

Transitions 101

Helping Guide You and Your Loved One to the Best Possible Road Ahead



Dear Valued Family,

For individuals living with a developmental or intellectual disability, there are several key transition periods when services and benefits with Developmental Pathways and the State of Colorado are impacted. Our goal is for this packet to address all fundamental transition times for children ages 14 to 18.

Please note the following key times:

- At 14 years of age, please contact your coordinator to have your child placed on the Adult Waiver Wait Lists.
Please see pages (4 and 8) of this packet for additional information.
- At 18 years of age, you can begin to apply for SSI and Medicaid benefits, both of which are required in order to accept Waiver Services (you may actually begin this process the first day of your child's birth month).
Please see pages (4 and 6) of this packet for additional information.

We understand that during times of transition there is a great deal of information to consider, and we hope the provided packet will help simplify and support your family through any upcoming transition.

Please contact us if we can provide any additional information.

Sincerely,

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What You Need to Know About Transition

Transition is not a singular event but rather a series of events and planning periods that can begin as early as age 14 and which have no particular end date.

Age 14 is the earliest a person can apply for **Medicaid Waiver Programs**—funded adult disability services such as the Comprehensive Waiver and the Supported Living Services Waiver (you will learn more about Medicaid Waiver Programs on page 7). Services for these programs cannot begin until your child is at least 18 years of age, but families are encouraged to apply at age 14. We ask that individuals apply as soon as their child turns 14, because there is a wait list for these adult programs; this transition planning may help to ensure that funding for these programs are available at the earliest possible time.

Additionally, at age 14, it may also be a good time to start looking at **Special Needs Trusts**. Please reference Benefits and Criteria on page 6 for more information.

School Transition Services are mandated under the Individual with Disabilities Education Act (IDEA (P.L. 101-476)). An **Individualized Transition Plan** must be developed for all students enrolled in Special Education or Integrated Learning Center (ILC) programs. This plan is developed by an Individualized Education Plan (IEP) team. The transition planning process should consider what educational needs the student will continue to have in school, in addition to what will happen when he or she transitions from school to adult life. Depending on the individual/your child, this may include

- Post-Secondary Education
- Vocational Training and/or Employment Options
- Future Living Arrangements
- Continuing and Adult Education
- Day Program Services
- Community Participation

Please contact your child's school for more information about your child's Individualized Education or Individualized Transition Plan. To learn more about the IDEA Act, visit <http://idea.ed.gov/>.

Age 18 is perhaps one of the most important ages for any person. Everyone, with or without a disability, automatically becomes an emancipated adult under Colorado law. You may want to consider **guardianship** if your son or daughter is not able to make decisions independently. It is important to know that **emancipation is automatic unless the parent formally goes through a legal process to obtain guardianship.**

At 18 years of age, you can also begin to **apply for SSI and Medicaid Benefits**, both of which are required in order to accept Waiver Services. You may actually begin this process the first day of your child's birth month. For example, if your child's 18th birthday is May 20th, you may begin the application process on May 1st. Despite the wait list for adult waiver programs, SSI and Regular Medicaid should be set up to make the eventual enrollment process easier. Please reference Benefits and Criteria on page 6 for more information about SSI and Medicaid.

Guardianship is a very powerful role to be played in the life of a person with a disability, and it may not be appropriate for your family. The guardian may make personal decisions for the ward (your child) relating to living arrangements, education, social activities, and authorization or withholding of medical or other professional care, treatment, or advice. The guardian must always make decisions that are in the best interests of the ward. The guardian must always make sure that the ward is living in the least restrictive environment in which the ward can remain safe.

A guardian must submit a written report to the court annually on the date of the guardian's appointment. The report must include information on the health and living conditions of the ward and a current physician's report.

Guardianship can be obtained through the County Probate. You can learn more about Guardianship through the Guardianship Alliance of Colorado at <http://www.guardianshipallianceofcolorado.org/>.

Other options are available to families where the parents want to promote their son/daughter's independence while still maintaining some amount of legal control.

Power of Attorney: Essentially, a power of attorney is a legal document that grants a parent (or other individual) legal rights and powers on behalf of your child (once the child is 18 years or older). You have the ability to make decisions for your child, but ultimately, you cannot override his/her wishes.

