

Now...
AND
THE
FUTURE

RESOURCE PLANNING GUIDE
FOR PERSONS WITH DISABILITIES AND THEIR FAMILIES



OFFICE OF THE GOVERNOR
SOUTH CAROLINA DEVELOPMENTAL DISABILITIES COUNCIL

Table of Contents

I. Foreword

Who should use this handbook and why

II. Guardianship

How to obtain guardianship

What are the duties of a guardian

Alternatives to guardianship

Making guardianship decisions

III. Wills

Do you need a will
What is a will
Definitions of terms commonly used in wills
Making a will
Dying without a will
Probate, taxes and administration

IV. Trusts

Kinds of trusts
Reasons for trusts
Some trust provisions to remember
Selecting a trustee

V. Life Insurance

Creating an estate through life insurance
Selection of a beneficiary
Ownership of life insurance
Trusts
Selecting a reliable insurance company
Other sources of assistance

VI. Health Insurance

Health underwriting
Pre-existing condition limitations
Group and individual health insurance
Incapacitated dependent children
Conversion of health insurance coverage
Continuation of group health insurance coverage
Health insurance pool

VII. Government Benefits

Social Security
Medicare
Supplemental Security Income (SSI)
Medicaid
Other programs

VIII. Military Benefits

ID cards
Surviving military dependents
Survivors' benefits
Benefits chart
Military assistance to survivors
VA payments and survivors' benefits
CHAMPUS
Program for the Handicapped
Mental retardation and physical disabilities

IX. Your Own Information System

X. Resources

South Carolina Developmental Disabilities Council
South Carolina Developmental Disabilities
Case Coordination System
South Carolina Services Information System
Protection & Advocacy System for People with Disabilities, Inc.
Division of Ombudsman and Citizen's Services, Office of the Governor
The Office of Children's Affairs
Parents Reaching Out to Parents (PRO-Parents)
Family Connection of South Carolina, Inc.
South Carolina Department of Insurance
SC Lawyer Referral Service

XI. Appendix

Personal file

Personal affairs checklist

Insurance information

Estate inventory

Foreword

None of us wants to think about death or becoming unable to handle our responsibilities; therefore, we tend to postpone making provisions for such events.

YET, death is inevitable

AND, circumstances are unpredictable

BUT, certain arrangements are very important for loved ones who have disabilities

Failure to make such arrangements can create unnecessary problems for our families. This handbook is designed to inform you about various kinds of assistance your family member with a disability may be entitled to now. It also is intended as a guide to assist families in planning for the future.

Many persons who have disabilities are unable to care for themselves and to make their own decisions. Some need only a little help, while others need complete care and supervision. Yet each person has rights and abilities, and these must be given first priority in all questions about future planning.

As the parent of a child with a disability, you are your child's natural advocate. An advocate is one who supports the rights and needs of persons unable or less able to do it for themselves.

To be an advocate, you must be informed. This handbook contains some information you need. The resource section tells you how to obtain additional information and assistance. Besides the resources described, South Carolina has many other governmental and private agencies and organizations that also provide services for citizens with disabilities.

It is suggested that you share and discuss this handbook with your relatives in anticipation of the day an accident, illness or death might leave them to assume the advocacy role for the loved one with a disability.

Guardianship

If you are a parent of a child with a disability, you probably have wondered whether your child should have a guardian. This question becomes more important when your child with a disability reaches adulthood or when you establish an estate plan. Guardianship is not necessary for every person with a disability. This section is intended to acquaint parents with the basic facts about guardianship in South Carolina.

Parents should carefully analyze their special situation to determine whether guardianship is necessary and in the best interest of their child. They must ask themselves and others such as relatives, teachers, attorneys and other professionals, "How limited is my child? Because of this, is there some necessary reason for guardianship? What alternatives are there to guardianship?"

When considering these questions, parents need to understand what guardianship can and cannot do. It is necessary to have some knowledge of the different kinds of guardianship and of the terminology used by the legal system. Here are some of the more common terms used:

- **Guardianship** - A court-approved legal relationship where a competent adult is appointed to protect, manage and control the person and rights of another person who is a minor child or an incompetent adult with a disability.
- **Guardian** - The competent adult appointed by the court to carry out the duties of the guardianship. A natural or adoptive parent is the natural guardian of a minor child, even though the child may not have a disability.
- **Ward** - The minor child or incompetent adult with a disability who is the subject of the guardianship.
- **Full Guardianship (Plenary)** - Total guardianship of an individual who lacks the ability to make any important decision on his or her own behalf. This involves the loss of such rights as the right to marry, enter into a contract, vote, consent to surgery, make a valid will, or choose a residence.
- **Limited Guardianship** - Involves only a partial substitution of personal decision-making by the ward. Generally, the court determines that the ward is incapable of making certain types of decisions in some areas of his or her personal life but preserves the freedom of independent decision-making in all other areas.
- **Conservatorship** - A term used in South Carolina and many other states to refer to a form of limited guardianship. A conservator is appointed to care for and manage the property or estate of a ward. The ward is otherwise free to exercise his or her own decisions concerning personal matters.
- **Testamentary Guardian** - A person appointed as guardian of a minor or incapacitated person under age 18 by the child's parents or by the spouse of a

married incapacitated person through a provision in their will. In probating the will, the probate court will normally support the provision, except in cases where such appointment is not in the incapacitated person's best interest.

How to Obtain Guardianship

In South Carolina, as in most states, the judge of probate court has the authority to appoint and monitor guardians or conservators for minor children or incompetent adults with disabilities. The only exceptions are testamentary guardians, since they are named in the parent's will, or guardians ad litem appointed by courts other than the probate court.

The appointment of a guardian is initiated by filing the appropriate documents with the judge of probate court in the county where the proposed ward lives. The probate court must appoint a guardian ad litem to protect the ward's interests during the legal process. Such interests include, but are not limited to, representation by counsel, notice of proceedings, opportunity to present evidence and to cross-examine opposing witnesses, and opportunity to be present during proceedings. The petition is presented at a hearing before the judge of probate court. There is no jury and the proceedings are closed to the public.

The person filing the petition (the petitioner) must have some relationship to the proposed ward, such as, parent, custodian, relative or other interested person. A state agency may petition for the appointment of a guardian for someone in its care and custody when there is an immediate need and no family member is available to assist the disabled individual.

At the hearing, clear and convincing evidence that the proposed ward needs a guardian must be presented to the judge.

If the proposed ward is physically or mentally disabled, the court will need evidence to prove this: this evidence usually comes from qualified professionals. The judge may also talk with the proposed ward to find out what he or she would like to do, and to decide how incapable he or she may be.

If the probate court finds it is in the person's best interest to have a guardian, the judge will usually appoint the person nominated in the petition as guardian. But the court is required to give priority to the ward's parent or other close relative, such as an adult child, unless it is shown that someone else would better serve the ward's interest.

If the judge finds the ward incompetent, the guardian will have plenary (full) guardianship powers. If the judge decides that the ward can take partial care of himself or his property, the guardian will have limited guardianship. If the petition was initiated for a special purpose such as applying for admission to an institution or consenting to surgery, then the appointment would generally be limited to that purpose. Any party may appeal the probate court judge's decision to the Court of Common Pleas in the same county.

Duties of the Guardian

Guardianship is a trust of the highest and most sacred character. The guardian is not permitted to gain any personal profit or advantage from dealings with the ward or the ward's property or estate. Under South Carolina law, a guardian of the property or estate, more commonly known as a conservator, must file a bond with the probate court at the value of the ward's personal estate. The judge may waive the bond if funds are deposited with a domestic financial institution in a restricted account.

The guardian/conservator must report to the court, on an annual basis, or more frequently as the court requires, all transactions affecting the ward's estate. Although the court may not ask for information during the year and it may not be necessary to get the courts approval before spending money from the ward's estate the guardian/conservator should get the consent of the court before large sums of money are spent for the benefit of the ward.

The guardian/conservator may be personally liable for improper expenditures. A guardian may be removed by the court for malfeasance (wrong conduct) in office. The guardian may also be removed upon his or her own petition to the court for release from this position.

The guardian-ward relationship should be one of trust. If the form of guardianship is limited and the ward is capable of making certain independent decisions, the guardian should know when not to interfere with the ward's opportunity to choose a personal course of action. The guardian should encourage independence and self-sufficiency. The guardian or conservator must always act in the best interest of the ward.

