

## Bill is 17 years of age and suffered brain injury as a result of an automobile accident.

After six years of waiting and negotiating, Bill is about to receive a significant settlement. Bill lives with his father, who is an engineer, and his mother, who is a full-time caregiver. Due to the brain injury, Bill has been declared incompetent by his physician. What will happen when Bill celebrates his 18th birthday?

Bill has not been able to obtain Supplemental Security Income (SSI), because his father earns a good income. Bill's father's income is deemed to Bill and makes him ineligible for SSI. However, when Bill attains the age of 18, the deeming will stop and Bill will be eligible for SSI. When he receives SSI he will also receive Medicaid, because Medicaid is linked to SSI. SSI will provide Bill with a modest monthly income, but Medicaid is more

important in the long run. Bill's parents should go to the local Social Security office and file a claim for SSI. Social Security will make a determination as to Bill's disability and then benefits will begin. Social Security often rejects applications for SSI, claiming that the applicant is not disabled. If that occurs, Bill should retain the services of an attorney specializing in Social Security Disability appeals.

**The success rate in these appeals is extremely high. Persons who persist through the appeal process are usually rewarded with a disability determination and back payments.**

Until Bill reaches age 18, his parents make medical and financial decisions for him as his natural guardians. When Bill turns 18, he will

no longer be a minor and his parents' legal authority as natural guardians ends.

Most states have a procedure for managing the affairs of incompetent adults, wherein a Conservator or Guardian is appointed by a court for people like Bill. To become appointed Bill's guardian, his parents or other family members must file an application with the appropriate court. In most states the application must be accompanied by one or more physician's certifications that Bill is incompetent. A judge will then enter an order appointing the appropriate person as guardian, and the guardian will then have the legal authority to exercise all powers outlined in the state guardianship statute. Generally, this authority includes the right to make medical decisions.

**The authority also carries the right to manage the ward's financial affairs.**

Depending on who is guardian, the court may require a surety bond to ensure that the guardian does not use the money improperly. A guardian charged with managing the assets and income of the person with the disability must account to the Court for their management of the funds on an annual or triennial basis.



*Special needs require special lawyers.*

**Special Needs Alliance members are available nationwide.**

To contact a member in your area, call **877-572-8472**, or visit us online at **[www.specialneedsalliance.com](http://www.specialneedsalliance.com)**.



Providing the best  
**quality of life**  
requires informed  
**decisions.**

The best way to provide your special needs child with compassionate care and a comfortable life is to support your legal and financial decisions with reliable information and proven expertise. That's why America's finest disability lawyers have combined their talents to create the Special Needs Alliance.

As lawyers in the field of Disability and Public Benefits Law, we help to enhance your child's quality of life. Every member of the alliance has the resources and legal expertise to help you maintain public benefits for your child and develop effective estate plans that protect your assets.



This brochure is provided as a service of Special Needs Alliance and is informational only. It is not intended to serve as legal advice or replace the advice of a legal professional.

# What Happens

when I turn 18?



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