



Safety & Security

Staying safe and secure- emergencies, well-being, guardianship options, legal rights & issues

Things to talk about:

- What is the least amount of support your sibling needs to be able to function as an adult in their financial, medical, and legal affairs? What skills and abilities can be practiced now to help them to function more independently?

- Are there alternatives to guardianship that might be appropriate for your sibling?

- If a guardian is necessary, who should it be? Who should be the back-up guardian?

- In what areas are your sibling's parents and loved ones most concerned about their safety? (for example, health care/medical, school, community access, etc.)

- Is your sibling able to stay home or be in the community alone or without additional support, and do they know what to do in case of an emergency (fire, home invasion, etc)?

For aging siblings:

- What are your sibling's legal rights and protection as they age?

- Are they at risk of falling or other hazards?

- Are there modifications or technology that will help your sibling stay safe as they age?

- Does your sibling have legal documentation of their end-of-life wishes?

- Is supported decision making, a guardianship alternative, or guardianship in place to protect their rights as they age?

Alternatives to Guardianship

Washington State law requires that alternatives to guardianship be considered, and that full guardianship be used only as a “last resort.” Many individuals with disabilities are capable of handling their own financial, medical and legal decisions, or require less support than full guardianship. Your family should identify what types of legal or financial needs your sibling has, what supports they need to accomplish these, and determine if less restrictive options can be used. These might include:

- Case management
- Durable power of attorney
- Healthcare Power of Attorney
- Living Trusts
- Living Wills
- Money Management Services, Direct Deposit, or Joint Accounts
- Representative Payeeships

More information about guardianship alternatives can be found at:

washingtonlawhelp.org/resource/alternatives-to-guardianships-for-adults?ref=6036h



Guardianship

A guardian is a person or agency appointed to manage the affairs of a ward, an individual who is not able to manage them him or herself. This person is court-appointed, but usually selected by the family. All guardians must complete a mandatory training. Guardianship is not supposed to inhibit the ward from caring for themselves in ways they can already do independently. It is tailored to cover what is necessary for each situation. Since guardianship involves contact with the court on a regular basis, many families use an attorney to help with guardianship. There are attorneys who have experience in legal issues for adults with special needs, and can help set up a comprehensive plan.

More information about guardianship: arcwa.org/library/guardianship

Selecting a Guardian

Many factors come into play when selecting an appropriate guardian. A guardian can be a relative or other person who can and is willing to provide care and management of the ward and their estate. Selecting a guardian is a personal family decision. If you are considering stepping in as your sibling's guardian, either now or sometime in the future, you might be worried about what responsibilities you would have. It's important to know that a guardian/ward relationship is different than a parent/child relationship. A guardian's primary responsibility is decision making- not necessarily direct care. However, guardianship is a legal responsibility that shouldn't be taken lightly. It's important to discuss this issue openly as a family. The discussion should continue regularly since guardianship needs might change as time passes, and an ideal guardian now might not be willing or able to provide these services down the road.

Letters of Intent

An important document to include in your sibling's future planning is a Letter of Intent. This letter specifies the family's wishes for the future of the sibling and can direct future caregivers or guardians. It can include many pieces of information, some of which is included in this guide, including likes/dislikes, friends, medical information, and goals for housing and employment.

Income

Many individuals with disabilities receive income from a variety of sources. These can include:

- Supplemental Income from Family
- Personal Income (from employment)
- Medicaid
- Supplemental Security Income (SSI) or Social Security

Since many services available have maximum income eligibility requirements, it can be difficult to juggle various sources of income and set up a long-term financial plan.

Trusts

A special needs trust is a trust set up specifically for a person with special needs. A trust is typically set up in order to ensure a person with a disability that receives SSI income can continue to do so even if they acquire other assets. If an individual receives SSI, they cannot hold more than \$2000 to their name (this includes savings, assets like property, or inheritance.) A special needs trust can hold assets and funds intended for the individual with special needs *without* being considered income that might impact their SSI. The trust can be managed by a parent or guardian. There are several different types of special needs trusts; a qualified professional can help determine which type best fits each family's situation.

One option available to families is the Developmental Disabilities Life Opportunities Trust (DDLLOT). This is a state-supported special needs trust that is only for residents of Washington State.

More information can be found at: www.ddlot.org

Legal and Financial Resources

Disability Rights Washington
disabilityrightswa.org | 800-562-2702

NW Justice Project
nwjustice.org | 211 (Inside King County)
888-201-1014 (Outside King County)

Washington Lawhelp
Washingtonlawhelp.org

Legal Documents Checklist

The following documents are important for future planning. Although not all of them will apply to your sibling's specific situation, you can use this list to check off what documents your sibling already has and note their location. If applicable documents are missing, make a plan to get them.

1. Important Papers

- Life insurance policies for parents and sibling
- Health insurance policies & ID cards
- Real estate holdings/deeds
- Social security cards and benefit records
- Birth certificate
- State ID or Passport

2. Guardianship

- Guardianship papers
- Power of Attorney- financial
- Power of Attorney- medical
- Letter of Intent (from family)
- Advance Directives

3. Financial

- Special Needs Trust/Attorney contact information
- Bank records/Rep Payee Information
- Federal, State, & Local Tax Returns/Accountant contact information
- Car insurance/title

4. Sibling's Documents

- Medicaid, Medicare, and other Health Insurance Cards
- Waiver information
- Bank account information
- Copy of last Individual Service Plan (ISP)
- Copy of medical records, psychological or other evaluations