



HELPING HAND

A Monthly Update from the
Special Needs Planning Practice Group

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FEBRUARY 2009

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Upcoming Seminars

Where our attorneys will be presenting in the near future. For a full list, visit www.ftwlaw.com under "Seminars & Events"

An Introduction to Special Needs Planning for Families of Children and Adults with Disabilities

Presented By:
Theresa Varnet, Esq.

March 7

ARC of Cape Cod

June 6

United ARC of Franklin & Hampshire Counties



Special Needs Planning Practice Group

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Early Intervention

Special Needs Planning
Medical Malpractice

School Age

Special Education Advocacy
Transition to Adult Services
Special Needs Planning
Guardianship & Alternatives

Adult

Special Needs Planning
Adult Service Advocacy
Special Needs Trust Admin.
Guardianship & Alternatives

Extended Family

Special Needs Planning
Elder Law
MassHealth Planning

Probate and Family Court Practice

Estate Planning Petitions
Adult Support Petitions
Guardianship

The Special Needs Planning Practice Group

A Commitment that Lasts a Lifetime

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FEBRUARY 2009

A MESSAGE FROM THE PRACTICE GROUP CHAIR

By Frederick M. Misilo, Jr., Esq.



With the beginning of the New Year, there is a feeling of change and anticipation in the air. As we look to the future, we are facing great opportunities and risks. Officially, we are now in a recession – although most of us have known that for quite a while now. As the economic uncertainty grows and the recession deepens (hopefully not for very long), it is quite likely that important government benefits will be reduced. The current economic climate underscores the importance of adequate special needs planning. Careful planning and regular reviews help to maximize eligibility for government benefits as well as gauge whether the amount in a special needs trust will be adequate to meet future needs for services and supports. While we may not be able to control the overall economy or the turbulent events happening around us, we can manage and control our reaction to those events through our special needs planning efforts.

In December, 2008, Governor Patrick announced the closing of four of Massachusetts' six DMR institutions by 2013. This process will eventually allow for increased flexibility and effectiveness in limited state resources for community based services and supports in Massachusetts. Yet, I am mindful that this process will mean unwanted change and produce fear for

many families whose brother, sister, son or daughter has lived in a state-run facility his or her entire life. Like hundreds of families that have gone through this process in Massachusetts and throughout the nation, hopefully, the transition will improve the life of their family member. Overall, closure of institutions across the nation has been shown consistently to result in the improvement of the lives of the individuals with intellectual and developmental disabilities.

Our featured article this month highlights a unique home loan modification program available to persons with disabilities in Massachusetts. This article demonstrates the tremendous impact a relatively small public investment can make in the daily life on a person with a disability. While various housing voucher programs for individuals with disabilities, particularly the Alternate Housing Voucher Program ("AHVP") and Section Eight voucher program is widely known, this particular program is not well known and is, consequently, underutilized. This home loan modification program is available to owners with disabilities as well as to landlords who rent to persons with disabilities.

If you would like to communicate with me on any special needs planning issue, please feel free to contact me at (508) 459-8059 or fmisilo@ftwlaw.com.



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A LIFE-CHANGING LOAN, A LIFE-CHANGING LIFT

By Linda Dellasanta, Loan Specialist at RCAP Solutions, Inc., Guest Author

"I wanted to let you know what this loan means to me" began a letter to RCAP Solutions Financial Services from a man named Roger. "Since I went on disability, I have pretty much been stuck in the house. I have constantly cancelled or rescheduled my doctor's appointments because I did not have the strength to get down the steps in front of my house."

RCAP Solutions Financial Services was able to change all that for Roger. Linda Dellasanta, a real estate and loan specialist was able to help Roger get the loan he needed to install a lift on his very steep front steps. He can now get up and down those stairs, and lead a normal life with more mobility.



Home modification loans such as the one Roger received are financed through the Home Modification Program. Funding is provided through a state-funded loan program of the Massachusetts Rehabilitation Commission in collaboration with the Community Economic Development Assistance Corporation. RCAP Solutions Financial Services is the direct administrator of this program.

Home modification loans address special needs, such as bathroom/kitchen modifications, ramps, lifts or other changes that make access and egress improvements. Funds may also be used to make structural improvements affecting the safety of individuals and enable individuals to remain independent and stay in their homes.

