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Your Child as an Adult: Are You Ready?

If you have a child with special needs who's nearing legal adulthood – that is, 18 (or in some states, 19) years old – take a breath and get ready because your life is going to change. When your child reaches the age of majority, you, as a parent, no longer have the legal right to make decisions for your child. In some cases, that can cause big trouble.

First things first

Before you can evaluate how this birthday will impact your lives, ask yourself: how capable is your child at making independent decisions? Can your child:

- Make and keep his or her own medical appointments?
- Make medical decisions based on conversations with doctors?
- Write checks, pay bills, and maintain bank accounts?
- Understand and sign legal documents such as an apartment rental agreement, credit card applications, a marriage license, or a will?
- Determine eligibility for government benefits and maintain the maximum personal asset balance to retain benefits?

What is your child's medical prognosis and how will it affect his or her decision-making abilities in the future? Here are some things you should consider.

Financial

If you have a financial strategy, review it; if you don't, create one. Meet with a financial professional, such as a Special Care Planner/ChSNC, experienced in helping families with special needs. Discuss how your child's legal right to make decisions will affect your family's and your child's current and long-term financial situation. Consider setting up a special needs trust to ensure your child will have funds for daily care, therapy, medical care, and other expenses. In this way, loved ones can contribute to your child's future without negatively impacting eligibility for government benefits. A trust also provides direction for the way you intend your money to be used for the care of your child.

Legal

As a legal adult, your child can sign a lease agreement for an apartment, purchase furniture and appliances with newly-opened credit card, join a health club with a payment plan, lease a car, enlist in the military, get married, create a will, and more – all without your involvement, even if he or she does not have the capability to make these legally-binding decisions. Unfortunately, unscrupulous people may take advantage. If your child will have difficulty with some or all of these tasks, you may want to consider becoming his or her legal guardian, or naming another trusted person. Guardians would have decision-making authority over either the child's finances and/or the child's personal well-being (medical, residential, social, etc.). If you don't have a trusted attorney experienced in special needs to help you safeguard against these eventualities, go to the Academy of Special Needs Planners (www.specialneedsanswers.com) or the Special Needs Alliance (www.specialneedsalliance.org) and review their membership roster or ask your financial professional or a Special Care Planner/ChSNC to recommend one.

Government and social services benefits

Some government benefits are age-based (only available to a child or only to an adult). Some may require that children re-apply at age of majority. Some are needs-based, such as Supplemental Security Income (SSI). A child may qualify for SSI based on his or her parents' income, and may have to requalify as an adult based on his or her own assets. Also, the Social Security Administration's definition for "disabled" differs for children and adults. To learn more about government benefits, go online ⁽²⁾ or talk with a case worker at a social security office. Be aware that your child's age might affect other benefits and services (utility discounts, energy programs, food stamps) from local, regional, and national organizations and governments.

Health care

Under the Health Insurance Portability and Accountability Act (HIPAA), if you don't have legal right to access your adult child's records, any medical provider can refuse to answer your questions or provide medical information about your child. Avoid this roadblock by being your child's legal guardian or having an advanced medical directive such as a health care proxy, living will, or durable (medical) power of attorney.

Educational and residential

If your child continues in school beyond age 18, be aware that school administrators will deal directly with him or her as a legal adult regarding all school matters. Parents have no legal rights to obtain any information, such as costs, grades, behavioral issues, or the student's records in general. Likewise, if your adult child wants to live independently, he or she may sign a lease and will be legally bound by its terms. Many residential options available today: review your options and ensure you make the best choice.

How will your lives change?

This article gives you a sense of some of the things that are affected when your child becomes a legal adult. Be prepared. Plan ahead. Celebrate that birthday with joy, not trepidation.

⁽²⁾ For information about SSI go to <http://www.ssa.gov/ssi/>. Information is available by telephone, mail, in person at an office. The toll-free number is 1-800-772-1213.

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⁽¹⁾ The Special Care Planner, a title used by MassMutual financial professionals, who have received advanced training and information in estate and tax planning concepts, special needs trusts, government programs, and the emotional dynamics of working with people with disabilities and other special needs and their families. The certificate program was offered by The American College in Bryn Mawr, PA, exclusively for MassMutual financial professionals. Additionally, a designation of Chartered Special Needs Consultant (ChSNC™), which evolved from the certificate program, is now offered through the American College for financial professionals. MassMutual financial professionals who have completed the certificate program, or received the ChSNC designation can use the Special Care Planner title.