist@yahoo.com to subscribe.

### Recreational Activities

The Broward Autism Foundation is pleased to be able to offer for chapter members partial scholarships for selectively sponsored recreational programs. Please contact the following for additional information:

**Tag Gymnastics** Alicia Murphy (954) 943-8659

**Project Stable Horseback Riding** Eileen Roth (954) 474-5333

### Volunteers

Volunteers are needed for assisting in set up and clean up duties for our monthly meetings. Please contact our Hospitality Chairperson, Judi Steinberg at (954) 577-4141 if interested.

### Support Groups

#### SPEC (Support for Parents of Exceptional Children)

Meetings are held the first Wednesday of every month (7:00) at the Dan Marino Center in Weston, Florida. For more details please contact Laura House at (954) 893-5553.

#### GRACA (Grandparents and relatives of Autistic Children and Adults)

Please contact Roz Bellman for meeting dates and times at (954) 720-5683.

#### CARD (Center for Autism and Related Disabilities)

Please contact the CARD center directly at (800) 9-AUTISM and register to be on their mailing list. CARD hosts many informative workshops and conferences, addressing a variety of issues and needs.

#### ACE (Autism Committee for ESE)

This school advisory meeting is held the third Wednesday of every month (9:00a.m.) at the Baudhuin School in Davie. Call Stacey Hoaglund for more details at (954) 252-8764.

#### South Florida Fragile X Resource Group

Please contact Randy Green for meeting dates and times at (954) 433-5413.

#### Adult Transition Group

Please contact Eileen Roth for meeting dates and times at (954) 474-5333.

### Fundraising

The Broward Chapter of the Autism Society has a variety of NEW gift items available to help in our fundraising efforts:

- Autism Car Magnets -----\$5 each
- NEW logo EMBROIDERED T-shirts-----\$12 each
- NEW Autism Remembrance "Brie" Bears-----\$10 each
- Puzzle pins-----\$10 each
- Angel cards (Qty 10)-----\$16 pack

Also, don't forget that donation cards are available for "In Memory Of" and "In Honor Of". All gift items can be purchased at the monthly chapter meetings or by calling the ASA office @ (954)577-4141.



**Membership—ASA Broward Chapter (Please Print) This amount includes local, state and national dues**

Individual  \$50.00 Family  \$60.00 Full-time Student  \$35.00 (copy of current registration as evidence of full-time status)

Name \_\_\_\_\_ Spouse's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Work \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Parent  Professional  Occupation \_\_\_\_\_ F/T Student  Location \_\_\_\_\_

Relative  or Friend  of: Child's Name \_\_\_\_\_

Residence: Home  Group Home \_\_\_\_\_ Other \_\_\_\_\_

School, Job or Workshop Name \_\_\_\_\_ Grade \_\_\_\_\_

Are you willing to be part of our referral and Information Network? (yes/no) \_\_\_\_\_ On a committee (yes/no) \_\_\_\_\_

Do you give ASA Broward Chapter permission to put your name on the U of M CARD Center mailing list (yes/no) \_\_\_\_\_

Other comments or suggestions? \_\_\_\_\_

Please send your check made payable to Broward Chapter / Autism Society. PO Box 450476, Sunrise, Florida 33345

**Public Notice: The Broward Autism Foundation and the Autism Society are publicly supported organizations under the IRS Section 501(c)(3). A copy of the exemption, determination letter and tax returns are available for public inspection at our home office with advance notice.**

**BROWARD AUTISM FOUNDATION AND PURSUANT TO CHAPTER 496, FL STATUTES "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES, BY CALLING TOLL-FREE WITHIN THE STATE 1-800-HELP FLA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."**

**REGISTRATION # sc-07923. 100% OF YOUR CONTRIBUTIONS ARE RECEIVED BY THE BROWARD AUTISM FOUNDATION.**

**Autism Society of America  
Broward Chapter**

**PO Box 450476  
Sunrise, FL 33345  
Phone: 954-577-4141  
E-Mail: info@asabroward.org**

**Our Next Meeting: January 18, 2006  
Managing Challenging Behaviors  
With Sonia Aleman and Brian Roselione**

**7:30pm at ARC Broward, 10250 NW 53rd Street, Building #2, Sunrise  
(One block south of Commercial between Nob Hill and Hiatus Road)  
Our meetings are open to all that are interested in autism.  
Refreshments will be served.**

**For additional information or childcare, please call 954-577-4141.**

