



Boyd Handley
ATTORNEY AT LAW

Special Needs - Disability Tool Kit

Are You Prepared

and other
Issues to Think About



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Special Needs Estate Planning Toolkit

- 1. The Team**
- 2. Wills**
 - a. Why do you need a Will in Texas
 - b. What happens to your estate in Texas without a Will
 - c. What happens to your minor kids if your do not have a Will naming a Guardian
 - d. Wills issues with blended families
 - e. Different kinds of property in Wills
- 3. Types of Trusts, ABLE Act**
- 4. Estate Planning for Special Need Families**
- 5. Alternatives To Guardianship** (POA, MOPA, HIPPA, Decision Making Agreement)
- 6. Guardianship**
- 7. Letter of Intent**
- 8. Registering for the “Texas Medicaid Wavier Lists”**
- 9. Special Needs Timetable for Services**



Why Do You Need a Will?

1. Distributes property according to your wishes
2. If you die without a Will your assets will go to your closest relatives under state “intestate succession” laws
3. Your minor children will get assets that they cannot handle at this time and can hurt their government benefits.
4. The Court will decide who is best fit to take care of your minor children, you need to name a guardian for your minor children or child with Special Needs
5. Assets will be held up in Probate and the court will appoint an administrator costing your estate money.



How Is Property Defined in Texas?

Texas is a community property State

- ***Community property*** as is all the property that either spouse acquires during the marriage.
- ***Separate property*** is anything one spouse owned prior to marriage, property inherited by only one spouse, property received as a gift by only one spouse, and recoveries for personal injuries sustained by only one spouse.
- In Wills, you can devise 100% of your personal property, but you only get 50% of community property to devise.



How Does Texas Intestate Succession Work?

1. ***Spouse + Kids*** – Wife gets all your community property and 1/3 of personal property & right to use your real estate for life. Kids get everything else.
2. ***Spouse + Kids from another marriage*** – Spouse get 1/3 of your separate personal property & right to use your real estate for life. Kids get everything else including your ½ interest in the community property.
3. ***Spouse + Deceased Spouses' Parents*** – Spouse inherits all community & separate personal property & ½ of separate Real Estate. Parents get everything else.



What Constitutes a Child in Texas in Intestacy

1. ***Adopted Kids***— treated as a natural born children, but not a person adopted as an adult
2. ***Foster Children & Stepchildren***— No
3. ***Children Placed for Adoption*** – Yes, in most cases
4. ***Posthumous Children***— Yes
5. ***Children Born outside of Marriage*** – Yes from natural mother, but not father except certain cases
6. ***Children Born During Marriage to Spouse*** – Yes, they are presumed to be yours
7. ***Half Blood Children*** – Yes but at a lesser % than Full
8. ***Grandchildren*** – your grandchildren will receive a share only if their parent (your child) died before you



What Happens to My Minor Children if I Die Without a Will or Guardianship Notations

If a child is orphaned and no Guardians have been named, the Court will appoint a Guardian based on the following statutory guidelines:

1. The Court will appoint a grandparent as Guardian. If the child has more than one living grandparent, then the Court will make a decision about who would be most suitable and in the best interests of the child.
2. If no grandparents are alive or willing to care for the child, then the nearest relative will be appointed. If child has two or more relatives of the same degree of relationship, the Court will determine which one is most suitable for the child and the best interests of the child.
3. If the child has no relatives or none are willing or able to care for the child, then the Court will appoint a qualified Guardian.



So, Some of the Reasons for a Will **ARE!**

1. You can be sure your love ones and friends get your Estate the way you want it distributed.
2. You will have in your Will who will be the Guardian of your minor children or Child with Special Needs
3. You Assets will go via a Testamentary Trust to your other Trusts or for your child with Special Needs in order to not disrupt his or her government benefits. A trust also keeps property and other assets from going to minor children or children that are not mature enough to handle money and assets. By setting up a Trust, you can name who will look after the assets in the Trusts. You can set up a Trust to keep property out of the Probate process.
4. Assets are tied up in Court for an undetermined period. Court fees and legal fees will come out of your Estate. Frustration on the part of the family.



Trusts

A Trust is a legal arrangement under which a person (**Trustee**) controls property given by another (**Settlor**) for benefit of a third (**Beneficiary**).

