



The Arc[™]

Arapahoe & Douglas Counties

Step Up! Into Life after High School Session 3

How do I pay for it 2; Food Stamps – SNAP, LEAP, Aid to Needy Disabled (AND), ABLE Accounts and Trusts.

FOR PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

Achieve with us.

What You Will Learn

- Work
- ABLE Accounts
- Food Stamps – SNAP
- LEAP
- Aid to Needy Disabled (AND)
- Trusts

Earnings from Work

Pros

- Self esteem.
- Independence.
- May be able to get health insurance and other benefits.
- Potential to earn more.

Myth

- They can't work.
- If my loved one works they will lose services!
- INCORRECT, working can create more benefits.
- But there are limits.

Starting Nov 2021

- Online Benefits Estimator And Employment Resource Tool
- 24/7/365 opportunity to explore the world of work and benefits
- Estimated public rollout November 2021
- Statewide promotional and educational trainings!
- Kickoffs happening in August and September 2020 and beyond.
- Check out other states to see what DB101 will look like
<https://www.db101.org/>

ABLE Account



colorado**ABLE**
Coloradans Achieving a Better Life Experience

Food Stamps – SNAP

It is a Benefit not an entitlement.

- That can be used anywhere the individual pays room and board

Most low-income households can get food assistance.

This pre-screening tool <https://coloradopeak.secure.force.com/> This is not an application for SNAP benefits.

How To Apply:

<https://coloradopeak.secure.force.com/> Has a link to the Peak site to apply.

For more info:

<https://www.colorado.gov/pacific/cdhs/supplemental-nutrition-assistance-program-snap>

Food Stamps – SNAP

- There are some basic rules for the SNAP program:
 - **Identity** - The identity of the person applying must be verified for SNAP.
 - **Citizenship Status** - U.S. citizens and some non-citizens are eligible for SNAP benefits.
 - **Social Security Numbers** - Everyone in the household that is applying for benefits should provide their Social Security number or provide proof that they have applied for one.
 - **Income** - The total household income before any deductions must fall below a certain dollar amount to be eligible for SNAP benefits.
 - The dollar amount will be determined by how many people are in your household.
 - **Deductions** - After adding all of your household's countable income, an eligibility technician will determine if you are eligible for any deductions that are allowed by SNAP.
 - **Work Rules** - All individuals who apply for SNAP benefits in Colorado and who do not meet federal exemption criteria must register for work, accept an offer of suitable work and take part in the [Employment First program](#).

Low-Income Energy Assistance Program (LEAP)

- A federally funded program that helps eligible hard-working Colorado families, seniors and individuals pay a portion of their winter home heating costs.
- The goal is to help bring warmth, comfort and safety to your home and family by assisting with heating costs during the all-too-often harsh Coloradan winters. Heat assistance may be available to you.
- Call HEAT HELP at 1-866-432-8435 for more information.
- If ones income is up to 165% of the federal poverty index, you may qualify for heating assistance through LEAP.

Aid to Needy Disabled (AND)

If there are struggles to get into a waiver, but have applied for SSI
(thus while waiting for SSI)

- Provides a small cash assistance benefit to low-income Colorado residents age 18 – 59 who have at least a six-month total disability that precludes them from working.
- AND applicants/recipients must apply for Supplemental Security Income (SSI) benefits.
- The goal of these programs is to provide interim financial assistance while waiting for SSI approval.
- To qualify for AND benefits you must be between 18 and 59 years old for the AND program.
 - You must be a Colorado resident, a citizen of the United States, a naturalized citizen or an eligible legal resident. You must meet all other eligibility requirements.
- **How to Apply**
- Call the **Phillips County Department of Human Services at 127 E Denver St, Holyoke or call 970-854-2280.**

Disclaimer

I am not a lawyer. The Arc Arapahoe & Douglas Counties provides information to people on trusts and alternatives as an educational service. We make no guarantees, but merely share our knowledge and experience. I encourage you to seek legal counsel for questions and/or problems encountered in the process.

- A Special Needs Trust (also known as a Supplemental Care Trust or Supplemental Needs Trust) is a discretionary trust designed to provide for a disabled individual's supplemental care (i.e., those things not provided under public benefit programs), while maintaining his or her eligibility for public benefits.
- Its primary purpose is to preserve inheritances, personal injury settlements and awards, and other assets for use by a disabled individual without disqualifying him or her from eligibility for public benefits.
- In order to obtain financial and medical benefits under most public benefit programs, such as the Supplemental Security Income program (SSI) or Home and Community Based Services (HCBS) Medicaid, an individual must:
 - Be disabled as defined under the Social Security Act;
 - Have limited income; and
 - Have no more than \$2,000 in countable or non-exempt assets.
- In determining whether an individual has more than \$2,000 in countable assets, the Social Security Administration and State disregard certain exempt assets, such as a home, one automobile, personal property and a few other items, and counts virtually everything else.

