


**Financial Tools for
SUPPORTED DECISION-MAKING**

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**YOUR LIFE
OUR CHOICE**




What Does the Law Say About Guardianships...

Shall be utilized only as necessary to promote and protect the well-being of the individual...

And shall be designed to encourage the development of maximum self-reliance and autonomy in the individual.

MCLA, Chapter 6



Types of Guardianships

Types of Guardianship

- Guardianship of the person
- Guardianship of the estate
- Conservatorship

Scope of Guardianship

- Plenary (full or total)
- Partial (limited)
- Combination of plenary and limited

Supported Decision-Making

- *Substituted* decision-making = guardianship, which limits rights, choices and freedom
- *Supported* decision-making = a process that enables people with disabilities to retain and exercise their rights and make and communicate choices in regard to personal and legal matters

One Person's Financial Journey

- When my mother passed away there were people who felt I needed a guardian and conservator
- Those people petitioned for a public guardian for me
- I met that person over the phone when they announced to me that they were my new guardian



My Financial Evolution

- I was running my own Avon business and handling those finances, they also didn't know that I had the ambition to secure two jobs.
- That ultimately is what proved to the judge that I no longer needed a full plenary guardian in 2010
- As I learned and grew and gathered more support, I began feeling like I didn't need a conservator to handle my money either

Life According To Amie

- So, as a strong advocate, I went to court on January 11, 2023, and got my conservatorship terminated
- That doesn't mean that I don't want any help
- I meet monthly with staff from the Arc of Oakland County who review my finances with me
- I might not drive my car, my staff do that, but I am in the driver seat of my life now



Income

In order to support someone in financial decision-making being aware of the source of income can be very useful. Different sources of income have different rules about how they may be spent, who can have access to them, and how much an individual can save. These rules can inform the decisions to be made and the tools that may be used to provide support.



Some Possible Income Decisions

- Do you want to work? How much?
- Do you want to apply for disability benefits? Do you want to continue receiving disability benefits?
- Where will you put your money when you get it?
- How much money do you need for rent, utilities, groceries, fun?
- Do you want to save money? How much?



Income - SSDI

- Limits the amount of money a person can make from employment and still be eligible for their SSDI benefit
- Does not limit how much money a person can receive from sources other than employment
- Does not limit how much money a person can have in savings or other assets
- Under certain circumstances may be lost if the beneficiary marries
- Medicare available usually after 24 months

Income - SSI

- SSI reduces as income from employment increases
- SSI is reduced if an individual lives in the home of another without paying rent or their fair share of costs
- SSI counts as income all money received from any source
- SSI strictly limits the amount of savings or other assets an individual may have
- SSI may be lost or reduced if the individual marries
- Comes with Medicaid

Income - Other

- **Employment**
 - Allows the most freedom in how it may be saved or spent but may affect eligibility for, or the amount of, public benefits
- **Family Support or Allowances**
 - How much and what rules it comes with are individual to every family
- **Inheritance, Annuity, Dividends, Court Settlement**
 - All can come with their own rules and restrictions

Financial Tools and Support

Most of us use financial tools or support of various levels.

- Banking Apps
- Financial Advisors
- Budgeting Tools
- Overdraft Protection
- Debt Counseling



Income Decision-Making Tools/Resources

- Social Security Information
- Benefits Counselor
- Direct Deposit
- Budgeting Tools
- Representative Payee



Saving



Saving money is important. It allows you to set money aside for the things you want now, like vacations, furniture, a new gaming system, and to save for a more financially secure future. There are many tools for saving, but again, it is important to know the source of income in order to know what options are available to you, and it is important to know the goal of saving to choose the best option.

Some Possible Savings Decisions

- What kinds of things do you want to save for?
- When will you need to use the money you have saved?
- Where will the money you save come from?
- How much can you, or do you want to, save?
- Do you want someone to help you save money?



Saving – Bank Accounts

- Standard Savings Account – Allow someone to save money and earn a little bit of interest.
- Joint Savings Accounts – Allow two or more people to be listed on the account, add money, withdraw money, and monitor the account.
- Holiday Savings Accounts – These accounts usually limit access to withdrawing money once a year.
- Certificates of Deposit – usually pay slightly higher interest but you have to keep the money in the certificate for a set period of time or pay a penalty.

It is important to remember that money in any of these accounts will be a countable resource for people who get SSI or Medicaid.