Guardianship, when used properly, may be of real assistance to your child with a disability. When improperly used, guardianship may hinder the individual's development and independence. Effective estate plans drawn by the parents of the son or daughter with a disability may eliminate the need for a legal guardianship arrangement.

Alternatives to Guardianship

Guardianship is not necessary for every person with a disability - many are able to manage their own affairs with appropriate services and support systems. However, some additional alternatives are:

- **Generic Services** - In the community, various state and local agencies provide services for persons with disabilities, such as protective services, homemaker services and foster care homes. (See chapter on government benefits.) In an institution, the general care and treatment of residents is the responsibility of the institutional agency. The agency has the duty to act in the residents' best interest with due regard to their individual rights.
- **Protection and Advocacy for the People with Disabilities** - These agencies provide advocacy services for persons with disabilities and seek to ensure that adequate services are provided to their clients. (See chapter on [resources](#))
- **Trusts** - The trustee of a trust has no authority to act as a guardian; however, as a provision of the trust, the trustee can be required to visit the person with a disability and oversee his well-being. The trustee may be empowered to expend

the trust to provide a certain standard of living for the individual. (See chapter on [trusts](#).)

- **Power of Attorney** - Any person may authorize another person to act as an agent in handling certain specific business matters. Power of attorney may be used only if the person granting the power of attorney fully understands what he is authorizing another individual to do. This may be written, however, so that the agent could continue even if the person authorizing such an agent should later become disabled. In South Carolina this type of authorization is known as durable power of attorney. The authorization or power of attorney should be legally executed. A power of attorney terminates upon the death of the person authorizing such power, including the durable power of attorney.
- **Representative Payee** - A number of government benefit programs such as Social Security, Supplemental Security Income (SSI), and the Veterans Administration permit a representative payee to receive and manage the funds from that agency for another person who is appointed

Making Guardianship Decisions

Sound legal advice should be sought when considering whether guardianship is necessary for your son or daughter with a disability.

Wills

Do You Need a Will?

Yes!

You don't have to have a lot of property or a lot of money to need a will. The reason for a will is for you to say how the property you do have should be settled when you die. Another reason for a will is to explain who you want to be the guardian of your minor child when you are not here to care for your child. When a child reaches age 18 he is no longer considered a minor, so other guardianship procedures must be followed if necessary. (See chapter on [guardianship](#).)

Dying without a valid will won't prevent distribution of your estate to your heirs or next of kin, but state law may prevent your property from being distributed as you would want it to be. This is especially true when you have a child with a disability who may be eligible for certain government benefits.




Even a small inheritance may effectively keep your child from receiving needed services worth many, many times more than the property you leave. But even though you may not want to name a child with a disability as a beneficiary in your will, you do need to make provisions for his or her care. You can accomplish this with a will.






What Is a Will?

A will is a written document made by a competent person which directs how that person's property should be distributed when the person dies. A will must comply with the laws of the state in which the person lives.

Generally, South Carolina recognizes any will duly executed in other states or countries as long as the will is in writing, properly signed and is not in violation of any public policy.

Definitions of Terms Commonly Used in Wills

-  **Estate** - The total personal and real property owned by the decedent at time of death.
-  **Decedent** - The deceased (dead) person.
-  **Testator/Testatrix** - The decedent who dies leaving a will. If the decedent is male, he is known as testator; if female, she is known as testatrix.

-  **Intestate** - A person who dies without a will or whose will has been invalidated by a probate court.
-  **Beneficiary** - The person named in the will who receives the assets provided in the will.
-  **Probate** - The process of confirming a will and carrying out its terms and provisions.
-  **Personal Representative** - A person named in the will or appointed by the court to oversee the distribution of property listed in the will. (Also known as an "executor" or an "administrator" in some states.)
-  **Codicil** - An addition to a will to change, explain, revoke or add provisions.

Making a Will

A will written in South Carolina must be signed by the person making it in the presence of at least two independent, credible witnesses.

In preparing a will, the testator (maker of the will) should consult an attorney. Here are some things to consider when making a will:

The names and addresses of proposed beneficiaries and their relationship with each other.

The assets (property) to be distributed.

The needs of the surviving husband or wife (spouse) and all children.

The degree of disability of any beneficiary including the ability to function and earn a living and the possible need for continued care, or for residential or institutional placement of any proposed beneficiaries.

The uncertainty of future governmental assistance.

The long-range effects on family members particularly when a person with a disability may require lifelong care costing substantial sums of money.

The selection of the personal representative and an alternate. When a minor child is involved, a testamentary guardian should also be considered. Before these persons are named in a will, the person making the will should get the consent of

such persons to act in these capacities before naming them in a will.

If, in your judgment, you decide that no assets are to go directly to a certain member of your family, especially a child with a disability, a statement like the following can be included in the will:

"I specifically make no other provision than that made in this will for (name of child) except to leave him / her my love and affection knowing that (name of child) will be cared for otherwise."

Mere omission of a child in the will might raise the question of whether the testator intended to omit the child. However, providing a statement such as the one above could prevent an attack against the validity of the will.

Once a will is properly prepared and witnessed, it is valid; but a will does not begin to operate until death. A will can be revoked, amended, altered or destroyed. Changes can be made as many times as the maker wishes, as long as the maker is legally competent. Marriage, divorce, death of a beneficiary, purchase of additional real estate, etc., may make a change necessary. Instead of drawing up a new will when changes occur, a properly executed codicil may be attached to your will.

A will, once it is made, should be kept in a safe and accessible place. Your attorney and the personal representative should get a certified copy and should be told where the original will is located. They should be advised of any changes to the will. If a will is lost or destroyed, your estate distribution may pass as intestate under the laws of the state, which may be contrary to your desires.

Dying Without a Valid Will

If you die without a will or if your will is found to be invalid, the state in which you resided will decide where your personal property will go; the state in which your real property is located will decide who inherits that property. The laws that govern this are usually known as the statutes of descent and distribution.

In South Carolina, when the intestate is survived by a widow or widower and one or more children (regardless of the children's ages or disabilities), the widow gets one-half of the total estate and the child or children receive the remaining one-half.

Lineal descendants- children of the intestate's children - will inherit their parents' share if those parents are already dead. The statutes of descent and distribution make further provisions for distributing an estate depending on the various combinations of surviving legal heirs. As a family tree spreads away from the immediate family, the combinations become more complicated.

All real and personal property, if not disposed of by a will, passes under the statute of descent and distribution.

Even though the maker of a valid will attempts to disinherit a legal heir, that heir will receive an in-state share or interest in the property if the will fails to provide for distribution of all property. The omission of a child will not keep the child from inheriting any part of an estate not covered by a will.

Probate, Taxes and Administration

The personal representative appointed in the will must present the will for confirmation or validation to the probate court in the county where the testator lived. The court will issue a "certificate of appointment" giving the personal representative the legal right to collect and evaluate the assets of the estate, pay outstanding debts and taxes, and to distribute the property according to the will.

A will is usually admitted to probate "informally". If the will appears to be valid, the court will direct the personal representative to carry out its provisions. However, if an interested party objects to the will, the court must require proof of the validity of the will. This requires testimony of the persons who witnessed the will and, perhaps, testimony of other witnesses to some aspect of the will that might be questioned, unless the will is a self-proving will.

After paying the debts, the personal representative must identify the heirs and collect the personal property, which must then be distributed in accordance with the will. The personal representative generally has the power to sell the property or to put it up for auction, although he is monitored by the probate court. Title to real property will automatically go to the appropriate beneficiary in order to prevent any break in title, but an unsettled claim against the property may cloud the title and the personal representative may, upon direction of the probate court, sell the property.

After full distribution of property, the personal representative must make a final accounting to the probate court before being released from his duties. Any fraud or misconduct by the personal representative regarding the estate makes him personally responsible to the estate and to the court.

Part of the personal representative's duty involves the determination of federal estate taxes payable by the estate. The federal estate-taxing scheme grants certain deductions, exemptions and other credits. Because of the complex nature of tax law and the periodic changes in the tax rates, consultation with an attorney or tax specialist is highly recommended.

Important Points to Remember

- Each of us will die - we don't know when.
- A will provides for our wishes to be carried out after our death. Both parents should have a will.
- If your child has a lifelong disability and will not be able to care for himself, it is

important to consider this in your plan.