A Trust separates legal ownership (**Trustee**) from beneficial ownership (**Beneficiary**)

A Trust can be Inter-vivos or Testamentary

A Trust is either Revocable or Irrevocable

A Trust is either Self-settled or Third Party



Types of Trusts for family members with Disabilities

A trust acts as an “account” created to hold assets. **Trusts can hold assets for minors, adults with special needs to keep them from losing government benefits.** Trusts also may be used to hold and distribute assets in such a way to reduce income or estate taxes. A trust can be set up to keep your assets out of Probate. Trust for child support to keep from having SSI reduced.

1. Special Needs Trusts – Third Party, First Party
2. Testamentary Trusts – becomes active at one's death or contingent on?
3. Court Ordered Trusts (1301, 142 and 867 Trusts)
4. Miller Trusts (QIT Trusts)
5. Living Trust – keeps assets out of probate
6. Pooled Trusts – Arc of Texas Master Pooled Trust
7. ABLE Act Trust – an effective tool to work with other trusts



Trusts – Why Would We Need One

A Trust is an effective way of managing assets of a child with Special Needs to still qualify for governmental Benefits, for the benefit of a minor, or Child with Special Needs or incapacitated person or persons who are incapable of managing their own financial matters.

A Trust helps to lower taxes in some cases

A Trust can help shield assets in order for a young adult or adult qualify for government benefits or nursing home stay.

A Trust can keep Assets out of Probate where Beneficiaries can get to them quicker and keeps your assets out of the public eye

A Trust can protect the child's inheritance from the claims of his or her creditors in most cases

A Trust will keep a child from spending his inheritance quickly



Guardianship in Texas

There are four types of Guardianship

1. Guardianship of the Person (Full or Limited)
2. Guardianship of the Estate (Full or Limited)
3. Guardianship of Person and Estate
4. Temporary Guardianship



PRACTICAL analysis on whether a Guardianship is Needed

1. **PRESUME** guardianship is not needed
2. **REASON.** Clearly identify the reasons for concern
3. **ASK** if a triggering concern may be caused by temporary or reversible conditions
4. **COMMUNITY.** Determine if concerns can be addressed by connecting the individual to family or community resources and making accommodations.
5. **TEAM.** Ask the person whether he or she already has developed a team to help make decisions.
6. **IDENTIFY ABILITIES.** Identify areas of strengths and limitations in decision-making if the person does not have an existing team and has difficulty with specific types of decisions
7. **CHALLENGES.** Screen for and address any potential challenges presented by the identified supports and supporters
8. **APPOINT** legal supporter or surrogate consistent with person's values and preferences.
9. **LIMIT** any necessary guardianship petition and order.

AmBA



Guardianship Rights

Full Guardianship takes away the following rights:

- The right to vote in a public election;
- The right to hold or obtain a license to operate a motor vehicle;
- The right to purchase and own ammunition and firearms
- Right to make personal decisions regarding residence;
- Right to marry;
- Any previous Power of Attorney is rendered null and void;
- Right to handle business and managerial matters;
- Right to manage financial matters;
- Right to consent to medical, dental, psychological or psychiatric treatment;
- Administer own medications on a daily basis;
- Release of any relevant records (medical, intellectual disability, psychological);
- Manage a personal bank account;
- Spend funds, enter into law suits;
- Enter into contracts;
- Apply for government benefits, placements, programming, vocational training, jobs;
- Attend to instrumental activities of daily living (e.g. shopping, cooking, traveling, personal hygiene)



Guardianship of the Person

1. Deals with the Ward's person or physical well-being. It also deals with the financial well being of the Ward
2. Bond may be waived, Harris County has a \$25 minimum bond
3. Guardian must meet certain criteria
4. The right to have physical possession of the Ward and to establish the Ward's legal domicile
5. Duty to provide care, supervision and protection for the Ward
6. Duty to provide food, clothing and protection for the Ward
7. The power to consent to medical, psychiatric, and surgical treatment other than the inpatient psychiatric commitment of the Ward.
8. Annual reports due to Court
9. A Court investigator or Court appointed visitor is required by law to visit the Ward



Guardianship of the Estate

1. Deals with the Ward's financial well-being
2. A financial Bond must be filed within 20 days of obtaining Guardianship
3. A physical inventory, appraisement and list of claims must be filed by your attorney within 30 days of taking the oath and posting bond
4. Within 30 days of qualifying for Guardian an attorney must file an application on your behalf requesting monthly or annual allowances to be expended from Guardianship funds for the use and benefit of the Ward.
5. An investment plan must be filed within 180 days of your qualification as Guardian unless the court waives the requirement.
6. An annual account must be filed each year within 60 days after the anniversary of the Guardian's date of qualification.
7. A Guardianship of the Estate must be closed if the Ward dies, is restored or the Ward reaches the age of 18.



