

## Establishing a Will: Four Possible Approaches

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*EDITOR'S NOTE: This information is being copied from a website. We were not at liberty to edit the information contained within. It is our experience as parents that confirms the comment in the second paragraph that INDEED Louisiana IS an exception to this. Be sure to discuss this with a knowledgeable attorney who is use to dealing with wills for families of individuals with disabilities in Louisiana.*

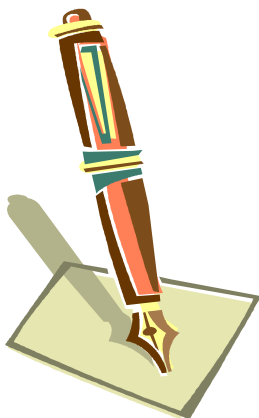
Having decided what your son or daughter needs and what you own, you can now consider how best to assist him or her. There are four possible ways to do so.

First, you can disinherit your son or daughter with the disability. No state requires parents to leave money to their children, disabled or not. (Louisiana may be the exception to this, please consult an attorney for further clarification). If your assets are relatively modest and your son or daughter's needs are relatively great, the best advice may be to disinherit your child by name and have him or her rely upon federal and state supports after your death. This may be the wisest decision, particularly if you wish to help your other children. Instead of complete disinheritance, you might leave your son or daughter with a disability a gift of modest but sentimental value, such as his or her bedroom furniture. The value of the gift will be small enough not to affect government benefits, but it will indicate your love and concern.

Second, you can leave your son or daughter with a disability an outright gift. For example, suppose your son Tom has a physical disability. You might write a will that states, "I leave one-third of my estate to my son Tom." If your child with a disability is not receiving (and is not expected in the future to need) government benefits, this may prove to be a desirable course of action. Your son or daughter, if mentally

competent, can hire whatever assistance he or she needs to help with managing the gift. But if your son or daughter has a mental illness or cognitive disability, an outright gift is never a good idea, because this person may not be able to handle the financial responsibilities. If you want to leave a gift to support your child, the use of a trust is far preferable.

Third, you can leave a morally obligated gift to another of your children. Suppose, for example, that the parents have two children: James, who has mental retardation, and Mary, who has no disabilities. The parents leave all of their assets to Mary. Legally Mary owns all of the parents' assets and James owns nothing. But prior to their deaths, the parents told Mary that although



they are leaving everything to her, they expect her to use at least half of the money to assist James in whatever way Mary thinks best. They left the money to Mary, because they do not wish James to lose his government benefits, and they think that there are ways that Mary could use the money to help her brother. For example, Mary might provide special gifts to James on holidays or pay for special assistance for James that would not be provided by the government benefit programs.

The gift is a moral obligation to Mary, because legally she can ignore the parents' wishes and do whatever she wants with the money; it is hers. It is only her conscience that guides her. After the parents' death, if Mary chooses to ignore James and use the money for herself, (continued on page 3)

January 2005

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*Families Helping Families of Greater New Orleans is an initiative of the:*



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Developmental  
Disabilities Council**

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WE'RE ON THE  
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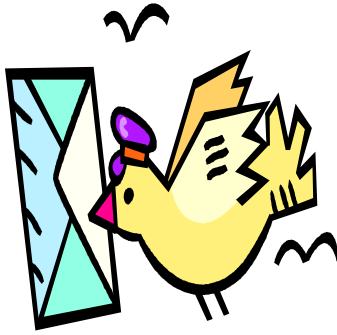
FHFGNO.ORG

## Pen Pal News

So many have requested this, so here it is...

FOR ALL OF YOU!

NOW...  
all the children  
you serve as well as their  
healthy siblings can  
join the FREE Pen Pal  
Program



### IT'S FOR

- Any child who is between 5 and 17 years of age;
- Who has a life threatening illness;
- Who has a chronic illness, condition or disability;
- Who has lost a parent or sibling due to death, divorce, separation, incarceration, or military deployment;
- Who has a seriously ill parent or sibling.

To receive FREE pen-pal enrollment cards please contact:

Children's Hopes & Dreams –  
Wish Fulfillment Foundation  
280 Route 46  
Dover, NJ 07801

973.361.7366

E-mail [chdfpenpal@juno.com](mailto:chdfpenpal@juno.com)

### Thought for the day...

*The soul is the same  
in all living creatures,  
although the body of each  
is different.*

- Hippocrates

## Community Support Team

### Objective

The Office for Citizens with Developmental Disabilities and Regional Development Centers co-sponsor the Community Support Teams that serve people with developmental disabilities in Regions 2-8, Metropolitan Human Services District (MHSD), Capital Area Human Services District (CAHSD), Florida Parishes Human Services District (FPHSD) and Jefferson Parish Human Services District (JPHSA). The objective of the Community Support Team is to assist people with developmental disabilities to reach desired personal outcomes and to live successfully in their communities.