- Each family situation is different - therefore, estate plans may differ. The most important element of an effective estate plan is a will. Other items to be considered are life insurance, inter vivos gift, trust and, if needed, some form of guardianship.
- If your child with a disability is capable of performing day to day activities, special arrangements should be made to secure the protection for him or her that you desire.
- If your child with a disability resides in an institution or is at risk for admission when you are no longer able to care for him, it may be wise to make no substantial provision in your will. To avoid confusion, however, you should state that you have purposely excluded this child knowing that other provisions have been made.
- Under South Carolina laws and various federal regulations concerning governmental benefits, your child's assets could be assessed by the government for reimbursement of expenses. It takes very little to disqualify your child from receiving such benefits.

Trusts

Most parents are concerned about plans for the care, protection and advocacy for their children should anything happen to them. This "anything" could be death of the parents or the inability to continue to care for a child because of sickness or disability.

Wills and trusts are means of providing financial help as well as personal protection for the future. If a trust is established, it is still wise to have a will for the benefit of the entire family.

A trust is a relationship through which one person (the trustee) agrees to manage assets for the benefit of another person (the beneficiary) according to the directions of the person (the trustor) who creates the trust.

Kinds of Trusts

A *testamentary trust* takes effect only after the death of the trustor, and will not escape probate because it is established as a part of a will.

A *living trust* is established by the trustor by the granting of assets to a trustee for the benefit of one or more beneficiaries. It takes effect during the grantor's lifetime and may continue after death. With a living trust, the grantor can keep some control over how the assets of the trust are managed, if he so chooses.

Reasons for Trust

Funds and property may be managed to ensure that fair interest income is earned in order to provide maximum protection of the principal use of the trust property.

A method is established whereby the trustee pays bills, contracts for services and, if appropriate, gives the beneficiary spending money.






The trustee has flexibility in use of the principal and income and, by exercising skill, can tailor the use of the trust property to generate funds to meet the individual needs of the beneficiary.

On termination of the trust, the remaining funds can be distributed to other family members.

A trust will allow parents to withhold legal title to money, property or assets from a child or children whom they believe to be too immature or incompetent to properly manage such items. Special consideration should be given to tax liability and eligibility for certain government benefits.

It is well to remember that many people with disabilities will be able to care for themselves and make their own decisions; while many others will need only a little help. Some, however, will need continued care and supervision. Yet each person who has a disability has rights and abilities and these must be given first priority in all questions of future planning. Flexibility is the key to providing a proper plan, so that suitable action can be taken under changing conditions.

Some Trust Provisions to Consider

-  To provide for the distribution or disposition of the assets in the trust upon the death of the beneficiary or the termination of the trust.
-  To pay income to the person who is disabled, but only the amount of income which will not make him ineligible to receive federal or state benefits.
-  To allow the trustee sole and absolute discretion in expenditures of principal for the benefit of the beneficiary.
-  To include spendthrift trust provisions³⁴this means that no creditor can secure the trust assets or income and that the beneficiary has no right to give away the trust assets or income.
-  To provide that in the event it is determined by a court that the trust makes the beneficiary ineligible to receive federal or state benefits; or if the trustee decides that it is in the best interest of the beneficiary, the trust should be terminated.

If a trust is used to provide for a son or daughter with a disability as a beneficiary, it is very important that the language of the trust be phrased so as to avoid attachment by the state to pay for the cost of maintaining the beneficiary.

If appropriate language is used in the trust document, it is likely that the assets of the trust will be protected.

Selecting a Trustee

Anyone eligible to act as a personal representative of a will is also an eligible trustee. It is important to select the individual (trustee, guardian, etc.) with whom you are comfortable and who you feel is capable of making informed decisions. Then you must provide the flexibility in your plan so that he or she may exercise good judgment.

Remember, a trust is a complex legal document. You should seek the advice of an attorney before creating a testamentary or living trust. (See chapter on [resources](#).)

Life Insurance

Even under normal circumstances there is much a person should know about buying life insurance. To help you, the National Association of Insurance Commissioners has a folder called "Life Insurance Buyer's Guide" that is available through most established life insurance companies.

This folder shows you how to save money when you shop for life insurance and helps you decide how much you should buy, what kind to buy and how to compare costs of similar policies. It will not, however, show you which companies will issue life insurance to persons with disabilities. There are companies that do. All companies do not operate in all states, but most large companies do.

Of first concern when you consider buying life insurance for a person with a disability is on whom the coverage should be placed - one parent, both parents, or the child with a disability?

Insurance on the parent/wage earner would provide funds necessary to assist in the care of a person with a disability should the parent die. Insurance may also be purchased on both parents either through a joint-life policy or through individual policies. Proceeds from insurance policies can be handled through a trust. (See chapter on [trusts](#).) Insurance on a child with a disability is sometimes purchased to take care of expenses resulting from that person's final illness or death. Coverage on the child with a disability could be in the form of regular life insurance (either whole life or term) or group life.

Members of some volunteer associations may choose to participate in their group life insurance. Generally, the parent or guardian is the member/applicant. In some instances, however, it is the adult who has a disability who joins an association and is therefore eligible to qualify for group life insurance. If you are not familiar with such organizations, refer to Social Service Organizations in the yellow pages of your telephone book.

Creating an Estate Through Life Insurance

Creating an estate through life insurance is important for parents who do not have enough assets to otherwise create an estate. Life insurance can be set up so as to create an immediate estate upon the death of the insured, and provide funds for the care of the dependent child. Careful attention should be given to your family's own special situation when deciding how and by whom the proceeds from an insurance estate will be handled.

Selection of a Beneficiary

Serious consideration should be given to the selection of a beneficiary. If the person with a disability is the insured person, the beneficiaries could be the parents or guardian. If a parent is

the insured person, the beneficiary could be the guardian, who may be named in the parent's will, the surviving parent or a trustee. (See chapters on guardianship and wills.) If the person who has a disability is capable of handling his own affairs, he or she may be named the beneficiary.

Ownership of Life Insurance

The owner of a policy on a person who has a disability could be a parent or guardian. The main thing to remember about ownership of life insurance is that the owner has the legal right, as given in the policy, to control the policy. This means that the owner can name or change beneficiaries, assign the policy or borrow money against the cash value of the policy. If the owner is a person with a disability who is otherwise eligible for certain government benefits, the cash value could very well prevent him from being eligible for such benefits.

Trusts

It is possible to set up a life insurance trust for the management of life insurance proceeds, but there is some cost that the trust must pay. It is also possible to leave the proceeds of a life insurance policy with the insurance company. There will be no charge for administering the funds, but there is less flexibility than in setting up a trust outside of the insurance company. You should consult an attorney or a chartered life underwriter (CLU) before selecting the method for handling the proceeds from an insurance policy. In South Carolina there is some limitation on the amount dispensed within a given year to or for a beneficiary residing in a mental health or mental retardation facility.

Selecting a Reliable Life Insurance Company

Every family's situation is different and state laws vary, but there are many good, reliable life insurance companies. If you don't have a life underwriter on whom you can depend when you are in the market for life insurance, you should contact the local association of chartered life underwriters and they can recommend a CLU to you. A CLU has taken a pledge to treat you as he would himself and to do everything possible to work out your problems. A CLU has special training to qualify him or her to help you choose the best life insurance policy for your situation and to help you plan your estate.

Other Sources of Assistance

There is also another source of assistance available in South Carolina. If you do not understand an insurance policy or have problems regarding a claim, etc., you may contact the Consumer Assistance Division of the South Carolina Department of Insurance. (See chapter on [resources](#).)

Health Insurance

If you are doubtful as to the value of health insurance you are considering buying for your child with a disability, you may contact the Consumer Services Division of the South Carolina Department of Insurance before you buy. (See chapter on [resources](#).)

Health Underwriting

Insurance companies have underwriting departments that decide if a person or group of persons is insurable under the company's health underwriting standards. An underwriting department decides whether the company should take the risk of issuing health insurance to a person or group, based on the health of the people involved.

Some insurance companies may have health underwriting standards that do not allow for insuring any type of mental or physical disability. Other insurance companies may be more lenient and underwrite on a person-by-person basis.

If a company decides to insure a person or group of persons with known health problems, premiums may be higher than those for people who do not have health problems. In addition, an insurer offering individual health insurance may choose not to insure a person or a person's specific condition or conditions; this is called "ridering" out or excluding a condition or person. In such cases a statement must be attached to the policy stating the specific exclusion.