Guardianship Steps

1. File Guardianship papers with the Probate Court in the county that the proposed Ward resides. This can be done **180 days before their 18th birthday**.
2. “**Physicians Certificate**” – **within 120 days of filing date**. If proposed Ward alleged incapacity results from Intellectual Disability, the physician, psychiatrist or psychologist must have evaluated the Ward not earlier than 24 months before the date of the hearing.
3. The Court Clerk will issue a **citation to be served** in person on the proposed ward by a Sheriff Constable.
4. Proposed Guardians are required to take an on-line training **JBCC course**
5. Court appoints an **Attorney Ad Litem** for the individual who will be under guardianship, who will visit you and the proposed ward
6. **Waiver letters** are sent to Siblings, Biological Parent, Group Home administrator or adult children of person that you are applying for.
7. If the application is filed in a Statutory Probate Court, the court will appoint a **court investigator**. A Court hearing is held, usually with the proposed Ward in presence.



Physicians Certificate

Physician's Certificate of Medical Examination

Revision September 2015

In the Matter of the Guardianship of _____
an Alleged Incapacitated Person

For Court Use Only
Court Assigned: _____

To the Physician

This form is to enable the Court to determine whether the individual identified above is incapacitated according to the legal definition (on page 3), and whether that person should have a guardian appointed.

1. General Information

Physician's Name _____ Phone: (____) _____
Office Address _____

☐ YES ☐ NO I am a physician currently licensed to practice in the State of Texas.

Proposed Ward's Name _____
Date of Birth _____ Age _____ Gender ☐ M ☐ F
Proposed Ward's Current Residence: _____

I last examined the Proposed Ward on _____, 20____ at:

☐ a Medical facility ☐ the Proposed Ward's residence ☐ Other: _____

☐ YES ☐ NO The Proposed Ward is under my continuing treatment.
☐ YES ☐ NO Before the examination, I informed the Proposed Ward that communications with me would not be privileged.
☐ YES ☐ NO A mini-mental status exam was given. If "YES," please attach a copy.

2. Evaluation of the Proposed Ward's Physical Condition

Physical Diagnosis: _____
a. Severity: ☐ Mild ☐ Moderate ☐ Severe
b. Prognosis: _____
c. Treatment/Medical History: _____

3. Evaluation of the Proposed Ward's Mental Functioning

Mental Diagnosis: _____
a. Severity: ☐ Mild ☐ Moderate ☐ Severe
b. Prognosis: _____
c. Treatment/Medical History: _____

If the mental diagnosis includes dementia, answer the following:

☐ YES ☐ NO ---- It would be in the Proposed Ward's best interest to be placed in a secured facility for the elderly or a secured nursing facility that specializes in the care and treatment of people with dementia.
☐ YES ☐ NO ---- It would be in the Proposed Ward's best interest to be administered medications appropriate for the care and treatment of dementia.
☐ YES ☐ NO ---- The Proposed Ward currently has sufficient capacity to give informed consent to the administration of dementia medications.

d. Possibility for Improvement:

☐ YES ☐ NO ---- Is improvement in the Proposed Ward's physical condition and mental functioning possible?
If "YES," after what period should the Proposed Ward be reevaluated to determine whether a guardianship continues to be necessary? _____

4. Cognitive Deficits

a. The Proposed Ward is oriented to the following (check all that apply):

☐ Person ☐ Time ☐ Place ☐ Situation

b. The Proposed Ward has a deficit in the following areas (check all areas in which Proposed Ward has a deficit):

☐ --- Short-term memory
☐ --- Long-term memory
☐ --- Immediate recall
☐ --- Understanding and communicating (verbally or otherwise)
☐ --- Recognizing familiar objects and persons
☐ --- Solve problems
☐ --- Reasoning logically
☐ --- Grasping abstract aspects of his or her situation
☐ --- Interpreting idiomatic expressions or proverbs
☐ --- Breaking down complex tasks down into simple steps and carrying them out

c. ☐ YES ☐ NO -- The Proposed Ward's periods of impairment from the deficits indicated above (if any) vary substantially in frequency, severity, or duration.