### Team Composition

Teams consist of a licensed psychologist, licensed clinical social worker, registered nurse, licensed psychiatrist, psychology assistant, and other consultative professional specialties needed.

### Services

Community Support Team services emphasize community integration and services are: Community-based, Highly individualized, Person-directed and collaborative Assessments completed by the Community Support Teams may include psychosocial/behavioral, psychiatric, and nursing. Interventions based on these assessments may include positive behavioral supports including staff and family training, psychiatric consultative and educational services, and family support. The social worker also serves as a liaison with community agencies.

### Eligibility Requirements & Referral

To be considered for services an applicant must be diagnosed with mental retardation and/or autism spectrum disorder (pervasive developmental disorder) and have an Office for Citizen with Developmental Disabilities Statement of Eligibility/Approval, qualifying for participation in the Developmental Disability system.

Referrals for Community Support Team services are initiated by MHSD/DD office. Please speak to Rose Andrews regarding requests for Community Support Team Services.

Rose Andrews' office is in the Metropolitan Area Human Services District, 1010 Common Street, 5th Floor, New Orleans, LA 70112, Phone: (504) 599-0245 or Fax (504) 568-4660.

## Establishing a Will *(Continued from page 1)*

there is nothing James or anyone else can do about it. Morally obligated gifts are often used by parents with modest-sized estates for whom a trust does not seem desirable. The danger of morally obligated gifts is, of course, that the morally obligated gift is, of course, that the morally obligated recipient — in our example, Mary — may ignore the wishes of the parents. Even if Mary does not deliberately ignore the obligation, she may encounter circumstances that make it impossible for her to carry out her parents' wishes. Suppose, for example, that Mary or her children become ill or are in great financial need. She may feel under pressure to use the money for her own family, even if it means that James goes unassisted. Moreover, if Mary dies before James, it is possible that Mary's family will not carry on the duty to help James. Finally, in case Mary is divorced, the money may be lost to her former spouse in a settlement.

Morally obligated gifts, therefore, are not a complete solution. They can be useful, however, especially when the parents have a modest amount of money and do not expect a lifetime of care for their son or daughter with a disability. Rather, they merely want their non-disabled sons or daughters to use some of the inherited money to assist their sibling with special needs.

Fourth, you can establish a trust for your son or daughter with a disability. For many parents who have a child with disabilities, the use of a trust is the most effective way to help that individual. The point of a trust is to keep assets in a form that will be available to your son or daughter but that will not disqualify him or her for government benefits for which he or she might otherwise be eligible. In the next edition of Families Helping Families of Greater New Orleans Newsletter, we will continue this very important topic starting with "Special Needs Trust".



### LATAN Has A Place for You

G.R.E.A.T  
POSSIBILITIES

LATAN is looking for a few good men and women. There are lots of opportunities for you to help LATAN move forward in providing assistive technology services needed by individuals in the state. Opportunities include positions on the Board of Directors from all areas of the state, but particularly from the central, southwest, northwest, and northeast areas, and as a member of one of the Board task forces, such as governance, fund development, and program.

Additional positions are available on the individual program task forces: AT Loan Program, Computer ReBoot, PeerNet, Individual Advocacy, Public Policy, Public Awareness, and Program Development. We will also be convening an AT Advisory Council, and are looking for AT users and family members. All of our positions are open to AT users, family members, and AT providers, in addition to other stakeholders and interested persons. Office volunteers are always needed.

Bring your skills and interests, and we will find you a spot. Please call and let us know what you feel you can contribute and are interested in. Ask for a Board Prospect Form if that appeals to you, or might appeal to someone you know. Call 800-270-6185 or 925-9500 in Baton Rouge for more information, or email [jnesbit@latan.org](mailto:jnesbit@latan.org). Thank you for considering this request. We need you!