Financial Power of Attorney: A Financial Power of Attorney, also known as a General Power of Attorney or General Power of Attorney for Property, gives you the authority to manage your child's finances and property, but again, you may not override his/her wishes. For example, this would allow you to withdraw funds from a bank account, pay bills, and cash checks on the individual's behalf. As of January 1, 2010 all financial powers of attorneys signed are considered "durable" unless otherwise stated.

Medical Durable Power of Attorney: Grants the Power of Attorney authority to make medical and personal care decisions on an individual's behalf.

Limited Power of Attorney: A Limited Power of Attorney, also known as a Special Power of Attorney, is granted the legal authority, in writing, to perform a specific act or acts or have Power of Attorney for a limited amount of time.

Conservatorship: A conservatorship is a court proceeding to appoint an individual, or an entity like a private fiduciary, to manage the financial affairs of a minor or an adult who is unable to manage his or her own property or financial matters. A conservator is held to the standard of care applicable to a trustee: which is that of a prudent person dealing with the property of another. A conservator must keep detailed and accurate records of all of the financial information of the protected person.

Benefits and Criteria

There are several commonly used services, programs, and benefits available for your child. These services, programs, and benefits can vary depending on age.

Supplemental Security Income (SSI) is a disability benefit available through Social Services Administration (SSA, 1-800-772-1213 or www.ssa.gov). SSI provides a monthly benefit check to help meet daily living expenses, primarily food and housing. SSI eligibility is based on two main factors: 1) whether a person has a significant disability that impacts their ability to work, and 2) whether a person meets the financial eligibility requirements.

To begin this application process, contact Social Security at 1 (800) 772-1213 or go to www.socialsecurity.gov. Remember, you cannot begin the application process until the month in which your child turns 18. After calling, a phone interview to complete the application may be offered. Many families have found that the process goes much smoother when an in-person appointment is arranged.

Social Security Disability Insurance (SSDI) is a benefit to disabled and/or blind individuals who are “insured” by workers’ contributions to the Social Security trust fund. These contributions are based on the earnings from any of the following workers: the individual, a spouse, or a parent. Payments do not change with the individual’s monthly income because the amount is determined by “credits” already paid into the system. Payments may vary among individuals based on the “credits” paid into the system.

Medicaid is a program administered by the Colorado Department of Health Care Policy & Financing (HCPF) that pays for health insurance for some Coloradans who cannot afford it. To learn more about how to apply visit <https://www.colorado.gov/hcpf/how-to-apply>.

The 300% Rule allows an individual to have eligibility for Medicaid benefits even when they do not qualify for it by means of their SSI eligibility. To qualify for Medicaid under the 300% rule, the individual must meet the following criteria: 1) never had SSI or lost it prior to 7/1/1987, 2) enrolled in a qualifying Long Term Care Medicaid Waiver (COMP, SLS, etc.), 3) have assets totaling under \$2,000, 4) meet all other medical requirements, 5) have income less than 300% of the Federal Benefit Rate.

The Medicaid Buy-In Program for Children with Disabilities (Children's Buy-In) is a medical assistance program that provides Medicaid benefits for children who are under age 19, have a qualifying disability, and whose adjusted family income is at or below 300% of the Federal Poverty Level (FPL). Learn more about this program at <https://www.colorado.gov/pacific/hcpf/medicaidbuyinprograms>.

A Special Needs Trust is necessary if your child is expected to have or receive liquid assets over a specific amount by the time he/she turns 18. This trust will allow you time to plan for the safe-guarding of those assets without losing benefit eligibility. The Special Needs Alliance has developed a Handbook for Trustees that you can download for free to learn more. Visit their website at <http://www.specialneedsalliance.org/free-trustee-handbook/>.

Adult Medicaid Waiver Programs

Waivers provide additional funding and services above and beyond what Regular Medicaid covers and are designated to provide better support and oversight of disability services. There are 11 Medicaid Waivers currently in the state of Colorado. Two of these waivers are for adults with an intellectual or developmental disability.

The Supported Living Services Waiver (SLS) is used to supplement already available supports for adults who either can live independently or, individuals that are principally supported from other sources, such as family, if more extensive support is needed. This waiver is not intended for an individual who may require 24-hour supervision by a paid provider.