5. Ability to Make Responsible Decisions

Is the Proposed Ward able to initiate and make responsible decisions concerning himself or herself regarding the following:

☐ YES ☐ NO ---- Make complex business, managerial, and financial decisions
☐ YES ☐ NO ---- Manage a personal bank account

If "YES," should amount deposited in any such bank account be limited? ☐ YES ☐ NO

☐ YES ☐ NO ---- Safely operate a motor vehicle
☐ YES ☐ NO ---- Vote in a public election
☐ YES ☐ NO ---- Make decisions regarding marriage
☐ YES ☐ NO ---- Determine the Proposed Ward's own residence
☐ YES ☐ NO ---- Administer own medications on a daily basis
☐ YES ☐ NO ---- Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) without supports and services
☐ YES ☐ NO ---- Attend to basic activities of daily living (ADLs) (e.g., bathing, grooming, dressing, walking, toileting) with supports and services
☐ YES ☐ NO ---- Attend to instrumental activities of daily living (e.g., shopping, cooking, traveling, cleaning)
☐ YES ☐ NO ---- Consent to medical and dental treatment at this point going forward
☐ YES ☐ NO ---- Consent to psychological and psychiatric treatment at this point going forward

6. Developmental Disability

☐ YES ☐ NO ---- Does the Proposed Ward have developmental disability?

If "NO," skip to number 7 below.

If "YES," answer the following question and look at the next page.

Is the disability a result of the following? (Check all that apply)

☐ YES ☐ NO ---- Intellectual Disability?
☐ YES ☐ NO ---- Autism?
☐ YES ☐ NO ---- Static Encephalopathy?
☐ YES ☐ NO ---- Cerebral Palsy?
☐ YES ☐ NO ---- Down Syndrome?
☐ YES ☐ NO ---- Other? Please explain _____

Answer the questions in the "Determination of Intellectual Disability" box below only if both of the following are true:

(1) The basis of a proposed ward's alleged incapacity is intellectual disability.

and



Why Guardianship (Full or Partial) or a Least Restrictive Alternative

1. When **your child** turns 18th in the State of Texas he or she is an adult
 - a) You can no longer make decisions for them legally
 - b) You cannot go to a hospital and tell the doctor to do something or get information about your young adult
 - c) You cannot handle any financial matters for your young adult
 - d) BASICALLY THEY ARE THEIR OWN PERSON and can decide their own life's course
2. What happens when **your parents** become incapacitated and you do not have a Power of Attorney or Medical Power of Attorney etc.?
 - a) You cannot make financial decisions for them or talk to credit card companies or banks
 - b) You cannot talk to a doctor and make decisions about their health
 - c) Obtain a HIPAA release so that you can ask for medical records of your love one
3. **WHAT ARE MY OPTIONS?**
 - a) You are part of this great support group and you are here today
 - b) Talk with your parents before they become incapacitated
 - c) Think about your children before they turn 18th and map out a plan



Some Alternatives to Guardianship (Least Restrictive)

1. **Durable Power of Attorney**
2. **Medical Power of Attorney**
3. **HIPAA Release**
4. **Advanced Medical Directives** – needs to mention hospital, EMT and hospice care
5. **Out-of-Hospital DNR (EMT-DNR)**
6. **Convenience signer on Other Accounts**
7. **Declaration for Mental Health Treatment**
8. **Representative Payee**
9. **Joint Bank Accounts (convenience accounts)**
10. **POD (Payable on Death) on Bank accounts**
11. **Guardianship Management Trusts, Special Needs Trust, Pooled Trusts**
12. **Pre-Need Designation of Guardian**
13. **Supported Decision Making Agreements** – parents, surrogate, friends
14. **Katie's Law and the Re-Test Request** – Elder's driving
15. **School Admission Procedures** – Grandparents
16. **Community Administrator, Geriatric Care Manager, Support Groups**