Pre-existing Condition Limitations

Most policies have pre-existing condition limitations. That is, health conditions that an individual (or family member) had when the coverage became effective will not be covered for a specified period of time. This period will vary depending on the terms of the policy and whether it is individual or group insurance.

When an individual covered under a group or individual health plan changes employment or otherwise becomes eligible for another group health plan, the new group health plan must give credit for the amount of time the individual was covered under the previous plan toward the satisfaction of any pre-existing condition limitation in the new plan. This is true so long as the individual does not have a break in coverage of more than 63 days.

Group and Individual Health Insurance

Health insurance can be purchased on an individual or group basis. Individual insurance is purchased directly from an insurer by an individual to cover the individual and any dependent spouse or children. Group insurance is purchased by an employer to cover its employees or by an

association to cover its members. The employee or member then has the right to enroll in the employer's or association's plan under certain conditions.

In individual health insurance, the insurer issues coverage to an individual and his or her family based on the health of each individual. Coverage for children born or placed for adoption after the policy is issued can be added to the policy within 31 days of birth or placement, regardless of their health. If added within the first 31 days of birth, any pre-existing condition limitation of the policy will not apply to the newborn or adopted child.

Generally, under group insurance, the employee or member may enroll when first eligible, and the first 31 days thereafter, regardless of his or her health status or the health status of any eligible spouse or dependent children. The employee may also enroll his or her spouse and dependent children at other times such as the birth or adoption of a child.

Incapacitated Dependent Children

Children who have disabilities are generally referred to in insurance language as "incapacitated".

Health insurance companies may legally stop insuring a child after the child reaches the maximum dependent age (19, 21, 23, etc.) stated in the policy, or if the child marries or becomes employed full-time, regardless of age.

Under South Carolina law, however, coverage of an incapacitated, dependent child cannot be ended when that child reaches the maximum dependent age if the child is and continues to be incapable of self-sustaining employment due to mental retardation or physical disability and is chiefly dependent upon his insured parent or guardian for support and maintenance.

Proof of the mental retardation or physical disability and of the child's dependency on the insured parent or guardian must be furnished to the insurance company within 31 days of the child's reaching the maximum dependent age. After that, proof must be furnished to the insurance company upon request, but not more often than every year after the first two years following the child's reaching the maximum dependent age.

As long as a child's parent or guardian remains insured under the health insurance policy, the incapacitated, dependent child may remain covered. If the parent or guardian drops his health insurance with that company, however, the company does not have to continue coverage for an incapacitated, dependent child.

Conversion of Health Insurance Coverage

Every health insurance policy that contains a provision for termination of coverage of the spouse upon divorce shall contain a provision to the effect that upon the entry of a valid decree of divorce between the insured parties, the divorced spouse is entitled to have issued to him or her, without evidence of insurability, upon application made to the insurer within sixty (60) days following the entry of the decree, and upon payment of the appropriate premium, an individual policy of accident and health insurance.

Continuation of Group Health Insurance Coverage

In South Carolina if you have been continuously insured under the group plan for at least six months, you have the right to continue your coverage for the rest of the policy month remaining at termination plus six additional months. You will have to pay the entire premium to the group policyholder including the part that may have formerly been paid by your employer.

Health Insurance Pool

People unable to get private health insurance coverage have the opportunity to do so through the South Carolina Health Insurance Pool. The pool was created by the General Assembly to help people who couldn't get health insurance coverage from any other source, including people with certain disabilities. Blue Cross and Blue Shield of South Carolina currently administers the pool.

Coverage is available to a person who has been a state resident for at least 30 days and meets the following criteria:

- They were turned down for private health insurance coverage for health reasons;
- They were accepted for private health insurance, but have pre-existing illnesses or conditions excluded from coverage, for a period exceeding 12 months;
- They are paying health insurance premiums for comparable coverage which are more than 150 percent of the premium levels charged by the pool.
- In certain situations, other individuals whose last health insurance coverage was an employer based group health plan may be eligible for coverage.

Other eligibility requirements apply.

Pool benefits are comparable to many private insurance plans. The pool pays 80 percent of allowed charges for covered hospital inpatient and outpatient treatment, physician services, prescription drugs, and some other medical care.

Persons covered by the pool pay the remaining 20 percent and must meet a \$500 deductible each year, before the pool coverage begins to pay. Monthly premiums are determined by the person's age and sex. There is no family coverage under the pool. Each policy is for individual coverage.

As administrator, Blue Cross/Blue Shield of SC processes claims, determines eligibility and handles all services required to operate the pool. For more information about coverage or eligibility, call 1-800-868-2500, ext. 42757, toll free, or 788-0500, ext.42757 in Columbia.

Government Benefits




People with disabilities may receive benefits through federal and state government programs. These programs are briefly described in this section of the handbook. *If you think you or your child may be eligible for one of these programs, you should contact the appropriate government agency.*

For federal government programs, information and application forms are available from your local Social Security office. Local telephone numbers are listed in the telephone book under the heading of Social Security Administration, or you may call 1-800-772-1213 from 7 a.m.-7 p.m.




For state government programs, information and application forms are available from your county Department of Social Services office. Local telephone numbers are listed in the telephone book under the name of the county in which you live and then under the heading of Social Services department.

Social Security

The federal government's Social Security program provides benefits to family members with a disability. Monthly Social Security benefits are available to the following persons:

-  Workers who became severely disabled before age 65.
-  Retired workers over age 62 and their dependents.
-  The unmarried child of a retired, disabled or deceased worker, if the child is 1) under age 18; 2) is a full-time student under age 19 attending elementary or high school; 3) or was severely disabled before age 22 and continues to be disabled.

To be eligible for Social Security benefits, a child must meet one of these definitions:

-  A wage earner's natural legitimate child.
-  The child of a void or voidable marriage.
-  An illegitimate child who has been made legitimate by the parents.

- ☞ An illegitimate child who has inheritance rights from a wage earner's estate.
- ☞ The child of an invalid ceremonial marriage.
- ☞ A legally adopted child including, in some cases, a child legally adopted by a wage earner's surviving spouse after the wage earner's death.
- ☞ An equitably adopted child.
- ☞ A dependent stepchild receiving one-half support from the stepparent.
- ☞ A dependent grandchild or step-grandchild of the wage earner or his spouse.

Medicare (Title XVIII of the Social Security Acts of 1965)

Medicare is health insurance provided by the federal government through the Social Security program. Most persons age 65 or older who get Social Security are eligible for Medicare. Disabled workers who are entitled to Social Security benefits for 24 consecutive months can also receive Medicare beginning with the twenty-fifth month.

Children with a disability (age 18 or over) who receive Social Security benefits from their parent's record can receive Medicare after receiving Social Security checks for 24 consecutive months.

Persons, including children, not otherwise eligible for Medicare benefits, may be eligible if they have a kidney problem referred to as "end-stage renal disease."

No matter what circumstances entitled a person to Medicare benefits, everyone covered by Medicare receives a Medicare card bearing the person's Medicare number. Medicare cards are not replaced each month. They are issued again if you lose your old one. If this happens, get in touch with your local Social Security office immediately.

Supplemental Security Income (SSI)

Supplemental Security Income (SSI), another federal Social Security program, is for the aged, the blind or the disabled. To qualify for SSI, a person must have limited income and resources, must live in the United States or the Northern Mariana Islands, and must be a U.S. Citizen. Refugees and lawfully admitted aliens can receive benefits under restrictive circumstances. If a person is under age 65, is blind or has a disability, and meets these qualifications, he may be eligible for SSI.

The Social Security office decides if a person is eligible to receive monthly SSI benefits. SSI payments can be reduced if the person gets any other kind of income, but the Social Security office will help people apply for any other benefits for which they may be eligible.

Medicaid (Title XIX: Medical Assistance State Plan)

Medicaid helps people who can't afford to pay for necessary health care services. Anyone who gets public assistance, welfare or SSI may also be eligible for Medicaid.

Persons may apply at the Department of Social Services county offices and Medicaid eligibility can be determined. Persons or families eligible for Medicaid benefits will get a Medicaid card each month. The card must be shown to any provider of medical care before services are received. A few hospitals in South Carolina and some other health care providers (doctors, drugstores, etc.) do not honor Medicaid cards. You should check with your doctor, hospital or pharmacist in advance before you end up owing a bill you cannot pay. You may want to tell health care providers that you have Medicaid benefits before you make appointments. That way you will know that they accept Medicaid payments and will not expect you to pay for their services.