The SLS Waiver provides a variety of services, such as personal care (like eating, bathing and dressing) or homemaking needs, employment or other day type services, accessing his or her community, help with decision-making, assistive technology, home modification, professional therapies, transportation, and twenty-four hour emergency assistance. The SLS Waiver is not intended to meet all needs. Service needs and the level of support are prioritized within your overall Service Plan.

The individual and/or the individual's family are responsible for providing appropriate living arrangements (this may include an independent apartment or home). Up to three persons receiving services can live together.

The Waiver for Persons with Developmental Disabilities/

DD Waiver also commonly referred to as the Comprehensive Services and Supports Waiver or COMP, provides a full day (24 hours) of services and supports to ensure the health, safety, and welfare of the individual. Services and supports include residential services (which includes food, transportation, and daily necessities). Additionally, the individual may also choose to receive day program services, employment services, and additional therapy services.

This individual is given living arrangement options designed to meet their unique needs for support, guidance, and habilitation. Options for residential services include:

Host Homes: The individual resides with a trained provider and his or her family in a private home. A host home provider must contract with a Program Approved Service Agency (PASA) in order to provide services in their home. Two individuals in services are allowed to permanently reside in a host home.

Group Home: The individual resides in a staffed Program Approved Service Agency (PASA) home with 3-5 other individuals in services.

Personal Care Alternative (PCA): The individual resides in a professionally staffed home with no more than two other individuals receiving services. This includes situations where an individual lives in an independent apartment setting through a Program Approved Service Agency (PASA).

The Microboard Option under the Comprehensive Waiver is not a separate waiver. It is an agency created by family members or guardians, incorporated to do business in the State of Colorado, whose scope is solely to provide Comprehensive Services to one person with a developmental disability. The person cannot be living with the family. You and/or your representatives can directly control implementation, such as who is hired or fired, what types of incentives are provided to retain good employees, and what type of training is required, or oversight regarding the quality of the services. For more information, contact your coordinator at Developmental Pathways.

For more information on any of these services or programs, contact your Coordinator at Developmental Pathways.

Timelines for the COMP & SLS Waivers

While individuals receiving services become eligible for Comprehensive and Supported Living Services when they turn 18, receiving these services may not be appropriate for the individual or their family at that time. Below are descriptions of three “Timeline Dates,” that can be selected as appropriate for individuals and their families. Each timeline can be selected for each waiver (COMP and SLS) individually.

As Soon As Available is the option you should select if your child is ready to receive COMP or SLS services as soon as a resource becomes available. Please note that while individuals receiving services are eligible to receive both COMP and SLS services at age 18, due to waitlists, these services may not be available until after their 18th birthday.

Safety Net is the option you should select if your child is not in need of, or ready to receive COMP or SLS services. Safety Net is often selected as a contingency in case other services are lost or an individual’s living arrangement suddenly changes.

Specific Date/Year is the option you should select if your child has a specific age in mind that he/she would like to begin to receive COMP and SLS services.

Remember, you are always free to change your selection at any time. So, if you selected a specific date/year for your adult child to move into an independent living program, and that date/year arrives and you change your mind and want to select another year, or choose the safety net option, you are always free to do so.

Additional Medicaid Waivers

While the COMP and SLS Waiver Programs are the 2 primary programs available for adults with an intellectual or developmental disability, here are some other waiver programs that may benefit your child.

The Children's Extensive Supports Waiver (CES) is for children who demonstrate behaviors or have a medical condition that requires direct human intervention, more intense than a verbal reminder, redirection, or brief observation of medical status, at least once every two hours during the day and on weekly average of once every three hours during the night. The behavior or medical condition must be considered beyond what is typically age appropriate. If you feel that your child (under the age of 18) may qualify for this waiver, please contact your coordinator. Individuals receiving Family Support Services who enroll in the CES waiver will be terminated from Family Support upon enrollment into CES.

The Elderly, Blind and Disabled Waiver (EBD) provides assistance to elderly, blind, or physically disabled persons aged 18-64 who require long term supports and services in order to remain in a community setting. These services supplement and/or compliment the services that are available to participants through the Medicaid State plan and other federal, state, and local public programs. Access Long Term Support Solutions (**an agency not affiliated with Developmental Pathways**) is the Single Entry Point (SEP) agency for this particular waiver. You can reach them at (877) 710-9993 and their website here: <http://accessltss.org/>. Individuals receiving Family Support Services who enroll in the EBD waiver will be terminated from Family Support upon enrollment into EBD.

