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Seniors and Special Needs News - March 27, 2015

1 message

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With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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The Koewler Law Firm
 JAMES L. KOEWLER, JR.



Seniors and Special Needs News

How can someone with Special Needs achieve Financial Eligibility for SSI

Today's newsletter continues the series about Special Needs Law.

The newsletter on February 19, 2015 gave an overview of the legal issues facing people with special needs. The newsletter on February 5, 2015 discussed the new ABLE accounts. The newsletter on February 26, 2015 discussed sources of income for people with special needs.

The newsletter on March 6, 2015 discussed medical insurance for people with special needs. The newsletter on March 13, 2015 discussed how the Social Security Administration requires people with special needs to prove a disability to qualify for Supplemental Security Income (SSI.)

Today's newsletter discusses how a person with special needs can go from having too many assets to having few enough assets to qualify for (and maintain eligibility) for Supplemental Security Income (SSI) and, if necessary, for Medicaid.

Someone with special needs who cannot qualify for SSI because he or she has assets above \$2,000, needs to get rid of some of those assets. Sounds simple, right? Of course, as with anything created by Congressional politicians, it's not as simple as it sounds.

Someone can give away assets to become poor enough for SSI, but that will create a period of ineligibility for SSI for up to 3 years. Giving away assets also makes someone ineligible for Medicaid coverage (that might be as important as the SSI income to certain people.)

Someone can also spend down the excess assets. That won't create a penalty

period of ineligibility (unless it was a thinly disguised attempt to give away assets such as buying your brother's junk car for \$10,000.) The that was bought could be useful, like new clothes, or a new refrigerator, or something specifically helpful to the disability, like an adjustable bed, or a wheelchair, or an communications assistance device. Expenditures for things that make life easier for the person with special needs are a great way to spend down excess resources. On the other hand, if there aren't helpful things that the person needs to get, it is a waste of money to buy stuff just for the sake of spending down excess resources.

There are ways to save excess resources that can benefit someone with special needs and still allow the person to qualify for SSI and Medicaid.

Depending on the amount of resources and the age of the person with special needs, a self-settled Special Needs Trust can be very useful. For someone with fewer "excess" resources (and usually under the age of 65,) a pooled trust might be the best choice. For someone who was disabled at a young age, an ABLE account (if approved in your state) should probably be used as part of the asset protection plan.

Future installments will discuss these tools in more detail.

Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

Social Media Posts from the past week

03-26-2015 Triad of #BrainScans may help diagnose
#Autism <http://ow.ly/K3lyv>

03-25-2015 Multitude of issues facing #FamilyCaregiver for
#AgingParents <http://ow.ly/K1FsC>

03-24-2015 Advantages that #LongTermCareInsurance
provides <http://ow.ly/K1NeN>

03-23-2015 For #AgingParents, staying in their own home (so called #AgingInPlace) isn't easy <http://ow.ly/K1DMv>

03-22-2015 #Dancing is great for #AgingParents in #SeniorCare <http://ow.ly/K3gMK>

03-21-2015 #Guardianship not always best for #AgingParents <http://ow.ly/K3ebp>

03-20-2015 How someone with #SpecialNeeds must prove they are poor enough to get income from #SocialSecurity <http://wp.me/p47F09-9T>

Older social media posts can be found in the [social media post archive](#) on the firm's website, ProtectingSeniors.com.

The Koewler Law Firm News

4-8-2015 Jim Koewler will present a 3-hour continuing education program entitled "Legal Issues for Older Adults and their Loved Ones" at a seminar for Direction Home, the Akron Canton Area Agency on Aging at the Akron General Wellness Center in Uniontown, Ohio. The program will discuss Powers of Attorney, Health Care Powers of Attorney, Living Wills, and other advance directives; Legal Issues when someone has Dementia; and What Seniors know about Long Term Care Costs that is Wrong. Continuing education credit is available for social workers, counselors, and nurses.

4-16-2015 In honor of National Health Care Decision Day, Jim Koewler will speak on Health Care Powers of Attorney, Living Wills, and other advance directives at the Active Adults Center in Barberton, Ohio. Free help preparing Living Wills for 20 audience members will be provided.

4-16-2015 In honor of National Health Care Decision Day, Jim Koewler will discuss Powers of Attorney, Living Wills, and other advance directives as part of a panel discussion at Liberty Residence I in Wadsworth, Ohio.

4-23-2015 Jim Koewler will speak on Powers of Attorney, Living Wills, and other advance directives to the Portage County Senior Services Network in Ravenna, Ohio.

4-29-2015 Jim Koewler will present Navigating Medicaid, Medicare, and the Affordable Care Act at Kemper House in Highland Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

5-26-2015 Jim Koewler will discuss the legal issues that seniors face, especially focusing on long term care, at HCR ManorCare in Parma, Ohio.

6-9-2015 Jim Koewler will discuss Preventing Senior Fraud at The AbbeWood in Elyria, Ohio. Continuing education credit is available for

Certified Case Managers, social workers, counselors, and nurses.

6-16-2015 Jim Koewler will speak on planning ahead to protect your life savings against long term care costs at a meeting of the University Hospitals Bedford Medical Center SeniorNet at the Atrium of Anna Maria in Aurora, Ohio.

Older items of firm news can be found in the [news archive](#) on the firm's website, ProtectingSeniors.com.

Jim's available presentations

- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, nurses, and Certified Case Managers)
- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- My Care Ohio and Medicare/Medicaid "Dual Eligibles" (Continuing Education credit available for social workers, counselors, nurses, and seeking approval for Certified Case Managers)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, nurses, and seeking approval for Certified Case Managers)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Protect your Life Savings from the Costs of Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for the audience)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

Upcoming meetings

3-27-2015 Eldercare Professionals of Ohio, The Oaks of Brecksville, Brecksville, Ohio, 9:00 a.m.

4-1-2015 Stark Senior Services Network, Canton Baptist Temple, Canton,

Ohio, 9:00 a.m.
4-1-2015 Richfield Chamber of Commerce luncheon, Richfield Days Inn and Suites, 11:45 a.m.
4-1-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.
4-7-2015 Aging Services Network of Euclid, Euclid Senior Center Health Fair, 10:00 a.m.
4-8-2015 Medina County Senior Services Network, Magnolia Village, Wadsworth, Ohio, 8:00 a.m.
4-8-2015 Summit Senior Sales, Administrators and Marketers Association, Dinner for Social Workers, St. George Antiochian Church, Akron, Ohio, 4:30 p.m.
4-9-2015 Lorain County Senior Services Network, Kingston of Vermilion, Vermilion, Ohio, 8:30 a.m.
4-10-2015 Eldercare Professionals of Ohio, O'Neill Healthcare, Lakewood, Ohio, 9:00 a.m.
4-15-2015 Geauga Professional Association Specializing in Seniors ("PASS"), 8:30 a.m.
4-20-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
4-23-2015 Portage Senior Services Network, Coleman Adult Day Services, Ravenna, Ohio, 8:30 a.m.
4-23-2015 Parma Hospital Senior Resource Network, Broadview MultiCare, Parma, Ohio, 8:30 a.m.
4-24-2015 Eldercare Professionals of Ohio, Shaker Gardens, Shaker Heights, Ohio, 9:00 a.m.

Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's blog site, ProtectingSeniors.com.

Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the firm's blog site, ProtectingSeniorsNews.com.

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