Except for pharmaceutical services, persons with Medicaid do not pay for health care services. The Medicaid program pays for them. However, for prescription drugs, there is a small amount you must pay, called a "co-payment". Children under 21 and family planning prescriptions are exempted from co-payment for all Medicaid services.

Medicaid pays for many kinds of services for people with disabilities, *but only when such services are medically necessary*. These services include care in an intermediate care facility for persons with mental retardation, inpatient psychiatric hospital care for persons under age 22, and health screening and physical assessment between birth and age 21 to identify health problems that can lead to physical and other abnormalities. Also included are targeted case management, early intervention, annual physicals for children, family planning services and other preventive services.

Other Programs

The Department of Social Services (DSS) in your county determines access eligibility for all Medicaid (only) coverage groups. *For more information about eligibility*, call or visit that office. Here are the names and brief descriptions of some of Medicaid (only) groups/services covered:

Program

Foster Care

Optional State Supplementation (OSS)

Description of Services

Provides money for food, clothes, shelter, etc.

Provides payments and Medicaid for eligible persons who live in a licensed, enrolled residential

	care facility.
Medical Assistance Only - Nursing Home	Provides payments to long-term care facilities on behalf of persons whose income and resources are less than the limit set by the state.
Katie Beckett/TEFRA Children	Provides Medicaid eligibility for disabled children who meet institutional level of care but who remain at home.
Optional Coverage for Pregnant Women and Infants (OCWI)	Provides coverage to pregnant women and infants with income at or below 185 percent of poverty.
Partners for Healthy Children	Provides coverage to children up to age 19 if their family income is at or below 150 percent poverty.
Home and Community-Based Services	Provides services to nursing home level elderly and disabled individuals residing at home; and individuals diagnosed with HIV/AIDS, mental retardation, head and spinal cord injury, and ventilator dependent persons.

Other Community Services

Child Care Services	Provides child care services for children birth -12 years old whose parents are working, attending school or training program, and who meet the income requirements.
Information and Referral	Provides help for any individual, regardless of income, in need of services, information or referral to appropriate community agency.
Protective Services	Provides direct, protective services for abused, neglected, and exploited children and adults.

Military Benefits

If you are a military person and intend for your dependents to receive military benefits, whether you are engaged in active duty, are a retiree, or upon your death, keep in mind that income from military programs may be part of an estate established for a child with a disability.

For instance, an annuity from the Survivor Benefit Plan, which is discussed on the following pages, may be the major source of income for survivors of deceased military personnel. Therefore, careful consideration should be given to participation in the plan when planning an estate.

ID Cards

Anyone entitled to military benefits is issued an ID card. This card is known as the Uniformed Services Identification and Privilege Card (DD Form 1173), and indicates the privilege granted to the holder, such as:






- ✓ Health benefits in uniformed services facilities subject to availability
- ✓ Health benefits from civilian sources (payable under the CHAMPUS program)
- ✓ Commissary privileges
- ✓ Exchange patronage
- ✓ Admission to military theaters and other recreational facilities
- ✓ Retirement and survivors' benefits

Surviving Military Dependents

Retired members of the armed forces can apply for an ID card for each of their eligible dependents, while eligible dependents of deceased retired persons can apply for their own cards. The following documents are required, when applicable, in order to prove eligibility.



Copies of retirement orders

-  Death Certificate or report
-  Marriage certificate or other evidence of marriage
-  Birth certificate
-  Adoption papers
-  Divorce papers

For a child over age 21 with a mental or physical disability who became incapable of self-support before reaching that age, a statement is required from a licensed physician or a medical officer stating that the child is mentally or physically incapacitated and, as a result, is incapable of self-support. The statement must also say how long the child will be incapacitated and must give the prognosis for improvement.

Survivors' Benefits

When you plan for the future of a child with a disability remember that there is no form of compensation or pension that is paid to all retired military personnel or to their dependents. Retired pay ends with the death of the retiree and is not transferred to his survivors unless he is a member of the Retired Serviceman's Family Protection Plan (RSFPP) and / or the Survivor Benefit Plan (SBP). In addition to RSFPP and RSP, there is a death gratuity and a War Orphan's Educational Assistance Act from which military survivors may benefit. These four programs, their benefits and eligibility requirements are outlined in the following chart.

Program	Benefits	Eligibility Requirements
<p>War Orphans' Educational Assistance Act: Apply to the Veterans Administration Regional Office serving the state or area where the child resides.</p>	<p>Educational benefits which begin on the 18th birthday or on successful completion of high school and which end on the 26th birthday.</p> <p><i>If a child is at least age 14 and has a mental or physical disability, benefits can start before age 18 for restorative or vocational training.</i></p>	<p>Be a child of:</p> <ol style="list-style-type: none"> 1) A deceased veteran. 2) A living veteran who has a total and permanent disability. <p>The death or disability of these veterans must have been the result of service in the armed forces after the beginning of the Spanish-American War and discharge must have been under</p>

		honorable conditions.
<p>Retired Servicemen's Family Protection Plan (RSFPP): Upon the death of a retired serviceman who belonged to RSFPP, forms and instructions will be sent to the named beneficiary after notification of death is received by the Finance and Accounting Center of the branch of the uniformed services to which the retired serviceman belonged.</p>	<p>Monthly annuity for survivors (not adjusted to reflect cost of living increases).</p>	<p>The RSFPP was replaced by the Survivor Benefit Plan 9/21/72, but members of the RSFPP who joined before that date were allowed to retain their participation.</p> <p>The annuity may be payable to surviving spouse, eligible children, or a surviving spouse until death or remarriage and then to eligible surviving children (dependents acquired after retirement are not eligible).</p>

<p>Survivor Benefit Plan (SBP): Upon the death of a retired serviceman who belonged to SBP, forms and instructions will be sent to the beneficiary on record. Forms and assistance will also be given to a military personnel officer at any military installation.</p> <p><i>Federal estate tax does not apply to the value of an SBP, but annuity payments are taxable as part of the gross income of a beneficiary.</i></p>	<p>An annuity for designated survivors. Various amounts and types of coverage may be chosen, with the maximum being 55 percent of the member's retirement pay at the time of death.</p> <p><i>If a child over age 21 cannot support himself because of a mental or physical disability, benefits from the annuity will continue until death (if children option is selected).</i></p>	<p>Before retirement, a serviceman who joins SBP can name any of the following persons as designated survivors:</p> <ol style="list-style-type: none"> (1) A surviving spouse. (2) A surviving spouse and dependent children. (3) Dependent children. When the surviving spouse and dependent children are named and the surviving spouse dies or becomes ineligible, the annuity is paid to the remaining children.
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<p>Death Gratuity: If a retired member of the armed forces dies</p> <p>during the 120-day period following</p>	<p>The gratuity is equal to six month's basic pay at the rate to which the deceased member was entitled on his last day of service, but not less than \$800 or more than \$3,000. (This gratuity has been temporarily</p>	<p>The gratuity is payable in shares to living survivors in the following order: spouse, children without regard to age or marital status, parents, brothers and sisters.</p>
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<p>termination of active duty and if the VA determines that the death was service-related, this program takes effect.</p>	<p>increased to \$6,000 effective Aug. 2, 1990, with ending date to be specified later.)</p>	
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Military Assistance to Survivors

Before survivors' benefits can be paid, application must be made to the appropriate government agencies. Survivors of retired military members are entitled to the same assistance as would have been provided if death had occurred on active duty.

Survivors of military retirees should promptly notify the commander of the nearest military installation at the time of a retiree's death. When such notification is received, a Casualty Assistance Officer (CAO) is appointed to advise and assist the retiree's next of kin. When active duty personnel die, no notification is necessary by survivors; a CAO is automatically assigned. If the only survivor is an incapacitated dependent, a CAO is appointed for that dependent. All branches of service may not provide a CAO to assist survivors; however, notification of the retiree's death should still be reported to the nearest military installation of the branch of service from which the individual retired.

U.S. Department of Veterans Affairs Payments and Survivors' Benefits:

In addition to the four programs just discussed, there are survivor benefits payable by the U.S. Department of Veterans Affairs (VA) under the Dependency and Indemnity Compensation (DIC) program if a military retiree's death is determined by the VA to be the result of a service-connected disability. A service-connected death must result from one of the following:

- disease or injury incurred or aggravated in the line of duty while on active duty or training for active duty; or
- injury incurred or aggravated in the line of duty while on inactive training.