Who can Qualify to be a Guardian

1. The Ward's spouse; if he or she does not want or able to serve then the next of kin is the next eligible individual.
2. The Ward's Parents
3. Family members, grandparents, step-parent (under certain conditions)
4. Persons disqualified from being a Guardian:
 - a) A Minor
 - b) A person with a criminal history
 - c) An incapacitated person
 - d) A person who is a party, or whose parent is a party, to a lawsuit concerning or affecting the welfare of the proposed Ward
 - e) A person indebted to the Ward, unless the debt has been paid
 - f) A person asserting a claim adverse to the proposed Ward or the Ward's property
 - g) A person who, by lack of education or experience, is incapable of prudently managing the Ward's estate, or
 - h) A person, corporation, or institution found unsuitable by the court



Guardianship Steps


1. File Guardianship papers with the Probate Court in the county that the proposed Ward resides. This can be done 180 days before their 18th birthday.
2. “Doctor’s Letter” – within 120 days of filing date. If proposed Ward alleged incapacity results from Intellectual Disability, the physician, psychiatrist or psychologist must have evaluated the Ward not earlier than 24 months before the date of the hearing.
3. The Court Clerk will issue a citation to be served in person on the proposed ward
4. Proposed Guardians are required to take an on-line training course
5. Court appoints an Attorney Ad Litem for the Minor, who will visit you and the proposed ward
6. Letters are sent to siblings, Group Home administrator or adult children of person that you are applying for.
7. If the application is filed in a Statutory Probate Court, the court will appoint a court investigator. A Court hearing is held, usually with the proposed Ward in presence.

Letter of Intent (The “Book”)



Contents

- Ward’s Information
- Parents Information
- Emergency Contact Information
- Driver’s License and ID Card Information
- Banking Information
- Guardianship Information
- Guardianship Successor Information
- Ward’s Medical Information
- Family Medical Information
- Doctors, therapists & Other Medical & Therapeutic Professionals
- Insurance Information
- School Information
- Attorney Information
- Beneficiary Information
- Trustee and Trust Information
- SSI and Medicaid Information
- Medicaid Wavier Information
- Burial Arrangements
- Ward’s Daily Living Skills (schedule, wake and sleep routines, clothing, medical & Medicines, kitchen skills, other chores, discipline, relatives, pets, school & program description, level of academic functioning, therapies & Tutoring overview, air or travel difficulties, volunteering and internships, employment, social activities and friends, religion, favorite books-magazines-toys, music (listening to and playing), short and long term goals (Parents-Guardians and Wards), what ward wants people to know.



Letter of Intent

WARD'S NAME

Insert or Attach Photo to Letter of Intent

PREPARED BY:

DATE PREPARED

The Handley Law Office
281.703.3616 | fax 832.363.1744 | boyd@TheHandleyLawOffice.com

Handley Law Office Letter of Intent ©2018 January 1, 2019 1 of 46 Initial



ABLE Act – “Achieving a Better Life Experience” Program

It’s Finally Here in Texas

- Maximum life-time contribution is \$370,000 at any time.
- The first \$100,000 is not considered a resource by Supplemental Security Income (SSI)
- \$15,000 maximum yearly contribution for 2019-2020
- A 529 account may be rolled over to an ABLE account
- Rollovers from another State’s ABLE account is possible.
- An **ABLE Account** must be used for “qualified disability expenses” such as – education, housing, transportation, employment training & support, assistive technology and personal support services, health, prevention & wellness, financial management & administrative costs, legal fees, expenses for oversight and monitoring, funeral and burial expenses and other expenses that the IRS may add over time.
- Can be used to supplement your loved one's standard of living that government benefits is not paying for. Used in conjunction with a Special Needs Trust.
- Drawback it is subject to Medicaid payback.



ABLE Act – Eligibility

A person is eligible if he or she meets the following criteria:

1. The person is a Texas resident – can have an account in any state, but limited to **ONE** ABLE account per individual.
2. The person can establish that he or she has a disability through one of the following ways:
 - 1) SSI or SSDI Eligibility – he or she is currently receiving these benefits, OR
 - 2) Physician's Diagnosis – A licensed physician has provided a written diagnosis that the person is either:
 - (a) blind (within the meaning of the Social Security Act).
 - (b) has a medically determinable physical or mental impairment that results in marked and severe limitations, and which can either be expected to result in death, or has lasted or is expected to last at least 12 months
3. OR Compassionate Allowances Conditions – The person has a condition listed in the SSA list of Compassionate Allowances Conditions.
4. The person's disability was present before age 26.



