



OCECD QUARTERLY NEWSLETTER

January - March 2022

The information in this newsletter is not
a substitute for legal advice

Important Decisions to Consider When a Child with a Disability Transitions to an Adult

As your child moves closer to age 18, it is important to consider future planning options for this new stage of life. The goal of this quarter's OCECD newsletter is to provide general knowledge and information, by means of a collection of resources to assist you with this planning process, for your peace of mind and for the well-being of your child. Helpful resource links are provided throughout this newsletter.



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Age of Majority

Is 18 really a magic number? Legally in Ohio it is! It is a defining moment for most teens in which they have the freedom to make many of their own life decisions. This also can be a defining moment for parents and caregivers as they reflect and realize that the nature of, and/or severity, of their child's disability is going to require ongoing support and decision making on their behalf.

Questions to consider prior to your child's 18th birthday:

- Is the nature and severity of the disability going to require short-, mid- or long-term assistance?
- How much and what types of support does your child need?
- Is it possible that with some level of support your child can live and work independently?
- Are language/communication, medical/physical limitations, and/or behavioral challenges creating barriers to independence?
- Does it make sense to consider keeping the student in high school longer, or until their 22nd birthday, to continue working on IEP goals?
- Are there other resources that need to be explored such as from your Local Board of Developmental Disabilities (BDD), Opportunities for Ohioans with Disabilities (OOD), or other private agencies?
- While it may be distressing and disheartening to realize that your child could possibly need lifelong support, learning about and understanding the transition process, your rights, and your child's rights ahead of time will help alleviate anxiety and stress.

If your teen is approaching age 18 but has not been determined to be incompetent, consider invoking a provision called Special Rule. This can be applied under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program. In this case a State must establish procedures for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's



eligibility. For more information, follow this link: [Age of Majority](#).

If your teen is turning 18 and is not able to independently make educational decisions, write a letter to the school district detailing your concerns and requesting a copy of their Age of Majority policy. Another option, if it is possible, is to have the student sign a notarized letter requesting that their parent or caretaker assist them in all their educational/vocational decisions. This letter can be written informally or drafted by an attorney.

More information on the Age of Majority [Section 1415 \(m\) - Individuals with Disabilities Education Act](#)

Selective Service: Males are required to register for the U.S. Selective Service regardless of whether they have a disability. If a draft was reinstated, it's possible to postpone, defer, or request an exemption due to having a disability. This must be done before the 26th birthday, or penalties may be imposed. If the teen is unable to personally do this, then a parent or guardian must sign them up. <https://www.sss.gov/>

Your Feedback is important to us!

Please Take
a moment to
provide your
feedback!

On a scale of 1-4 (with 1 being the lowest and 4 the highest), rate the relevance of the information that you receive in OCECD's eblast for your own child/students'/consumers' experiences.



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GUARDIANSHIP

Information on Guardianship can be found at your local county Probate Court or on their website. Each county has their own procedures and fees, so it is important to begin familiarizing yourself with the process and document requirements at least 6 months to a year in advance. In most cases, completed documents need to be turned in close to the time that the individual (referred to as the Ward) turns 18, but the timeline should be verified. It's recommended that you familiarize and complete the documents ahead of time, so that the process won't be delayed if you need assistance. Most of these documents are in English, but the court system will provide an interpreter after the initial paperwork has been turned in. So, if your native language is not English, you will be responsible for locating your own interpreter to assist in completing the paperwork. There are non-profit organizations, such as the [Spanish American Committee](#), that may assist free of charge. If you have a bilingual Support Administrator from the local County Board of DD, they also may be able to provide some assistance or help in finding resources to assist in completing these forms. Contact Ohio Legal Aid or an attorney for further assistance, if necessary.



A guardian can be a parent/caregiver, friend, or trusted family member who can be given specific responsibilities, such as authority to look over the finances, home, health, well-being, and the basic necessities of the Ward.

For more information, visit: [Guardianship in Ohio](#)

Disability Rights Ohio has a well-documented FAQs on all the different types of guardianships and frequently asked questions:

<https://www.disabilityrightsohio.org/guardianship-frequently-asked-questions>



CONSERVATORSHIP

Conservatorship is a legal status to which a court appoints a person to manage the financial and personal affairs of a minor or incapacitated person. A conservator also may serve as a guardian who is responsible for establishing and monitoring the physical care of the individual and managing their living arrangements.