DIC benefits are paid to an eligible spouse. The amount is based on the pay grade of the deceased retiree and is the same whether death occurred during war or peacetime if the death occurred before December 31, 1992. Deaths after December 31, 1992 will result in a flat rate which is set by Congress. An eligible spouse receives DIC benefits for life unless she/he remarries, regardless of the amount of income from other sources.

If there is no surviving spouse entitled to DIC benefits, a special rate may be paid to children of a retiree whose death is the result of a service-connected disability. To be eligible, a child must be unmarried and under age 18. A child 18 years or older who became permanently incapable of self-support before reaching age 18 may also be entitled to monthly DIC benefits.

The spouse or other eligible survivors of a retiree should apply for DIC benefits whether or not the retiree's death appears to be the result of a service-connected disability. The VA may determine that a service-connected disability is a contributing cause of death and can grant DIC benefits on that basis.

When notified of a death, the VA will supply the next of kin with a DIC application form. Applications on behalf of children should be accompanied by birth certificates or adoption papers and proof of disability, if applicable.

DIC payments are exempt from taxes and are not subject to seizure by creditors of either serviceman or beneficiary. DIC payments will not disqualify a beneficiary from receiving Social Security benefits or from receiving annuity payments under the Retired Serviceman's Family Protection Plan unless the deceased member of the RSFPP was retired for disability before completing 19 years of service. Under the Survivor Benefit Plan, however, a surviving spouse's monthly annuity will be reduced by the amount of monthly DIC payment at age 62.

In addition to DIC benefits, there is the non-service connected *death pension*, which is primarily a benefit for a surviving spouse. It is paid to a child or children only when there is no eligible surviving spouse or when the amount of a surviving spouse's income prevents payment of the death pension. Eligibility for surviving spouse's income prevents payment of the death pension. Eligibility for children is the same as eligibility for DIC benefits.

The Civilian Health and Medical Program for the Uniformed Services

CHAMPUS is a medical benefits program operated by the Department of Defense to provide medical care at civilian facilities if care at military hospitals or clinics is not available.

The uniformed services to which CHAMPUS benefits apply are the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the U.S. Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

The following persons are eligible to be CHAMPUS beneficiaries:

- spouses and children of active duty members of the uniformed services.
- retired members of the uniformed services.
- spouses and children of retired members of the uniformed services.
- widows/widowers who have not remarried and children of deceased active duty and

retired members of the uniformed services.

- certain former spouses.

"Children" means unmarried children under the age 21, including legally adopted children, stepchildren and certain illegitimate children. Children also means students up to age 23 and disabled children over age 21 who are incapable of self-support because of a mental or physical disability. For children with disabilities, all of the following requirements must be met:

- The incapacity existed before the twenty-first birthday; and
- the incapacity has continued without interruption since before the twenty-first birthday; and
- the child depends on the active duty member or retiree for more than 50 percent of financial support. If the active duty member or retiree is deceased, then more than 50 percent of financial support criterion must have existed at the time of death.

If the incapacity improves significantly or ends at any time after the child's twenty-first birthday, CHAMPUS eligibility ends. It cannot be reinstated even if the incapacity recurs.

ID Cards and Regulations

A person's eligibility for CHAMPUS benefits will be noted on the back of his or her ID card, which should be shown to any civilian health care provider or facility before medical care is received. However, children under age 10 are not issued ID cards except under unusual circumstances^{3/4}CHAMPUS eligibility is noted on the ID card of the child's parent(s). ID cards should be applied for through the sponsor's (active duty or retired military person) branch of the uniformed services personnel office. Information may be obtained at the nearest military installation's ID card section.

Even with an ID card, CHAMPUS regulations require that CHAMPUS-eligible beneficiaries who live within designated zip codes, in approximately a 40-air-mile radius of a military facility, must get a "non-availability statement" before admission to a civilian hospital, unless admission was due to an emergency. *Failure to get this statement could result in the beneficiary paying the bill, with no CHAMPUS benefits.*

Before certain kinds of medical care, such as plastic surgery or admission to approved residential or specialized treatment centers can be paid for by CHAMPUS, written approval is required. You, or your doctor or hospital, may submit a request for pre-authorization approval, which should be submitted at least 30 days before the service or supply is received. Approval can be

obtained from your health benefits adviser at the nearest military medical facility, from the CHAMPUS contractor who pays claims in your area (the health benefits adviser can give you the contractor's name and address), or from CHAMPUS (the Office of CHAMPUS), Aurora, CO 80045.

In fact, if you have any questions about whether services are covered by CHAMPUS, you should contact one of these sources for additional information.

Program for the Handicapped

The Program for the Handicapped provides financial help to *active duty* family members for the care, training and rehabilitation of a husband, wife or child who has a serious physical disability or moderate or severe mental retardation. A spouse or child of a deceased active member may qualify if all of the following requirements are met:

- the person has not reached age 21;
- the person was receiving assistance under the Program for the Handicapped at the time of the member's death; and
- the member died after Jan. 1, 1967, while eligible for hostile-fire pay or from a disease or illness incurred while eligible for such pay.

When an active duty sponsor dies, eligibility for that program ends on the last day of the calendar month following the month in which the death occurs, except when death occurred while the sponsor was eligible for such pay.

When a sponsor is no longer on active duty for any reason other than death, benefits under the Program for the Handicapped end as of 12:01 a.m. on the day after the sponsor ended active duty.

Mental Retardation and Physical Disabilities

A person is usually considered moderately retarded if the I.Q. is between 36 and 51 and severely retarded if the I.Q. is 35 or less.

To be considered for assistance, physical disability must be so serious that a person older than high school age is unable to engage in gainful pursuits, or a child of elementary or high school age is not able to be educated in a public school system. In addition, the disability must be expected to continue for at least a year or is expected to result in death and has reached a point where the individual needs help in daily living.

The following are examples of impairments that may qualify as serious disabilities:

- severe vision impairment, deafness, epilepsy, injury, bone disease, cerebral palsy or diabetes in children; or
- advanced Parkinson's disease, multiple sclerosis, muscular dystrophy or Huntington's disease.

Two or more serious conditions in combination may qualify a person for the program, even if one of them alone would not. The fact that a disability or potentially disabling condition has been diagnosed does not mean a condition is severe enough to qualify a person for the Program for the Handicapped.

For more information about the program and about CHAMPUS in general, refer to the CHAMPUS handbook, contact the CHAMPUS representative at the nearest military facility, or the CHAMPUS claims processor for your state. Any of these sources can give you specific information about the benefits under CHAMPUS and the Program for the Handicapped and about what to do if you are entitled to benefits under Medicare, Medicaid, etc.

Your Own Information System

Make It Easier for Others

1. All families should discuss and plan for their future security and well-being.
2. Set up an *information system* (file or notebook) and keep it up-to-date. This will make it much easier when someone else has to relieve you or assume your responsibilities in case of an accident, illness or death. It will also help to make a smoother adjustment for your child with a disability.
3. Included in your information system should be copies of your child's personal file, your personal checklist, your estate inventory, and any funeral or burial arrangements. Also include any other information that you feel would help someone else in assisting your son or daughter with a disability. Examples of suggested forms can be found in the appendix of this handbook.
4. Information that is needed in case of an emergency should not be kept in a safe deposit box. These boxes are not always accessible - and in case of death, safe deposit boxes are sometimes sealed until after the funeral.
5. Review your records every two or three years to see if any changes are necessary.
6. Develop your own information system now, and put it in a safe and convenient place. Be sure to tell those nearest to you where you have left it for them - they will appreciate it.

Child's Personal File

It is very important for parents to maintain an up-to-date personal file on their child or adult with a disability. Contained in this file should be directions for the care of the person with a disability in the event of the parent's accident, illness or death.

Have this file accessible for anyone who may have to assume the role of caregiver to your child.

Personal Affairs Checklist

Having a personal affairs checklist in your information system can prevent your family from having to search frantically for papers and documents they would need if you became unable to handle your own affairs.

No matter how close a family is, it is not expected that they can keep tabs on each other's affairs and records.

In case of an emergency such as accident, critical illness or death, many families find themselves in a vulnerable position.

When a family faces the painful process of probate, the personal affairs checklist and estate inventory will provide them the information they need. Your family will be grateful for your visionary thinking.

Estate Inventory

No matter how small your estate, you should have a will. If there is no will, your estate will be divided according to state law. This can cause complications; and costs may increase.