Long Term Care Programs in Texas under the Medicaid Program – Administered by HHSC

Texas Health and Human Services Commission

1. 1915(c) waivers:
 1. **CLASS** – Community Living Assistance & Support Services
 2. **DBMB** – Deal Blind with Multiple Disabilities
 3. **HCS** – Home and Community-based Services
 4. **MDCP** – Medically Dependent Children Program
 5. **TxHML** – Texas Home Living
 6. **YES** – Youth Empowerment Services
2. 1155: Demonstrative Waivers
 1. STAR
 2. STAR-PLUS
 3. Dental
 4. STAR Kids
3. 1915(b) Waiver – Non-emergency Medical Transportation (NEMT)
4. HIPP – Health Insurance Premium Payment Program
5. Community First Choice
6. Medicaid Buy-In for Children and Adults
7. IHFS (In Home Family Support), STAP (Specialized Telecommunications Assist Program), TTAP (Texas Technology Access Program)



CLASS – Community Living and Support Services

- There is no age limit for enrollment
- Must meet financial eligibility for Medicaid
- Must have substantial functional limitations in at least three of the following areas:
 - Self Care
 - Language
 - Learning
 - Mobility
 - Self-Direction
 - Capacity for Independent Living
- Must not be enrolled in another Waiver



CLASS – Some of the Services

- Adaptive aids
- Behavioral Support services
- Cognitive Rehabilitation Therapy
- Dental
- Minor Home Modifications
- Nursing Services
- Occupational, Speech & Physical therapies
- Prescribed Drugs
- Respite Services
- Employment Assistance
- Financial Management Services
- Habilitation Services
- Specialized Therapies
- Support Family services
- Transition Assistance Services (TAS)
- Prevocational Services
- Dietary
- Auditory Integration Training/Auditory Enhancement training



DBMD – Deaf Blind w/Multiple Disabilities

- Must be deafblind or function as deafblind
- Must meet financial eligibility for Medicaid
- Must have one other disability that results in impairment to independent functioning
- Must not be enrolled in another Waiver
- Provides home and community-based services as an alternative to residing in a ICF/IID to individuals of all ages who are deafblind, or have a condition that will result in deafblindness and who have an additional disability.
- Individuals may live in their own home, their family home or in a residence with one to five other individuals with similar needs.



HCS – Home and Community Based Services

- Must meet financial eligibility for Medicaid
- Must have a primary diagnosis of an intellectual disability with an IQ of 69 or below, or an IQ of 75 or below and a related condition
- Must not be enrolled in another Waiver
- Provides individualized services to people of all ages who qualify for ICF/IID level of care
- Individuals may live in their own home, their family home or in a residence with one to five other individuals with similar needs.
- HCS Waiver Services are provided by a comprehensive program provider, and service coordination is provided by the local Intellectual and developmental Disability Authority (LIDDA)



TxHmL – Texas Home Living Services

- Must meet financial eligibility for Medicaid
- Must have a primary diagnosis of an intellectual disability with an IQ of 69 or below, or an IQ of 75 or below and a related condition
- Must not be enrolled in another Waiver
- Must live in their own home or their family home (no residential component)
- TxHmL provides select services and supports up to \$17,000 per year for individuals who qualify for ICF/IID level of care.
- TxHmL services are provided by a TxHmL program provides and service coordination is provided by the LIDDA.



MDCP – Medically Dependent Children Program

- Gives services to children and adults who are 21 and younger and reside in Texas.
- Children are medically fragile and must meet the care criteria for medical necessity for nursing facility care as determined by HHSC as an alternative to receiving services in nursing facility.
- Must be determined financially eligible for Medicaid. Financial eligibility is based on the child or young adult's income and resources.
- Must not be enrolled in another Medicaid HCBS Waiver program
- Must live in their own home or their family home (no residential component). Can be in a foster home that includes no more than four children.
- Qualifications are reviewed and determined annually.
- Access to Medicaid Services – Personal Care Services (PCS), Private duty nursing (PDN), Physical, speech and occupational therapies
- MDCP Services include – Respite, Flexible Family Support Services, Adaptive aids, Minor home modifications, Transition assistance, Employment assistance, Supported Employment, and Financial Management Services.



STAR+PLUS

STAR+PLUS allows disabled adults and elderly Texans, aged 65 or older, that require a nursing facility level of care, to reside at home, adult foster care, or in assisted living residences and receive care services in those locations. Under this Medicaid waiver, both medical care and non-medical long-term care services are covered. Benefits such as personal care, adult day care, assistance for home modifications, and assistive technology are available. Some of these services are permitted as “Consumer Directed Services”, meaning the participant can choose his/her own personal caregiver. Friends and some family members are eligible to be hired as caregivers.

