

# SPECIAL NEEDS





# Helping Families and Individuals With Special Needs

If you have a loved one with a special need, you know how important it is to protect his or her rights and plan for the future. At Mandelbaum Salsburg, our compassionate and experienced attorneys provide a wide variety of legal services intended to help your family navigate the legal system and maximize the rights and benefits available to individuals with special needs.

## **Our Special Needs Department Offers a Full Range of Legal Services for Individuals With Special Needs and Their Families, Including:**

- Special Education
- Student Discipline Matters
- Special Needs Trusts
- Estate Planning
- Guardianships
- Elder Law
- Government Benefits

## *special - needs*

*The individual requirements (throughout his or her lifetime) of a person having a mental, emotional, or physical disability.*



# Special Education Law

We protect the legal rights of students with disabilities. A student with disabilities is entitled to a free, appropriate public education (FAPE) with individually tailored services and accommodations that enable meaningful benefit from his or her educational program in the least restrictive environment. Your school district may make decisions that you do not agree with and you may not know what your legal rights are or what resources are available to you and your child. If that's the case, you need help from a special education attorney.

## Our services include:

- Consultation and advice about identification, classification, appropriate program and placement options, extended school year, related services, and evaluations.
- Reviewing educational records, evaluations, IEPs, and Section 504 plans.
- Attending IEP meetings and representation at mediations and due process hearings.
- Planning program and placement strategy, settlement negotiations, judicial enforcement of settlements and orders.
- Representation in student discipline matters.



# Special Needs Trusts

Special Needs Trusts enable funds to be set aside for disabled individuals without disqualifying the beneficiary from government benefits. If the recipient acquires money from an inheritance or lawsuit while receiving government benefits, he or she will likely be disqualified from the program unless the funds are protected with a trust. A properly designed and administered Special Needs Trust will supplement public benefits such as SSI and Medicaid without jeopardizing eligibility.

## Our services include:

- Third-party trusts (established with funds originating from someone other than the disabled individual).
- Self-settled trusts (established with the funds of the disabled individual).

There are critical differences between these types of trusts. Our attorneys will explain the differences to maximize the funds available to the disabled individual and preserve assets for the family unit. We will help you design a plan to protect public benefits for your disabled child and protect them for their lifetime.



# Estate Planning

Predicting the future is impossible, but planning for the future is a necessity. At Mandelbaum Salsburg we are committed to helping you and your family plan for the future of a loved one with a disability.

## Our services include:

- Estate planning strategies taking into account your family's legal, financial, medical, social and family issues.
- Developing a life plan so primary caregivers will have peace of mind that your loved one will be cared for properly when you are no longer able to do so.
- Developing estate plans that protect your loved one's access to government benefits and medical programs.
- Wills, Durable Powers of Attorney, Advanced Directives, Health Care Proxies, and Trusts.



# Guardianships

In New Jersey, a child is considered an emancipated person at age 18, irrespective of the severity of disability. As a result, parents of special needs children no longer have the legal right to make medical, legal, financial or personal decisions for children over age 18 even if the child is unable to do so for him or herself.

A guardianship appoints one or more individuals to handle the affairs of another. As a disabled child approaches his or her 18th birthday parents should consider initiating the guardianship process or evaluate if the child is capable and willing to sign a Durable Power of Attorney and Health Care Proxy. Our attorneys will explain your options and offer guidance to protect your child's interests through the least restrictive means.



## Elder Law

Elder Law is a specialized field that focuses on the needs of the elderly, disabled and their families. Using a holistic approach, our attorneys are dedicated to helping clients understand and address the complex financial and social decisions involving government benefit programs, (including Medicaid), long-term care options and assisting loved ones with diminished capacity.

### Our services include:

- Estate planning.
- Probate matters.
- Trust accountings.
- Guardianships.
- Long-term care options and assisted living.
- Government benefits.

Our attorneys also routinely handle simple and complex litigation involving probate matters, guardianships, trust accountings and estate administration.





## Disability Benefits

There are a numerous programs and services for disabled individuals and their families. Finding and understanding available options and resources is confusing and overwhelming. Mandelbaum Salsburg can help navigate the maze of government benefits to ensure you receive the services and entitlements available.



# Special Needs Resources

New Jersey Department of Education, Office of Special Education Programs

<http://www.state.nj.us/education/specialed/overview.shtml>

New Jersey Parental Rights in Special Education

<http://www.state.nj.us/education/specialed/form/prise/prise.pdf>

Autism New Jersey

[www.autismnj.org](http://www.autismnj.org)

Cerebral Palsy of North Jersey

<http://cpnj.org>

Dyslexia Resources

<http://www.nj.gov/education/specialed/dyslexia/prof.shtml>

New Jersey Family Care

<http://www.njfamilycare.org>

Social Security Administration

<http://www.ssa.gov>

State of New Jersey Senior Services

<http://www.state.nj.us/nj/community/senior/>

New Jersey Department of Health

<http://www.state.nj.us/health/>

Aging and Disability Resource Connection

<http://www.adrcnj.org/>

New Jersey Department of Human Services, Division of Aging Services

<http://www.state.nj.us/humanservices/doas/home/>

New Jersey Department of Human Services, Division of Disability Services

<http://www.state.nj.us/humanservices/dds/home/index.html>

New Jersey Department of Human Services, Division of Developmental Disabilities

<http://www.state.nj.us/humanservices/ddd/home/index.html>

Planned Lifetime Assistance of New Jersey

<https://www.plannj.org>



## **“At Mandelbaum Salsburg, client relationships are the foundation of our practice.”**

*We are proud of our rich history, but are focused on being at the cutting edge of legal innovation. We have continuously grown and expanded our practice areas to respond to our clients' increasingly complex business and personal legal needs.*

*Recognized as one of the Region's premier full-service law firms, our attorneys represent clients in all aspects of real estate transactions, including leasing, land use and construction-industry litigation; business litigation and employment litigation defense; corporate and banking transactions; corporate and personal taxation; health care and life sciences; alternative dispute resolution; intellectual property; privacy and cybersecurity; labor and employment counseling; bankruptcy; environmental law; criminal defense; not-for-profits; and personal matters, including estate planning and administration, asset protection planning, elder law and special needs planning; matrimonial, family law, adoptions, and personal injury litigation.*





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