WELCOME TO
PART 4 OF OUR
PATHWAYS TO
ADULTHOOD
ZOOM SERIES

• Please mute your phones
• The PowerPoint will be posted on our website, www.txp2p.org
• We would love to see your faces! Please turn your cameras on! :0)
• Type all questions in the chat box
• I will try to answer all questions throughout the call
• If I don’t get to your question, please email me at: cynda.green@txp2p.org.
THANK YOU TO OUR PARTNERS

BlueCross BlueShield of Texas

Texas Children’s Hospital

Baylor College of Medicine

Texas Council for Developmental Disabilities

Texas Health and Human Services
Pathways to Adulthood

Texas Parent to Parent Transition Team

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Part 4:
LEGAL PLANNING
FOR AGE 18 AND
BEYOND

October 15, 2020
1:30-3:00 pm

Decision making at age 18: guidance and alternatives
Estate planning and ABLE Accounts
Health care transition
Reconnecting with networks
How TxP2P can help
GOAL FOR THE PATHWAYS ZOOM SERIES: TO GIVE PARTICIPANTS THE TOOLS NEEDED TO PLAN FOR A GOOD LIFE FOR OUR YOUTH AFTER GRADUATION
DECISION MAKING AT AGE 18
Decision making at age 18

At age 18, society assumes a person can give informed consent and make legal, financial and medical decisions. Before your child reaches age 18:

• Evaluate your child’s ability to make decisions
• Evaluate your ability to “wait and see”
• Think about least restrictive but supportive approach
• Research options
• Make sure you have a State issued ID card for your youth
Update on guardianship/alternatives

In 2015 Texas Legislature updated guardianship law so that alternatives must be considered first. Some alternatives

Supported Decision Making agreement, power of attorney, representative payee, joint bank accounts, long term supports and services, HIPPA form, special needs trust

navigatelifetexas.org, search for legal-options-for-age-18-and-beyond
Option: Supported Decision Making

Under a supported decision-making agreement, the supporter can help the person with a disability to:

• Understand the options, responsibilities, and consequences of their decisions.
• Obtain and understand information relevant to their decision.
• Communicate their decisions to appropriate people.

But **CANNOT** make a decision for the person with a disability.
Option: Power of attorney

Document that your adult child can sign to give you the legal power to make decisions for them about finances, education, medical care, and more.

Your child must be able to understand what it means to sign a contract in order to use a power of attorney.

Simple form, no lawyer needed, can be downloaded
Option: Guardianship

Parent or appropriate person can petition court to become legal guardian at age 18 or after
Empowers you to make major decisions for an “incapacitated person”
Investigate finding the right lawyer and what the costs will be in your county, including court costs and bond; may differ from county to county
Option: Guardianship with Limited Authority

Can get guardianship with limited authority, which spells out in what areas the guardian does/does not have legal decision-making power.

An agreement made at the court appearance.

Still have to go through the guardianship process.
Websites for decision making after 18

navigatelifetexas.org, search for legal-options-for-age-18-and-beyond
Texasguardianship.org
thearcoftexas.org/alternatives-to-guardianship/
for alternatives and the Supported Decision Making Agreement document
ESTATE PLANNING, ABLE ACCOUNTS
Estate Planning

Special needs trust: financial management tool to enable a person with a disability or his family to accumulate funds over $2000 and remain eligible for public funding.

Protects assets so they are not in your child's name.

There are many different kinds of trusts, consult a lawyer.

Master Pooled Trust, the arcoftexas.org
ABLE (Achieving a Better Life Experience)

Allows people with disabilities (diagnosed before age 26) to save money in a 529A tax-advantaged savings account

Money must be used for qualified disability expenses, such as education, transportation, housing, health, etc.