STAR+PLUS differs from other Texas Medicaid programs in that the services are provided by managed care organizations (MCO). There are specific MCOs in each county and participants are given the choice to select their preferred provider. In September 2014, the STAR+PLUS waiver replaced the Community Based Alternatives (CBA) Waiver, and all former CBA waiver participants have completed a transition to STAR+PLUS. Managed Medicaid under STAR+PLUS did not replace two other Texas Medicaid waivers. The Primary Home Care Program and Day Activity and Health Services Program continue to help resource-constrained seniors throughout the state.

<https://www.payingforseniorcare.com/medicaid-waivers/tx-star-plus.html>



STAR Kids

STAR Kids is a new Texas Medicaid managed care program that will provide Medicaid benefits, beginning November 1, 2016, to children and adults 20 and younger who have disabilities. Participation in the STAR Kids program is required for those who are 20 or younger, covered by Medicaid, and meet at least one of the following:

- Get Supplemental Security Income (SSI).

- Get SSI and Medicare.

- Get services through the Medically Dependent Children Program (MDCP) waiver.

- Get services through the Youth Empowerment Services (YES) waiver.

Live in a community-based intermediate care facility for individuals with an intellectual disability or related condition (ICF/IID) or nursing facility.

Get services through a Medicaid Buy-In program.

Get services through any of the following Department of Aging and Disability Services (DADS) intellectual and developmental disability (IDD) waiver programs.

- Community Living Assistance and Support Services (CLASS)
- Deaf Blind with Multiple Disabilities (DBMD)
- Home and Community-based Services (HCS)
- Texas Home Living (TxHmL)

<https://hhs.texas.gov/services/health/medicaid-chip/programs/star-kids>



How to Add Your Child to Interest Lists

- Call 1-877-438-5658 for information about putting your child on an interest list. This number is for CLASS, DBMD and MDCP waivers.
- Call 713-970-7000 and 713-692-1635 in Houston to get your name on the interest list for the HCS and Texas Home Living Waiver programs.
- Call your Local Mental Health Authority about the Youth Empowerment Services (YES) waiver program. Go to the DSHS website <https://www.dshs.texas.gov/transition/mhsa.aspx> to find the Local Mental Health authority in your area.
- Check with Texas Advocacy Organizations such as: Texas Parent to Parent, Disability Rights Texas, The Arc of Texas, Partners Resource Network and Protect TX Fragile Kids, to name a few.



Local Mental Health Authorities

GULF COAST CENTER

123 Rosenberg St., Ste. 6

Galveston, TX 77550

Crisis Phone: 866-729-3848

Main Phone: 409-763-2373

www.gulfcoastcenter.org

Counties: Brazoria & Galveston

THE HARRIS CENTER

9401 Southwest Freeway

Houston, TX 77074

Crisis Phone: 866-970-4770

Main Phone: 713-970-7000

www.theharriscenter.org

Counties served: Harris

TEXANA CENTER

4910 Airport Ave.

Rosenberg, TX 77471

Crisis Phone: 800-633-5686

Main Phone: 281-239-1300

www.texanacenter.com

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TRI-COUNTY BEHAVIORAL HEALTHCARE

233 Sgt Ed Holcomb Blvd S

Conroe, TX 77304

Crisis Phone: 800-659-6994

Main Phone: 936-521-6100

www.tricountyservices.org

Counties served: Liberty, Montgomery and Walker



Timeline for Services (Birth To Age 18)

Step
1

**Seek
Diagnosis**

**Public
School**

The school district is responsible for testing students with a suspected disability. Once it has been determined that there is a disability, services can be granted under Special Ed, IDEA or 504.

**Not in
School Yet**

ECI (Early Childhood Intervention) is available for children ages birth-3 years through the school district. PPCD (Preschool Program for Children with Disabilities) is for ages 3-5 years. Both programs are at no cost to the parents.

Step
2

Keep detailed records of all testing, reports and evaluations. You will need these to document length of time of disabilities, trends and professional recommendations.