The Brain Injury Waiver (BI) provides home or community based services to persons with a brain injury, alternative to a hospital or nursing facility. This waiver is for individuals 16 years or older with a brain injury. The brain injury must have occurred prior to the individual's 65th birthday and the individual must require long term support services at a level comparable to services typically provided in a nursing facility or hospital. Access Long Term Support Solutions (**an agency not affiliated with Developmental Pathways**) is the Single Entry Point (SEP) agency for this particular waiver. You can reach them at (877) 710-9993 and their website here: <http://accessltss.org/>. Individuals receiving Family Support Services who enroll in the BI waiver will be terminated from Family Support upon enrollment.

Unsure of the best Medicaid Waiver Program for your child?

While this is ultimately you and your child's decision, we can always help navigate the differences between the Waiver Programs. Call your Coordinator to learn more.

Documents Needed for Enrollment

This list is to help you prepare for the documents you may need to apply for SSI or the COMP, SLS, or CES Waiver. Please note that this list may not be comprehensive and you may need additional documentation.

SSI

- Birth certificate
- Social Security card
- Medicare/Medicaid card
- List of medications
- Wages: paystubs for 3 months or one paystub with one with Year to Date total
- Stocks/Bonds
- Assets over \$2,000
- Trust Fund statements
- Checking/Savings account statements
- VA pension
- Social Security benefits
- Any other benefits received
- Life Insurance statement
- Private Health Insurance Card
- Burial Insurance

The COMP & SLS Waiver

- Copy of birth certificate
- Copy of Social Security card
- Copy of picture ID (State, School, or Passport)
- Copy of most recent award letter from SSI/SSDI
- Guardianship paperwork (if applicable)
- Approval letter from the State of Colorado for any special needs trusts

The CES Waiver

- Copy of child's birth certificate
- Copy of child's Social Security card
- Copy of child's Medicaid card and private insurance card (front and back)
- Copy of child's picture ID. If child has no picture ID and is under 16, an Affidavit to Establish Identity needs to be completed. An Affidavit to Establish Identity cannot be used for a child aged 16 and above.
- Copy of child's most recent Individualized Education Plan (IEP)
- Copies of any letters from doctors dated within the last six months
- Copy of recent SSI award letter if child is receiving SSI benefits

Glossary

Community Centered Boards (CCBs) Nonprofit organizations contracted with by the State of Colorado and manage resources at the local level, determine eligibility for community-based services and provide case management services.

Division for Intellectual and Developmental Disabilities (DIDD) The division that is directly responsible for community-based services for adults with developmental disabilities.

Division of Vocational Rehabilitation (DVR) A State and Federally funded program designed to help eligible individuals with disabilities find suitable employment. Vocational Rehabilitation is a voluntary program and serves persons who want to work.

Health Care Policy and Financing (HCPF) Oversees and operates Colorado Medicaid and other public health care programs for Coloradans who qualify.

Home and Community Based Services (HCBS) Provide opportunities for Medicaid beneficiaries to receive services in their own home or community, rather than in an institutional setting.

Individualized Education Plan (IEP) An educational plan written by a multidisciplinary team specifically for each student receiving special education services (ages 3-21).

Interdisciplinary Team (IDT) A team responsible for developing a Service Plan for an individual in services. This team includes the person receiving services, parents or guardian (if individual is a minor), a guardian or an authorized representative, as appropriate, the person who coordinates services and supports, and others as determined by such person's needs and preference. (This team is similar to the multidisciplinary team the individual will have during their school years).

Medicaid A program administered by the Colorado Department of Health Care Policy & Financing (HCPF) that pays for health insurance for some Coloradans who cannot afford it. A person must apply for Medicaid benefits through the local Department of Social/Human Services, even if they are SSI eligible. For the locations and telephone numbers of local sites, see listing on page 22, check the Blue Pages (Government) in the telephone book, or call the Customer Service Line at 1-800-221-3943, or www.chcpf.state.co.us

Service Plan (SP) A written plan designed by an interdisciplinary team to identify the total needs of a person receiving services and, the services required to meet those needs.

Program Approved Service Agency (PASA) an organization approved by DIDD to provide services for those receiving Medicaid Waiver Services.

Vocational Rehabilitation A process which enables an individual with a disability to overcome barriers to accessing, maintaining, or returning to employment.