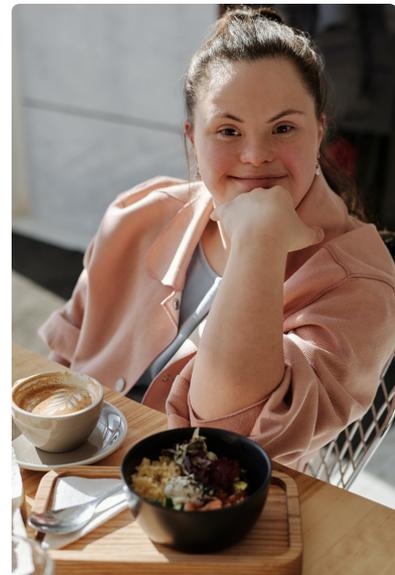
In Ohio, Guardianships and Conservatorships have similar overlapping features. The difference is that in a guardianship the individual is found to be incompetent, which is not the case in a conservatorship.

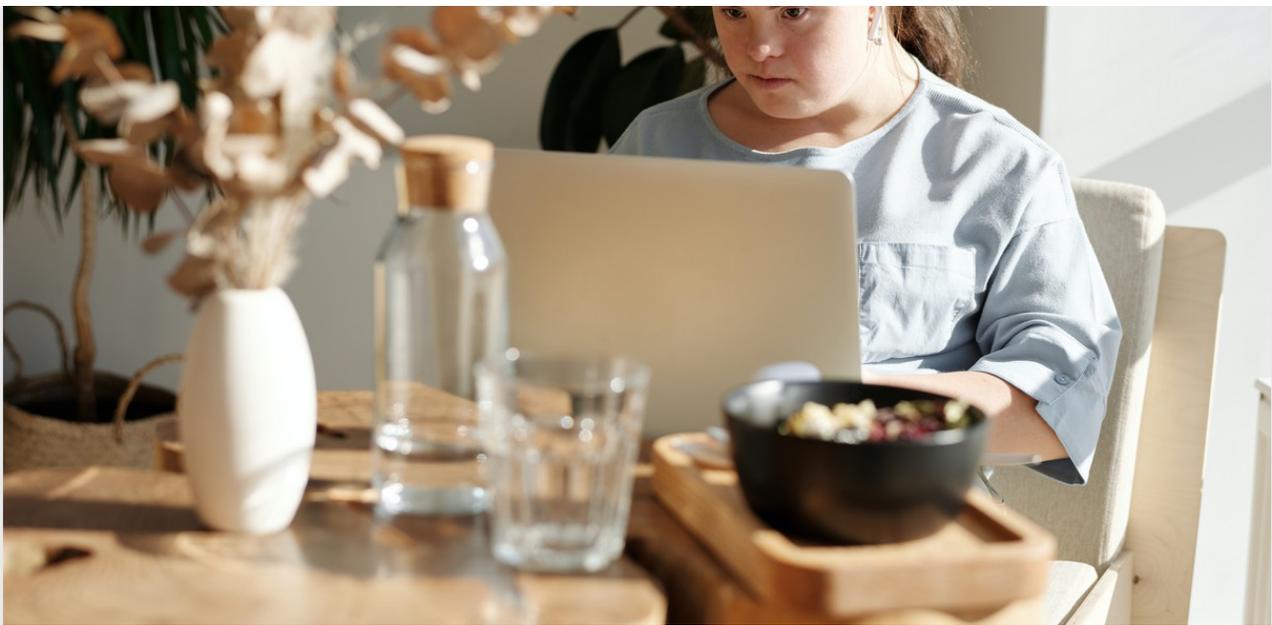
Decision making may be limited or general and includes decision making for the Person, the Estate, or both.

Decisions for the Person may include making decisions for educational, medical, and other personal needs.

The estate duties would include making decisions regarding personal property, real property, rent, income, bank accounts, and safe deposits.

The laws around conservatorships are different in each state. In Ohio, they operate more similarly to a Power of Attorney and can be easily terminated by the individual that initiated it.





POWER OF ATTORNEY

A Power of Attorney (POA) accomplishes the same goals as a guardianship or conservatorship, but without the involvement of the court. It may be a more economical and an effective tool especially for those who have the capacity and ability to understand their circumstances, as well as the purpose of the agreement. The individual (the Principal) appoints an Agent/Attorney in Fact, (a parent, caregiver, relative or family friend) to make educational, financial and/or medical decisions on their behalf. The Principal/individual can still make decisions on their own behalf. It is important to appoint someone that you completely trust.