Step
3

**Research various state services
(i.e. Medicaid Waiver Programs)**

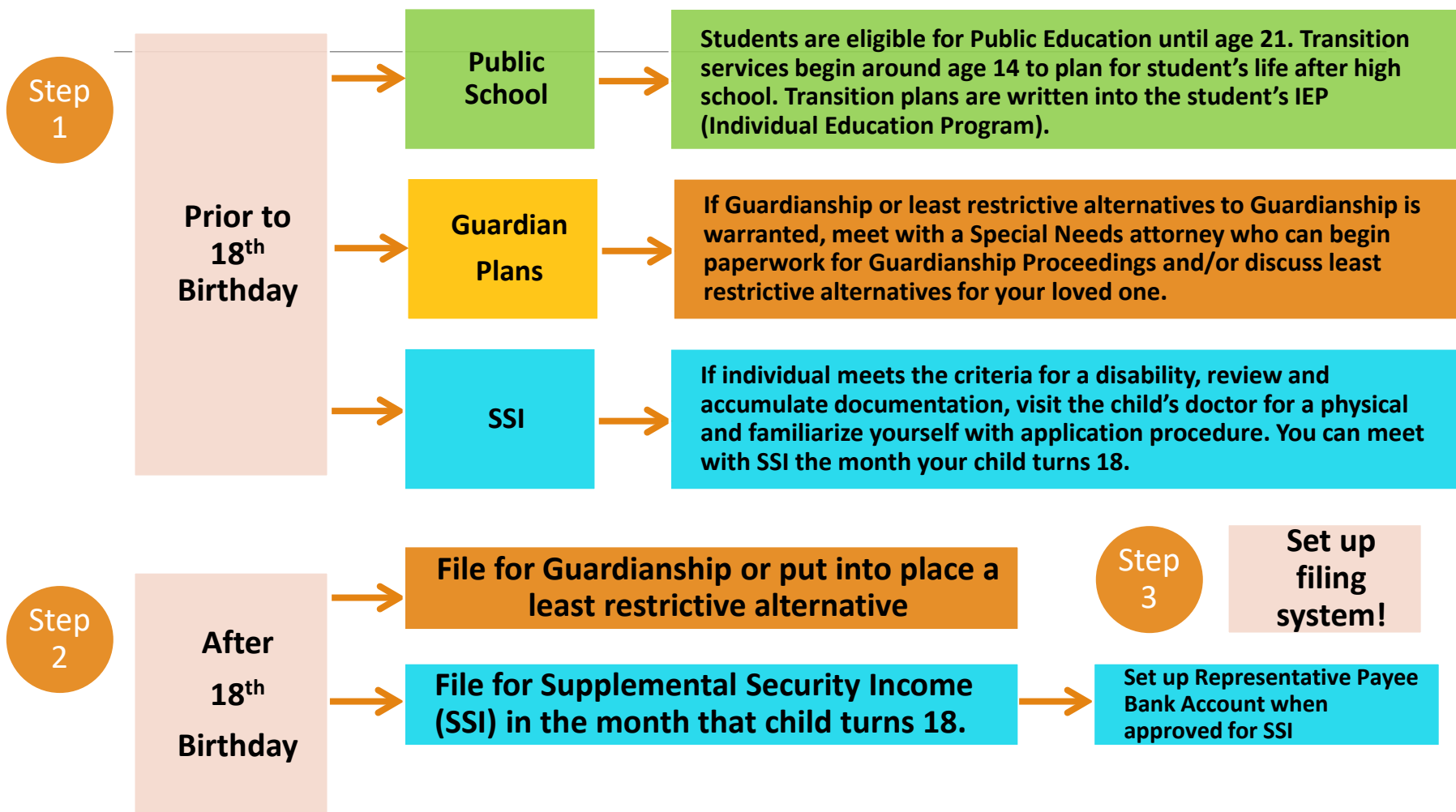
Put child's name on Interest Lists as soon as possible because the waiting period can be upwards of 10 years for some services and programs!

Step
4

Prior to child's 18th birthday, begin Guardianship research (if warranted) and familiarize yourself with Supplemental Security Income (SSI) and Medicaid if disabilities fall within the guidelines of these services. Guardianship and SSI (Medicaid is automatic with SSI in Texas) proceedings should be discussed with your lawyer in enough time to apply for services immediately after the child's 18th birthday. You can meet with SSI the month your child turns 18.



Timeline for Services (leading up to and after Age 18)





Thank You For Your Time



Team Handley

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