Saving – ABLÉ Accounts

- ABLÉ accounts allow people to save money for “qualified disability expenses” which includes, rent, utilities, and groceries.
- These accounts are available to anyone who has a disability that started before they were 26 years old.
- You can save up to \$15,000 a year (more if the account holder is working).
- ABLÉ accounts under \$100,000 are not a countable resource for SSI or Medicaid.
- These accounts offer a variety of savings options, but there are fees.
- Money in an ABLÉ account is under the control of the named account holder and may only be spent for their benefit.

Saving – Supplemental Needs Trusts

- There are three main types of Supplemental Needs Trusts (often called Special Needs Trusts)
 - First Party Trusts
 - Third Party Trusts
 - Pooled Trusts
- The money in a special needs trust may not be spent on those items covered by public benefits: rent, standard utilities, groceries.
- There is no limit to the amount of money that may be held in a trust. Fees associated with the trust depend on the type and the amount held in the trust.
- The funds in a qualified Special Needs Trust are not a countable resource for SSI or Medicaid.
- The money in a trust is under the control of the trustee and may only be spent for the benefit of the trust beneficiary.

Saving Decision-Making Tools/Resources

- Your Bank or Credit Union
- Direct Deposit or Automatic Transfer
- Budgeting Tools
- The Arc US
- MiABLE
- State Bar of Michigan



Spending

Decisions about how to spend money are tricky for many of us. Living on a limited income can make it even harder. But, there are many ways to support someone in making decisions about spending, and there are many levels of support, to meet a individual's various needs.



Some Possible Spending Decisions

- What bills do have to pay?
- What do you need/want to buy?
- What can wait and what do you need/want now?
- Do you want/need help shopping for groceries, clothes, household items?



Spending Decision-Making Tools/Resources

A Little Support

- Auto Bill Pay
- Low Balance Alerts
- Shopping Lists
- Online Grocery Shopping
- Assisted Shopping
- Budget Tools



Spending Decision-Making Tools/Resources

A Little More Support

- Limited Credit Cards
- Store or "Gift" Cards
- Joint Checking Account
- Restricted Joint Checking Account



Spending Decision-Making Tools/Resources

Quite a Bit of Support

- Dual Signed Checks
- Fiscal Intermediary
- Representative Payee
- Financial Power of Attorney



Financial Tools, IEPs, and Transition Services

Financial considerations, now and for the future, should absolutely be part of IEP and Transition Services. Every young person should be supported in thinking about their financial future. Discussion and planning should be ongoing particularly around:

- Employment – which is specifically mentioned in the IDEA law.
- Setting up budgets – an important aspect of independent living.
- Financial Tools – which tools will help them the most now (a savings account?) and which ones do they think they might need in the future (banking apps?).

Individuals with Disabilities Education Act (IDEA)

§300.320(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include—

- Appropriate measurable postsecondary goals based upon age appropriate, transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

Office of Special Education Training

- The student is presumed to be competent to act on their own behalf
- The district is presumed to have been, and is continuing to, educate the student to live a self-determined life
- School personnel should NOT try to persuade the parents to obtain legal guardianship over the student



Meaningful Connections

Clear and meaningful connections must be established between what the student is learning in high school and what he or she will be doing after leaving high school.

- Postsecondary goals are outcomes. They are age-appropriate and measurable.
- Align annual goals with adult outcomes (postsecondary goals)
- Transition Services are activities. They assist the student in reaching the goal.

Before thinking guardianship

Ask...

- Why Guardianship?
- Have we effectively/sufficiently tried out alternatives?
- Have we exhausted less intrusive and restrictive options?
- Would Guardianship really address the issues?

Resources

- SSA Resources
 - <https://www.ssa.gov/benefits/disability/>
 - <https://www.ssa.gov/rsdbook/>
 - <https://www.ssa.gov/bayvet/>
- Work Incentives Planning and Assistance
 - <https://miwipo.org>
- The Arc US
 - https://thearc.org/find-resources/?search_resource=&audience=searchAudience&type=searchtype&topic=family-support-and-future-planning
- MIABLE
 - miable.org
- State Bar of Michigan
 - <https://www.zetabook.com/SBA>

Resources




- Michigan Alliance for Families
 - <https://www.michiganallianceforfamilies.org/transition/>
- Michigan Developmental Disabilities Council
 - <http://www.Michigan.gov/ddcouncil>
- Special Needs Trust Information
 - <https://www.nolo.com/legal-encyclopedia/special-needs-trusts-30315.html>
- Joint Banking Information
 - <https://finance.zacks.com/pur-restrictions-joint-bank-account-11439.html>
- Power of Attorney Information
 - <https://michiganlegalhelp.org/>

Questions

Thank you for your time and attention!
What questions do you have?



We are here to support you!

-  @MichiganAllianceForFamilies
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For more information visit:
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Michigan Alliance for Families

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