Four types of POA:

Ohio Limited or Special Power of Attorney restricts the agent's ability to make decisions, such as, the ability to sign a deed if you will be out of town.

Ohio General Power of Attorney allows the agent to manage financial decisions, sign documents and pay bills. It ends when the Principal is incapacitated or dies. Be sure to review its purpose and state laws and guidelines beforehand.

Ohio Durable Power of Attorney remains in effect even if the Principal becomes incapacitated. Also, it may be general or limited.

Ohio Springing POA only takes effect if the Principal becomes incapacitated. Incapacitated should be clearly defined in the POA. Consult with an estate attorney beforehand.

<https://codes.ohio.gov/ohio-revised-code/section-1337.04>

<https://specialneedsanswers.com/>

Where to find these documents:

<https://powerofattorney.com/ohio/>

https://www.ohiobar.org/globalassets/home/member-benefits/practice-management-tools-and-services/statutorypowerofattorney_fillable.pdf

<https://www.legalzoom.com/articles/power-of-attorney-requirements-in-ohio>

<https://legaltemplates.net/form/power-of-attorney/ohio-oh/>



GOVERNMENT PROGRAMS AND BENEFITS

STABLE Accounts:

The Achieving a Better Life Experience ("ABLE") Act was passed by Congress in December 2014. It is the federal legislation that allows families and individuals with disabilities the opportunity to create tax-advantaged accounts that can be used to help maintain health, independence, and quality of life.

<https://ohio.gov/wps/portal/gov/site/residents/resources/stable-account>

It allows those with disabilities to receive, save, and invest money without losing certain public benefits, such as Social Security, Medicaid, HUD, and SNAP benefits.



STABLE Accounts and SSI:

<https://www.stableaccount.com/>

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0501130740>

STABLE Accounts and Medicaid:

<https://www.stableaccount.com/files/Documents/Implications%20of%20the%20ABLE%20Act%20for%20State%20Medicaid%20Programs.pdf>

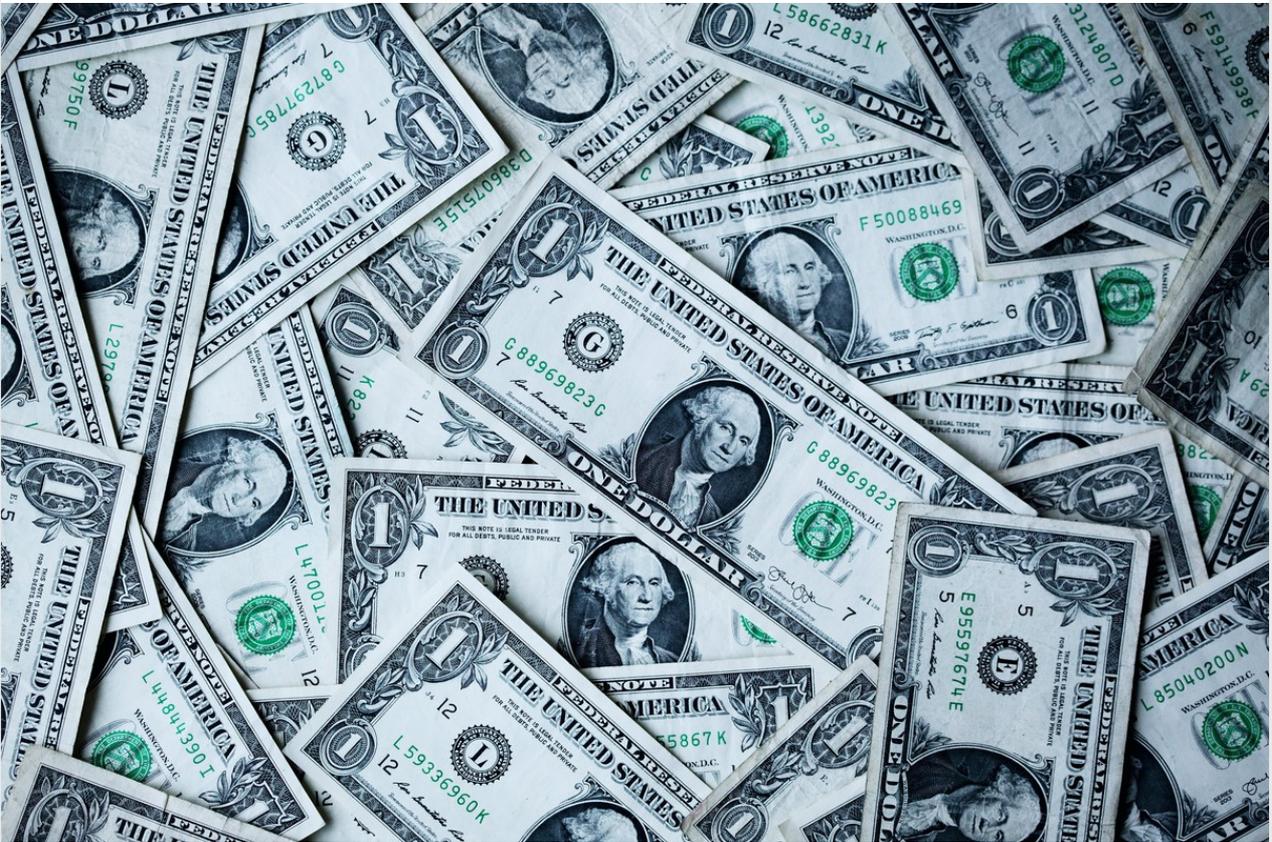
Opening a STABLE account will not affect SNAP, HUD or FAFSA. See links for more information:

