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PROPER PLANNING MAY CREATE PEACE OF MIND SM



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Valuable Social Security Benefits

A little well kept secret in the Social Security regulations can benefit a disabled child of a client. When a parent dies, a child generally is entitled to receive Social Security survivor benefits. If the child was receiving SSI benefits at the time of the parent's demise, the receipt of monthly survivor benefits can potentially disqualify the child for SSI. As you know from prior newsletters, SSI is a monthly cash benefit that in Florida entitles the recipient to Medicaid assistance. In order to receive SSI, gross monthly income cannot exceed \$579.00. Unfortunately, Medicaid can be lost when SSI eligibility is terminated.

If the right set of facts exist, we can avoid that disastrous result. "Disabled adult child" benefits (DAC) may be available to a disabled adult child whose parent contributed to the Social Security system and has either retired, or become deceased. If the child received SSI prior to the parent's retirement or death, the child's benefits will now be converted to DAC. Best of all, they will keep their Medicaid assistance!

The Social Security regulations refer

to these children as 'former recipients of SSI benefits.' Medicaid refers to them as 'protected Medicaid for adult disabled children.'

The theory behind the DAC benefit is that the child is continuously dependent on the parent since the adult child has a condition that began prior to age 22, and never achieved independence.

Clients will be required to prove that the child was disabled during the developmental years. This requires medical records to be produced.

Sometimes this can be a problem if the physician has retired or if records have been destroyed.

The amount of the benefit will vary depending upon whether the parent is disabled or retired, or deceased.

"Disabled adult child benefits (DAC) may be available to a disabled adult child whose parent contributed to the Social Security system and has either retired, or become deceased."

Once Social Security approves the child for DAC benefits, the information is forwarded to the Medicaid agency.

We thank the trial law firms who have invited us to conduct our FREE

Florida Bar Approved

Continuing Education Seminar "Preserving the Personal Injury Settlement for the Aged and Disabled Client"

at their offices since the last newsletter. Please feel free to call about hosting this CLE at your office.

ANNOUNCEMENTS:

Stephanie is the Former Chair of The Florida Bar Elder Law Section.

Our firm is a proud Business Patron of the AFLTL

Yet somehow our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is in the way that it cares for its helpless members— Pearl S. Buck

Meet The Staff

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