With or without a will, other records will also be needed to settle your estate. It is recommended that a complete and current inventory of your assets and financial obligations be attached to your will if you have one, but also a copy should be kept in your information system.

The inventory will give an overview of your estate.

Funeral or Burial Arrangements

"For everything there is a season . . . a time to be born and a time to die . . ."

Most people do not like to think of death - we tend to avoid any consideration of our own death and the deaths of the ones we love. With a little foresight you can spare the ones you leave behind from having such a burdensome task at a very emotional time.

When making funeral arrangements for yourself you should also consider making such arrangements for your child. These arrangements should be maintained, in writing, in your information system.

When arranging for a cemetery grave space, you may want to purchase adjoining spaces for the eventual needs of your family. However, it is suggested that a grave space for your child with a disability not be deeded in his name. Have the deed for his grave in your name or in the name of another relative. The value of the grave can be counted as an asset for the child with a disability and could adversely affect his eligibility for certain government benefits.

Resources

SOUTH CAROLINA DEVELOPMENTAL DISABILITIES COUNCIL, OFFICE OF THE GOVERNOR

SOUTH CAROLINA DEVELOPMENTAL DISABILITIES CASE COORDINATION SYSTEM

SOUTH CAROLINA SERVICES INFORMATION SYSTEM

PROTECTION & ADVOCACY FOR PEOPLE WITH DISABILITIES, INC.

DIVISION OF OMBUDSMAN & CITIZENS' SERVICES, OFFICE OF THE GOVERNOR

THE OFFICE OF CHILDRENS' AFFAIRS

PARENTS REACHING OUT TO PARENTS OF SOUTH CAROLINA, INC. (PRO-PARENTS)

FAMILY CONNECTION OF SOUTH CAROLINA, INC.

SOUTH CAROLINA DEPARTMENT OF INSURANCE

Legal Assistance

South Carolina Legal Services Offices

Taxes

Acknowledgments

South Carolina Developmental Disabilities Council Office of the Governor

The South Carolina Developmental Disabilities (DD) Council, in the Governor's Office, was established by executive order of the Governor to be the state's forum for issues concerning the needs of individuals with developmental disabilities. The Council empowers people with

developmental disabilities to achieve their maximum potential for independence, productivity and integration into the community.

Council membership includes representatives of state governmental agencies that administer and/or provide services to persons with developmental disabilities, representatives of non-governmental agencies and organizations concerned with persons who are developmentally disabled, and consumers. One-half of the Council members are persons with developmental disabilities. Other members include parents, guardians or immediate relatives of persons with developmental disabilities.

The DD Council develops a plan that addresses the statewide needs of persons with disabilities and the resources available to them. The Council is responsible for monitoring and evaluating the implementation of the Developmental Disabilities State Plan and for reviewing the plans of other state agencies whose plans affect the well-being of persons with developmental disabilities. The Council acts as an advocate for all persons with developmental disabilities and works to effect positive statewide system changes on their behalf.

The Council staff is located in the Office of the Governor in the Division of Health and Human Services.

For further information, call or write:

South Carolina Developmental Disabilities Council
Office of the Governor
Edgar A. Brown Building, Room 372
1205 Pendleton Street
Columbia, SC 29201
(803) 734-0465
TTY (803) 734-1147

South Carolina Services Information System (SCSIS)

The South Carolina Services Information System (SCSIS) is a statewide information and resource system that helps people with disabilities and those who are elderly locate service providers in their area. SCSIS maintains current, accurate information regarding providers and their location, eligibility requirements, contact persons and cost of services. Information specialists respond to requests for information from 8:30 a.m._4:30 p.m. Monday through Friday.

SCSIS is accessed through a toll-free or local Columbia number and all inquiries are responded to by knowledgeable, caring information specialists. The South Carolina Services Information System is made possible by a variety of state, federal and private funds and is administered by the University of South Carolina School of Medicine's Center for Developmental Disabilities.

**South Carolina Services Information System
USC School of Medicine
University of South Carolina
Columbia, SC 29208
Call 1-800-922-1107 (toll-free, in-state) or 935-5300 (Columbia-voice or TTY)**

Protection & Advocacy for People with Disabilities, Inc.

Protection and Advocacy for People with Disabilities, Inc. (P&A), is a private nonprofit organization mandated by federal and state law to preserve the legal, civil and human rights of South Carolina's citizens with disabilities.

According to priorities determined by law and by the Board of Directors, P&A may serve any person with a mental or physical disability regardless of income, age, sex, race or religion.

There are four regional offices located across the state which coordinate their efforts with a central office in Columbia. Advocates in each office provide counseling, training, information and referral services, as well as direct intervention, negotiation and representation when warranted. The agency has staff attorneys who may assist in situations which require legal knowledge and experience, such as formal hearings or litigation.

The addresses and telephone numbers of the five offices are:

**Protection & Advocacy for People with Disabilities, Inc.
Central Office
3710 Landmark Drive, Suite 208
Columbia, SC 29204
(803) 782-0639 (Voice/TTY) 1-800-922-5225 (In state)
Serving the State**

Region I

**Suite 101 -A
1 Chick Springs Road
Greenville, SC 29609
(864) 235-0273 (Voice/TTY)
1-800-758-5212
serving the Piedmont area**

Region II

**Suite 304
3710 Landmark Drive
Columbia, SC 29204
(803) 782-0675 (Voice/TTY)
1-800-800-6997
serving the Midlands area**

Region III

**520 West Palmetto Street
Florence, SC 29501
(803) 662-0752 (Voice/TTY)
1-800-868-0752 (In state)**

Region IV

**1350 Ashley River Road
Charleston, SC 29407
(803) 763-8571 (Voice/TTY)
1-800-743-2553 (In state)**

serving the Pee Dee area

serving the Coastal area

Division of Ombudsman & Citizen's Services Office of the Governor

The Ombudsman's Division, Office of the Governor, reviews, investigates and assists in resolving complaints and problems of a health and/or social nature for citizens of South Carolina.

Some services provided by the Ombudsman's Office are:

- Upon request, investigates complaints regarding public and private agencies and organizations
- Upon request, investigates allegations of institutional child abuse and neglect at certain facilities
- Identifies public and private services for children
- Coordinates through Child Case Resolution System services for special needs children and arbitrates among agencies when necessary
- Provides information regarding community resources and assists clients to obtain the benefits and services they are entitled to; represents clients at hearings through the administrative law judge level of appeal on a very limited basis
- Resolves Medicare/Medicaid and Social Security complaints
- Recommends appropriate reform measures to legislative committees
- Identifies improper functioning patterns of agencies/organizations and recommends administrative improvements

The Client Assistance Program (CAP) is mandated to resolve problems that interfere with the delivery of services to the clients of Vocational Rehabilitation and the Commission for the Blind.

The Ombudsman's office participates on a policy-making level with state and federal legislative and regulatory bodies concerned with aging, health care, mental health, mental retardation, children's services, disabilities and CAP

For assistance call or write:

**Governor's Office
Division of Ombudsman & Citizens' Services
Room 308, Edgar Brown Building
1205 Pendleton Street
Columbia, SC 29201
(803) 734-0457**

The Office of Children's Affairs

The goal of the Governor's Office of Children's Affairs is to see that children of the state are being served appropriately and effectively. Upon request, the Office, as part of its advocacy role, provides service referral, counseling, information and supportive services to public and private agencies and children and their families.

The Office of Children's Affairs also provides administrative and technical support to the Children's Case Resolution System, which is essentially a resolution and appeal process aimed at maximizing resources for children in South Carolina.

The Governor's Office of Children's Affairs has three principal components:

- A. The Children's Case Resolution System (CCRS) was established to continue and expand the work initiated by the Children's Case Resolution Commission. The CCRS reviews cases on children with emotional, physical and educational needs which are not being adequately met through the state's service delivery system.
- B. The Investigative Unit is mandated by South Carolina Law to investigate "any allegation of abuse or neglect of a child if the child is in the custody of, or a resident of, a public or private health facility, institution, or agency licensed by the Department of Health and Environmental Control or operated by the Department of Mental Health." SC Code §20-7-670(c), 1976.
- C. Ombudsman and Citizen's Services is an additional mission of the Governor's Office of Children's Affairs that monitors and advocates for the improvement of the delivery of children's services in the public sector.