SNAP: <https://www.federalregister.gov/documents/2017/01/06/2016-30663/supplemental-nutrition-assistance-program-snap-eligibility-certification-and-employment-and-training#p-96>,

HUD: <https://www.hud.gov/sites/dfiles/OCHCO/documents/2019-09pihn.pdf> or

There are no Federal or State of Ohio taxes as long as the funds are spent on qualified expenses, such as Assistive Technology, housing, transportation, education, health and wellness, employment training, basic living expenses, personal support services, legal fees.

For questions or help, please contact customer service at 1-800-439-1653, or visit <https://www.stableaccount.com/>.



Social Security

Social Security has two benefit programs for those with a qualifying disability.

1. Social Security Disability Insurance (SSDI)

SSDI pays benefits to the claimant/adult child if disabled before the age of 22, if the claimant or parents are “insured,” meaning the claimant or their parents have met the work requirements and made contributions to FICA based on the claimant’s earnings or their parent’s earnings. Eligibility and the number of benefits the claimant receives can be affected by workman’s compensation, and private or government pensions. SSDI benefits can be adjusted or stopped if the claimant’s disability or medical condition

improves, or their earnings are considered substantial. For more information visit the following site: <https://www.ssa.gov/benefits/disability/work.html>

2. Supplemental Security Income (SSI)

SSI is a financial needs-based benefit that “pays benefits to adults and children with a disability who have limited income and resources.” It is important to note that once the child becomes eligible, the child or their parents must continue to demonstrate that their child continues to have limited resources and needs, otherwise their benefits can be reduced or eliminated. [Benefits for People with Disabilities](#)

Social Security looks at the individual’s resources, such as property, stocks, bonds, and bank accounts. To maintain public benefits, the individual can't have more than \$2000 in stocks, bank accounts or auto if single and \$3000 if married. They can spend benefits on essentials and some limited luxury purchases that won't be counted against them.. They also are allowed up to \$100,000 in a STABLE Account.

For more detailed information on income and limits please see the following web resource: [Understanding SSI - SSI Income \(ssa.gov\)](#).

This web link further details what does and doesn't count towards the resource limit: [SSI Spotlight on Resources \(ssa.gov\)](#).

Other programs available for those in need or that qualify for Social Security benefits are:

- 1. Supplemental Nutrition Assistance (Food Stamps)**
- 2. Temporary Assistance for Needy Families (TANF)**
- 3. Medicaid**

If the individual/child receives both SSI linked to Medicaid and Social Security linked to Medicare, they can qualify for both health programs.

