

SUPPORTED LIVING

provided through Estate Planning

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The greatest concern that parents and family members face today is the question of where will our loved ones with a disability live after we are no longer here. Parents are afraid to die before their children and seek answers and assurances that their children will be safe. Part of that challenge is to determine how to provide independent and inclusive housing in the most natural environment possible.

Parents can achieve peace of mind with permanent, safe, and secure living arrangements, along with their desires for their children's maximum self-reliance.

How do we help our loved ones gain that independence? Individuals must either acquire independence through assistance or it must be purchased through family members or through government agencies. How is that possible? It is possible if parents take the initiative by beginning the planning process for their children's lifetime themselves. This includes not only estate and financial planning, but also includes life planning with checks and balances to make sure that such a system will work.

Supported Living is a residential service option for individuals with mental retardation/developmental disabilities that can provide a flexible support system and supports/services which will enable a person to live and be active in the community. Emphasis is placed on supporting people in homes or

apartments of their choice. Supported living allows the individual and his/her family and other circle members to hire and fire staff, develop and individualized support configuration that makes sense for that specific person, to develop back-up and emergency support and assist the person to live a full, rich life in the community. Supported living is the answer that families are seeking. The question is, how do we plan for it?

The most expensive component of a supported living plan is its housing component. Although regional centers are becoming more creative in providing supported living arrangements, regional centers are not purchasing homes for individuals due to the cost. In order for our children to reside in a home, we must be the ones to provide that for our children.

There are many alternative models, for providing supported living. The following ideas are the basic blueprints for you to provide supported living. A house may be purchased out of funds from a Special Needs trust. Residual funds must be left to provide for the supplemental and emergency needs for your son or daughter. It is also possible to leave your family home in trust for your disabled child to reside in by themselves or with friends or relatives.

First and foremost, the house must be held either in your living trust or in the special needs trust. If the special needs trust, is irrevocable,

there will be a step up in basis for property tax purposes which may be a disadvantage to holding the property in a special needs trust. The living trust then becomes a vital tool in order to provide this type of planning. Funding must be set aside to provide for maintenance, insurance, property taxes, and emergency repairs. Funds may also need to be provided if you will be providing payment to a family member for providing those caretaker services.

Contingency plans must also be put into place to provide what will happen to your son or daughter if the initial care provider could no longer provide the supported living services.

Two or three alternatives must be given to your successor trustees and conservators such as utilizing a regional center vendor to provide supported services, an emergency plan placement with a family member or even in a group home should be listed.

Family members must realize that supported living planning is an ongoing process. The plan that you envision now, may not necessarily be the plan that is actually put into place for your loved ones. Flexibility must be the cornerstone of the plan with you setting the parameters.

Estate planning, in its very nature is an ongoing process. A will drafted in 1970, would not meet your needs today. People move in and out of our lives for various reasons and pass away. What is in place now may change 25 years from now.

Counting on one of your other children to be the primary caretaker for the person with the disability may also change, as circumstances in life change, such as marriage. Therefore, contingency plans must be put into place, and flexibility must be given to Successor Conservators and Successor Trustees to assure that your desires are followed.

The seven basic tools and strategies for creating supported living arrangements are:

1. Creating a trust to hold property.
2. Creating a trust to supplement benefits and needs.
- 3 Utilizing court procedures for settlements to protect

benefits and access funds.

4. Funding existing programs which provide lifetime assistance services.
5. Utilizing basic financial and estate planning to fund programs, residences, and supplemental needs.
6. Provide funding for inclusive settings.
7. Utilizing existing non-profit housing corporations

Once a plan begins to take shape, it is vitally important to involve the regional center in your plan by placing into your son or daughters IPP the long range goal of living in a supported living situation. Families must also be very clear as to their intent of whether or not other individuals should reside with your son or daughter and whether or not those individuals may be other regional center consumers or other roommates.

Remember, there is no guarantee that the regional center will fund a supported living program especially when it is family members providing those services.

Supported living is an option even for those families who do not have relatives to rely upon to help them implement the plan. The use of professional trustees, Inland Counties Master Trust, and Exceptional Children's Foundation Lifetime Assistance Program can provide the necessary financial assistance and advocacy services to assure that your son or daughters needs will continue to be met in any living situation.

Gifts to family, friends, and non-profit organizations also can become an option. I have even seen plans involve the gifting of a house to a group home in exchange for their lifetime care. New organizations continue to arise in this arena, such as H.O.M.E., and the R. Morgan Housing Corporation, which are designed to assist in obtaining housing and purchasing housing for independent and support living.

In conclusion, there are many options and new ideas to meet your families needs. You need to think about the needs of your loved one and plan around those needs. Once you've done that, then its time to put those plans into written form through your estate plan. It is all up to you, so what are you waiting for?