- Trusts are designed to position resources, so beneficiaries can qualify for public benefits, such as:
 - SSI, Medicaid, Medicaid Waivers
- An attorney is needed to setup a trust, as a trust must meet the State’s Medicaid eligibility rules and specific trust language required for compliance with public benefits.
 - It is recommended that the attorney have experience and/or are experts in “Elder trusts” and Estate planning.
 - A Trust can be apprised and amended to change the individuals/families needs or to meet current statute, rules and regulations.
- Trusts need to have clear and direct language, most notably any trust for a person using benefits (SSI/Medicaid/A waiver)
 - Should never say “for Health, Safety...” as that is what the benefits give them, so they can be found to not need benefits if they have this trust for “health and safety...”
 - They should say something related to “This trust supplements, but does not replace supports and benefits...”

- How Does the Special Needs Trust Preserve Eligibility for Public Benefits?
- A trust is a separate legal entity. Funds are transferred into the trust to a person called the trustee, who is responsible for managing, investing and distributing the assets or property of the trust. The trustee holds the funds for the benefit of the disabled person, who is called the beneficiary of the trust. The person who establishes the trust and who initially transfers the property or causes the property to be transferred to the trust is called the grantor or settlor. This is often the parent.
- Simply put, Special Needs Trusts are drafted so as to make the trust funds unavailable for purposes of Medicaid eligibility.

Types Of Supplemental Care Trusts

- First-Party Supplemental Needs Trust and Pooled Trusts (Trusts of Many)
- Third-Party Supplemental Needs Trust

- **Third-Party Supplemental Needs Trust**
 - Is created for the person with disabilities as the beneficiary.
 - Holds funds that **Never** belonged to the person with special needs
 - All funds put into this kind of a trust is exempt from being seen as an assist under SSI/Medicaid
 - Funds in this type of Trust are **Not** subject to Medicaid repayment, because they never belong to the beneficiary
 - Left over assets (after the beneficiary passes) can be passed to the donor's other relatives

Third-Party Supplemental Needs Trust

- Third-Party Funded Trusts: A third party funded special needs trust is a trust which contains assets belonging to someone other than the beneficiary, such as a parent or other relative. These types of trust are typically established under the last will and testament of the parent.
- The will provides that upon the parent's death, any assets that are to go to the disabled child are to be held in a Special Needs Trust, the terms of which are contained either within the will, or in a separate trust document which is cross-referenced in the will.
- Third party funded special needs trusts can be very flexible and, unlike the self-settled Disability Trusts (discussed below), can contain provisions allowing funds remaining in the disabled child's trust to pass to the parent's other children or grandchildren upon the disabled child's death.
 - This is in contrast to the Disability Trust which must provide that remaining funds first be used to repay Medicaid expenses incurred by the state.

First-Party Supplemental Needs Trust/ Pooled Trusts/Self-Settled Trusts

- **First-Party Supplemental Needs Trust and Pooled Trusts** (Trusts of Many)
 - Is created for the person with disabilities as the beneficiary.
 - Holds funds that belong to the person with special needs
 - All funds put into this kind of a trust is exempt from being seen as an assist under SSI/Medicaid
 - Funds in these type of Trust are subject to Medicaid repayment
 - Two kinds: Pooled Trusts/Self-Settled Trusts

First-Party Supplemental Needs Trust/ Pooled Trusts/Self-Settled Trusts

■ Self-Settled Trusts:

- A self-settled special needs trust is a trust which contains assets that the disabled child already owns or is legally entitled to. These assets include the disabled individuals' own savings, personal injury settlement, and more commonly, inheritances that the disabled child is entitled to receive outright - for example, where the parent fails to set up a third-party funded special needs trust in their will and the inheritance goes directly to the disabled child.

■ Self Settled Pooled Trusts:

- The second type of permissible self settled trust is a Pooled Trust. This form of trust is very similar to the Disability Trust, except that the trust must be established and managed by a non-profit association (e.g., Colorado Fund for People With Disabilities);

- **Special Needs Trusts are not for everyone.**
 - When the amount of trust funds is small, or the medical needs of the disabled loved one are limited, the cost of establishing and administering the special needs trust may not warrant its establishment.
 - When such medical costs are higher, or there is a need for oversight and management of an inheritance, settlement or other assets, the Special Needs Trust can provide significant benefits.
- All trusts must be reviewed and approved by the Colorado Department of Health Care Policy and Financing (unless already approved by the federal Social Security Administration)

Overwhelmed?

- It is a lot, we know, but that is what The Arc's are here for, call/email us for help!
- Just take it step by step
- Ask for help
- Know CCBs want your loved ones in services, as without your loved ones, they do not have jobs for CMs.



Arapahoe & Douglas Counties

6538 South Racine Circle
Centennial, CO 80111

T: 303.220.9228

F: 303.220.0994

E: Luke@arc-ad.org



www.arc-ad.org



[TheArcArapahoeDouglas](https://www.facebook.com/TheArcArapahoeDouglas)



[ArcArapDoug](https://twitter.com/ArcArapDoug)



[thearc-arapdoug](https://www.instagram.com/thearc-arapdoug)

FOR PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

Achieve with us.