For assistance call or write:

**The Office of Children's Affairs
Room 306, Edgar Brown Building**

**1205 Pendleton Street
Columbia, SC 29201
(803) 734-0547**

**Parents Reaching Out to Parents of South Carolina, Inc.
(PRO-Parents)**

Parents Reaching Out To Parents of South Carolina, Inc., also known as PRO-Parents, is a statewide, nonprofit parent-oriented organization that provides information, training and leadership to assist individuals with disabilities and their families in maximizing their potential to become full participants in their communities, with particular focus on the special education process.

PRO-Parents is governed by an independent Board of Directors and is funded by a grant from the US Department of Education, as well as tax-deductible contributions.

PRO-Parents is part of the national network of Parent Training and Information Centers which provides assistance to parents in better understanding their children's specific disabilities, special education law and how to work with education and other service providers.

The following services are offered:

- **Training:** Workshops on various topics relating to parents' rights, roles and responsibilities in the special education process
- **Information:** Written materials on specific disabilities, special education and related laws and national/state/local resources; "REACH OUT" newsletter published several times each year; presentations to parents, professionals and civic groups on the organization and its services
- **Individual Assistance:** Telephone assistance for referrals and problem-solving; one-to-one assistance in the Individual Education Program (IEP) process through trained Parent Volunteers (by referral only due to the limited number of volunteers)

For further information or to make a request for services, please contact:

**PRO-Parents
2712 Middleburg Drive, Suite 203
Columbia, SC 29204
(803) 770-3859
1-800-759-4776 (outside Columbia)**

1-800-735-2905 (Voice/TTY)
(Toll-free number for parents only, please)
FAX (803) 252-4513
e-mail: PRO-Parents@aol.com

Family Connection of South Carolina, Inc.

Family Connection is a statewide network of parents helping parents of children of all ages with special needs including developmental delay, disabilities or chronic illnesses. Some of these children have autism, down syndrome, seizure disorders, attention deficit disorders, cerebral palsy, heart disease and other chronic illnesses. Family Connection matches well trained support parents with other parents who are in similar situations for mutual support and assurance.

Family Connection sponsors support groups, has statewide workshops to train families to help other families and refers families to other local and national resources. There are also workshops for siblings and grandparents of children with special needs.

Through the Family Partner Program of Family Connection, funded through BabyNet, parents of children ages birth to three may have a family partner who is also a parent of a child with special needs and who provides emotional support and information to assist parents with early intervention for their child.

There are many times when parents may need support in dealing with children with special needs, such as:

- at birth or time of diagnosis
- when dealing with educational concerns
- when illness strikes
- when planning for a child's adult years
- when concerned about brothers and sisters
- when dealing with day-to-day matters
- when new to the community

The Family Connection network improves the quality of life for families who have children with disabilities. All information and resources are provided without charge.

For further information call or write:

Family Connection of South Carolina, Inc.
2712 Middleburg Drive, Suite 103-B
Columbia, SC 29204
(803) 252-0914 or 1-800-578-8750
and
875 West Faris Road
Greenville, SC 29605
(864) 455-6213
famconn@mindspring.com

South Carolina Department of Insurance

The Office of Consumer Services of the Insurance Department renders any and all assistance allowable under state insurance laws to citizens of South Carolina. This assistance involves responding to insurance questions related to contractual and statutory interpretation, handling inquiries and complaints, assisting consumers locate, if possible, insurance markets to provide needed insurance protection, and assisting with insurance problems. However, the Office of Consumer Services does not have the judicial authority to dictate to insurers the exact dollar amount necessary to settle a claim.

If assistance is needed, call or write:

Office of Consumer Services
South Carolina Department of Insurance
PO Box 100105
Columbia, SC 29202
(803) 737-6180
TTY (803) 737-5769
1-800-768-3467 for consumer complaints, in-state

Legal Assistance

This handbook alone is not sufficient where legal matters are concerned. The services of an attorney may be required in many cases.

If you do not have an attorney, information about legal services is available from the South Carolina Lawyer Referral Service (a public service of the South Carolina Bar).

For further information write or call:

South Carolina Lawyer Referral Service
950 Taylor Street
PO Box 608
Columbia, SC 29201
(803) 799-7100 or 1-800-868-2284 (toll-free)

South Carolina Legal Services Offices

Carolina Regional Legal Services

Florence (*Florence County*) **(803) 667-1896**

Manning (*Clarendon County*) **(803) 435-2141**

Legal Services of Western Columbia

Greenville (*Greenville & Pickens Cnty*) **(864) 467-3232**

Anderson (*Anderson & Oconee Counties*) **(864) 226-7216**
(800) 234-7216

Greenwood (*Abbeville, Edgefield, Greenwood & McCormick Counties*) **(864) 223-4879**
(800) 922-3114

Neighborhood Legal Assistance Program

Beaufort (*Beaufort & Jasper Cnty*) **(803) 838-5011**

Conway (*Horry County*) **(803) 248-6376**

Georgetown (*Georgetown County*) **(803) 546-2491**

Kingstree (*Williamson County*) **(803) 354-7476**

Walterboro (*Colleton & Hampton County*) (803) 838-5011

Marion (*Marion County*) (803) 423-5955

Moncks Corner (*Dorechester County*) (803) 871-6477

Monks Corner (*Berkley County*) (803) 761-8355

Palmetto Legal Services

Columbia (*Farfield, Newberry & Richland Counties*) (803) 799-9668

Lexington (*Aiken, Calhoun,, Lexington & Saluda Counties*) (803) 359-4154

Orangeburg (*Allendale, Bamberg, Barnwell & Orangeburg Counties*) (803) 533-0116

Sumter (*Sumter County*) (803) 733-1471

Piedmont Legal Services

Spartanburg (*Cherokee, Laurens, Spartanburg & Union Counties*) (864) 582-0369

Rock Hill (*Chester, Lancaster & York Counties*) (803) 327-9001

Hartsville (*Darlington County*) (803) 332-1162

Bishopville (*Lee County*) (803) 484-4124

Camden (*Kershaw County*) (803) 425-1195

Chesterfield (*Chesterfield County*) (803) 623-6077

Dillon (*Dillon County*) (803) 774-6917

Marlboro (*Marlboro County*) (803) 479-6014

Taxes

Information on income tax deductions and credits may be obtained from the Internal Revenue Service (IRS).

The IRS publishes up-to-date tax information every year. You may request this information by contacting your nearest tax office. Telephone numbers are listed in telephone books under Internal Revenue Service or United States Government, Internal Revenue Service.

In drawing up your will, a competent lawyer can advise you and your heirs, and reduce the cost of estate taxes.

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For additional copies call or write:

SOUTH CAROLINA DEVELOPMENTAL DISABILITIES COUNCIL

Edgar A. Brown Building, Room 372

1205 Pendleton Street

Columbia, SC 29201

(803) 734-0465

Appendix

(Name of Child)

(Date)

Personal File

Social Security Number _____

Date of Birth _____

Place of Birth _____

Medical Records & History _____

Name, Address & Telephone Numbers of Doctor(s), Dentist, Relatives, Other
Service Providers

Location of Medical Records & History _____

Medication Instructions _____

Medical Insurance _____

Special Care Instructions _____

Suggestions for Respite Care _____

Residential Placement _____

Guardian's Name, Address & Telephone Number _____

Other Pertinent Information _____

Personal Affairs Checklist

Date _____

Mother's Full Name _____

Social Security Number _____

Address _____

Telephone Number _____

Date & Place of Birth _____

Father's Full Name _____

Social Security Number _____

Address _____

Telephone Number _____

Date & Place of Birth _____

Sibling's Name _____

Social Security Number _____

Address _____

Telephone Number _____

Date & Place of Birth _____

Sibling's Name _____

Social Security Number _____

Address _____

Telephone Number _____

Date & Place of Birth _____

Attorney's Name _____

Address _____

Telephone Number _____

Location of Will _____

Executor's Name _____

Address _____

Telephone Number _____

Estate Information

Assets

Money

Cash on Hand	_____
Checking Account	_____
Savings	_____
401K	_____
IRA	_____
Real Estate (Appraise Value)	_____
Stocks (Market Value)	_____
Bonds (Market or Accrued Value)	_____
Life Insurance (Cash Value)	_____
Automobiles (Market Value)	_____
Personal Property	_____
Household	_____
Jewelry	_____
Other	_____
_____	_____
_____	_____
_____	_____

Liabilities

Home Mortgage	_____
Credit Cards	_____
Loans	_____
Other Debts	_____