Annual limits for contributions, currently $15K for 2020 (amount may differ if employed)

www.texasable.org

www.ablenrc.org/about/what-are-able-accounts
Moving to adult medical services

Issue: Health care professionals may not share information with you after age 18

Start by age 14 to prepare your youth to assume health care responsibilities

Arrange for documentation to allow you to participate (forms provided by providers, guardianship, medical power of attorney, Supported Decision Making, HIPPA form youth can ask you to be present
Moving to adult medical services

Issue: Pediatric providers may stop seeing child over age 18

Talk to current pediatric health providers before age 18 about how long they will continue to serve your youth; ask for recommendations for adult providers and help to make the transition go smoothly

Talk to other parents about finding new adult providers (txp2p listserv and other parent groups)
Moving to adult medical services

Issue: Health insurance changes after 18

Learn about your work-based medical insurance policy: adult may stay on til age 26 then may petition to stay on after 26 (must be submitted to the insurance company no later than 31 days after the adult’s 26th bday)

tcdd.texas.gov/extending-health-insurance-adults-with-disabilities
Other adult medical services

Medicaid acquired through SSI (STAR+ PLUS)
Medicare acquired through SSDI
Medicaid Buy-In, health care for people with disabilities who work (monthly premium based on income)

Texas HIPP: Health Insurance Premium Payment program, for a family with 1 person on Medicaid and access to private work-based health insurance; pays premium (gethipptexas.com)
Collect information, get informed

Start a care notebook; see Txp2p.org home page for txp2p care notebook

Go to gottransition.org, click on youth and families; checklists and guides regarding medical transition for both parents and youth
Websites for health care transition

tcdd.texas.gov/extending-health-insurance-adults-with-disabilities
gethipptexas.com
gottransition.org (federal website, checklists, etc.)
navigatelifetexas.org, search for health care benefits
RECONNECTING
WITH NETWORKS
Personal networks of support

Concept comes from PLAN, a family organization in Vancouver (plan.ca)

Networks build a circle of support around a person at risk of isolation

Networks multiple a family's resources, ideas, connections and energy

Networks build intentional community
Who joins networks?
 Immediate family, especially popular with siblings
 Extended family
 Neighbors, family friends, church members
 People who have worked with the focus person (school staff, attendants, therapists, etc)
 Peers
Who joins networks?

People who want to support a person or family but have never known how to

People who share an interest with the focus person

People who have some time, want a mission in life

People who work in disability organizations or special education
What can networks do?

- Bring together a group of caring volunteers
- Provide supports for the long haul, even after parents are no longer around
- Focus on a single project, like getting a job, moving into a house, transitioning out of school to the community
- Plan for the future, help carry out plans
- Encourage the focus person to become more independent
What can networks do?

- Provide social opportunities
- Help make decisions; carry out Supported Decision Making agreement
- Help find resources, make connections
- Interview attendants, check on care, monitor quality of care
- Have fun!
What are the first steps?

- Open up your life to more people
- Be open and honest with family members
- Get over the idea that you have to do it all or that you are the only one who can care for your child
- Be willing to share your fears and hopes
- Gather the courage to invite a few people to a first meeting
Who can help?

Read *A Good Life*, by Al Etmanski, available at planinstitute.ca, scroll to bottom, Publications

Texas Network Connections (TxP2P program) helps families and individuals set up networks. txp2p.org/services/texas-network-connections

How-to at txp2p.org → Services → Texas Network Connections and scroll down to **How-to for creating networks of support**
4. Prioritize your next steps

Whatever the age of your child, now is the time to get started!
What steps do you think should come first?
What are the barriers to getting started?
What are you ready to commit to now?
See Transition Inventory in binder or at txp2p.org, Pathways to Adulthood home page
Where to begin

Use TxP2P transition timeline and inventory lists to get started
Start a file to collect information
Find names of useful people
Talk to friends and family
Get on waiver interest lists
Keep resources under $2000
At age 18 rules are different – be ready for the changes
Come to us for transition help: Pathways to Adulthood

A program at Texas Parent to Parent
Txp2p.org, click on Pathways to Adulthood
Please contact us for help with all transition issues:
email cynda.green@txp2p.org
call 512-458-8600 or 866-896-9050
Let's start now to build opportunities for a good life,

For our children and for all people with disabilities.
• To receive notification on upcoming trainings and events, please register at: www.txp2p.org. This also helps us continue to receive funding to support Texas families!
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