There are six agencies throughout the state that administer the program. The program lends money to homeowners who wish to start new modification projects, but does not reimburse for work that has been already completed. Loans are available to any qualifying

Loans are available to any qualifying homeowner who has a disability or who has a household member with a disability.

homeowner who has a disability or who has a household member with a disability. The modification must be to the primary residence of an elderly person, and adult with disabilities, or family with a child who has a disability. Funding is also available to qualifying landlords who rent to an individual with a disability. The changes must help make the home more accessible to the elderly or disabled person.

Based on the income guidelines, from \$1,000 up to \$30,000 (inclusive of all costs) may be borrowed in either a deferred payment loan (DPL) or an amortized loan, which is secured by

a promissory note and a mortgage lien, except in cases of loans that are under \$2,500 which are only secured by the promissory note. An HMLP loan may be obtained only one time per property. Borrowers may not come back for more funding for the same property once their project is complete.

Homeowners eligible for a 0% DPL will not have to repay the loan until the property is sold or has its title transferred. 3% DPL or 3% amortizing loans must be repaid in 5 to 15 years, depending on the amount of the loan, and require monthly payment schedules.

The impact of this money is literally life-saving. Roger told Ms Dellasanta: "It is nice not having to worry about whether or not I would be able to make my chemotherapy treatment this past Monday. I also look forward to getting out."

Please contact Linda Dellasanta, Loan Specialist at RCAP Solutions Financial Services 1-800-488-1969, Extension 6725 for more information.

A TTY/TDD extension is also available for the hearing impaired – 1-800-488-1969, TTY/TDD Extension 6754

Please Note: This article does not contain an offer, promise, or otherwise, to make a specific loan for any purpose or on any specific terms. All loans are subject to specific guidelines, application procedures, and the availability of funds. Only residents of the Commonwealth of Massachusetts may apply for these loan funds. ●

Save the Dates

NEW! Guardianship Training

A Seminar for Parents, Siblings, Guardians and Service Providers

► Saturday, May 9, 2009 ~ 9 a.m. - 1 p.m.

Sweeping changes to guardianships are expected to take place in Massachusetts after the adoption of the Uniform Probate Code, which will take effect on July 1, 2009. Mark your calendar now for the Special Needs Planning Practice Group's new Guardianship Training. This presentation will cover all aspects of guardianship including the new Uniform Probate Code, when a guardianship is necessary, how to obtain a guardianship, what type is appropriate, the powers and responsibilities of guardians, and alternatives to guardianship. Program flyers and registration forms will be mailed at the end of February.

To be added to the mailing list, contact Sara at smurphy@ftwlaw.com or (508) 459-8021.

Annual Special Needs Trust Administration Training

► Saturday, October 24, 2009 ~ 9 a.m. - 1 p.m.

Check www.ftwlaw.com for the most up-to-date info on both trainings!

Both Seminars Will be Held at the: Courtyard Marriott Hotel

75 Felton Street, Marlboro, MA 01752

The FTW Special Needs Planning Practice Group provides legal counseling, advocacy and innovative solutions on behalf of individuals with differing abilities and their families. We strive to serve as a reliable trusted advisor committed to providing excellent service to our clients throughout their lifetimes. We recognize the importance of treating our clients with respect and dignity.

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MASSACHUSETTS UNIFORM PROBATE CODE

Guardianships and Conservatorships Affected As Of July 1, 2009

After years of being stalled by the legislature, Governor Deval Patrick has recently signed into law the Massachusetts Uniform Probate Code (MUPC) which will drastically reduce the time and complexity of the current estate administration system. M.G.L. ch. 190B will affect guardianships and conservatorships as of July 1, 2009 with the remainder of the law taking effect as of July 1, 2011. Massachusetts is now one of seventeen states which has adopted a complete uniform probate code.

The MUPC strives to shorten the time for the probate of a will, add protections for beneficiaries, increase family financial information privacy and increase rights for surviving spouses and children of prior marriages. More importantly, it protects individual rights by removing the stigma of mental illness and requires guardians to disclose more information about their wards' care and condition to the courts.

The Guardianship Training being held by Fletcher, Tilton & Whipple on Saturday, May 9 in Marlboro, MA will include an overview of the MUPC and how it will affect past and future special needs planning. More details about this training can be found to the left of this article.

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