### The LATAN ReBoot Program

This program is a reduced-cost computer distribution program. Participants will receive a Pentium computer with monitor, modem, keyboard, mouse, ca-

bles, CD ROM drive, sound card, speakers, Word 97 and Windows 98 OPS. Computer packages are delivered to the participant's door. Package selection or system requirements can affect delivery time. There are 3 packages to choose from:

**Package A for \$110:** Pentium I with monitor, modem, keyboard, mouse cables, CD ROM drive, sound card, speakers, Word 97 and Windows 98 OPS and system Reboot Disc. (Includes delivery to door).

**Package B for \$240: (upgrade)** Pentium II or faster with monitor, modem, keyboard, mouse, cables, CD ROM drive, sound card, speakers, Word 97 and Windows 98 OPS and a system Reboot Disc. (Includes delivery to door).

**Package C for \$0:** These systems are only available as LATAN receives donated used IBM compatible or Apple computers and must be picked up at the LATAN state office (3042 Old Forge Dr., Suite D, Baton Rouge, LA) or other location specified at the time of request. You will be contacted when a Package C computer is available if you choose this option.

The goal of this Assistive Technology supply strategy is to enhance independence and productivity for people with disabilities in Louisiana. It is a collaborative effort between LATAN and Georgia Tolls for Life.

The program is simple to access:

**Step 1:** Contact Henry Bateman, for information and an application at: LATAN, P. O. Box 4587, Monroe, LA 71211, 1-800-638-6115 or fax 1-318-345-1223.

**Step 2:** Complete application and return to Henry. All Louisiana residents with a disability are eligible and encouraged to apply.

# *An Evening with Craig Blackburn*

## **"I CAN"**

*With Introduction by Dr. Yvonne Adler*

Friday, February 18, 2004 at 7:00 p.m.  
Crane Rehab, 101 River Road, Jefferson, Louisiana

Craig Blackburn is a 2000 graduate of Hahnville High School. In December of 2004, he was awarded the Ken Vince Memorial Award by the Governor's Office of Disability Affairs. He has been selected to participate in a pilot program on writing legislative policy through the Office of Citizens with Developmental Disabilities. He is also a self-advocate who has met with representatives both on the state and national levels advocating for children with disabilities on education issues and has represented DSAGNO at two National Down Syndrome Society conferences. He writes a monthly article for DSAGNO News "From My Side" and serves on the DSAGNO Board as the Self-Advocates Committee Chairperson. He is pursuing a career as a motivational speaker and self-advocate.

Recently, Craig Blackburn addressed several hundred people, parents and professionals alike, at the "Partnering for a Lifetime of Success" conference in Alexandria, Louisiana. With an introduction by Dr. Yvonne Adler, Executive Director of Special Education and Student and Community Services for St. Charles Parish schools, who witnessed first-hand Craig's educational success story, Craig spoke about his life, his drive to succeed and how the success he has achieved in life is possible for everyone.

This powerful speech, given from his own perspective as a person with Down syndrome, left the audience empowered, full of hope and out of tissues as there wasn't a dry eye in the house. Please don't miss a chance to hear this dynamic speaker give his perspective on having Down syndrome and what people with Down syndrome can accomplish.

DSAGNO is honored to bring Craig Blackburn's message and Dr. Adler's observations on Craig's success to members and friends of DSAGNO. Crane Rehab will provide reduced-cost therapy for children in their gym during the session; however, space is very limited, reservations are required for the therapy session. For more info, RSVP or reservations, call DSAGNO at (504) 846-6903.

### **The Ten Commandments for Parents of Children with Disabilities**

**Author Unknown**

1. Take one day at a time, and take that day positively. You don't have control over the future, but you do have control over today.
2. Never underestimate your child's potential. Allow him, encourage him, expect him to develop to the best of his abilities.
3. Find and allow positive mentors: parents and professionals who can share with you their experience, advice, and support.
4. Provide and be involved with the most appropriate educational and learning environments for your child from infancy on.
5. Keep in mind the feelings and needs of your spouse and your other children. Remind them that this child does not get more of your love just because he gets more of your time.
6. Answer only to your conscience: then you'll be able to answer to your child. You need not justify your actions to your friends or the public.
7. Be honest with your feelings. You can't be a super-parent 24 hours a day. Allow yourself jealousy, anger, pity, frustration and depression in small amounts whenever necessary.
8. Be kind to yourself. Don't focus continually on what needs to be done. Remember to look at what you have accomplished.
9. Stop and smell the roses. Take advantage of the fact that you have gained a special appreciation for the little miracles in life that others take for granted.
10. Keep and use a sense of humor. Cracking up with laughter can keep from cracking up from stress.