[Understanding SSI - SSI and Eligibility for Other Government and State Programs](#)

Work Incentives Planning and Assistance (WIPA) program

<https://www.ssa.gov/work/documents/Updated%20WIPA%20Organizations.pdf>

Protection and Advocacy for Beneficiaries of Social Security

<https://www.ssa.gov/work/protectionadvocacy.html?tl=0%2C1>

Plan to Achieve Self-Support (PASS)

This is a written plan of action or goal that can be written by a vocational counselor or relative. If approved, PASS allows the individual to spend money towards getting a particular job or starting a business. The funds spent can come from their SSI benefits, assets, or other income without affecting their eligibility. The goal is to become self-supportive and ultimately reduce or eliminate the need for benefits. [SSI Spotlight on Plans to Achieve Self-Support](#)

The Red Book: A Guide to Work Incentives

Available in English and Spanish at: <https://www.ssa.gov/redbook/>

Medicaid is a health care program for people with low incomes and limited resources. In most states children who get SSI benefits can also get Medicaid

[Ohio Medicaid Eligibility: 2021 Income & Asset Limits \(medicaidplanningassistance.org\)](https://www.medicaidplanningassistance.org/);
<https://www.medicaidplanningassistance.org/medicaid-eligibility-ohio/>
<https://www.disabilityrightsohio.org/medicaid>

State Children's Health Insurance Program (SCHIP)

This health insurance program is for uninsured children whose parents make more than the eligibility criteria for Medicaid but are not able to afford private insurance.

[State Children's Health Insurance Program \(SCHIP\)](#)

www.insurekidsnow.gov or call toll free 1-877-KIDS-NOW (1-877-543-7669)

The Children with Medical Handicaps Program (CMH) formerly (BCMh) is a program for those under the age of 21 that meet medical and financial criteria. Diagnostic, treatment, and service coordination services are limited to the specific qualifying health conditions. There is a list of specialized medical professionals which are designated to work under the umbrella of this program. For more information: [Information for Families | Ohio Department of Health](#)

ARICA:

[ARICA Fact Sheet – The Autism Insurance Resource Center](#)



Independent Living

An adult dependent can live with family, relatives, friends, independently with roommates, or in a group home. They can live in supervised settings with accommodations and modifications. Consult with your Local Board of

Developmental Disabilities Support Administrator to find the most appropriate living place and arrangements for your loved one.

A Support Administrator will be a valuable resource. They will assist in developing the Individual Service Plan (ISP) that consists of goals, interventions, and services, including connecting you to ODJFS (Ohio Department of Job & Family Services, Waivers, finding housing, and any other necessary supports.



[Ohio Association of County Boards of DD - Family Resources \(oacbdds.org\)](http://oacbdds.org)

Life Map: [OACB-LifeMap-FourthEdition.pdf \(oacbdds.org\)](#)

Additional Information regarding Waivers and other benefits offered by the Ohio Board of Developmental Disabilities:

<https://www.kidswaivers.org/full-list/>

<https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/Waiver-Descript-Factsheet/OH>

<https://dodd.ohio.gov/wps/portal/gov/dodd/waivers-and-services/waivers/>

<https://dodd.ohio.gov/wps/portal/gov/dodd/county-boards/all-county-boards-resources/keeping+families+together+funding>

Please keep in mind that an exhaustive list of resources is not provided, nor does OCECD have an affiliation with any of these resources or endorse any particular one. Instead, we hope the information here provides you with a start as you begin this journey.

This next stage in life, and the journey for your child, will be a big one. Learning and preparing for the step will help bring peace of mind. As your child transitions to young adulthood, research and preparation will set both you and your child up for success.

Remember –

It's not a Race, It's a Journey!

- Cynthia Carr Falardeau

About OCECD



OHIO COALITION FOR THE EDUCATION OF CHILDREN WITH DISABILITIES If you need assistance with the language translation of this newsletter, please contact us at 1-844-382-5452.

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The Ohio Coalition for the Education of Children with Disabilities (OCECD) is a statewide nonprofit organization that serves families of infants, toddlers, children and youth with disabilities in Ohio, educators and agencies who provide services to them. OCECD works through the coalition efforts of over 35 parent and professional disability organizations and over 70 individual members which comprise the Coalition. OCECD has also been funded since 1984 to serve as the Parent Training and Information Center (PTI) for the state of Ohio from the federal government, U.S. Dept of Education, Office for Special Education Programs. Established in 1972, currently employing 28 staff in 15 offices who are primarily parents or family members of children or adults with disabilities or persons with disabilities, the Coalition's mission is to ensure that every Ohio child with special needs receives a free, appropriate, public education in the least restrictive environment to enable that child to reach his/her highest potential. Throughout Ohio, the Coalition's services reach families of children and youth, birth through 26 years of age, with all disabilities

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