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Government Assistance for Those with Disabilities

Living life with a disability can often be tough. But if you or a loved one is afflicted with a disability, know you do not have to struggle on your own to make ends meet. The government provides aid to those with disabilities in various ways. The four largest and most common forms of government aid are Social Security, Supplemental Security Income, Medicare and Medicaid.

There are two forms of aid that are "needs-based" assistance—Supplemental Security Income, or SSI, and Medicaid. This means, in general, the government offers this aid only to lower-income applicants. Alternatively, Social Security and Medicare benefits are "employment-based," or benefits available to an applicant based upon their own or a close relative's work history. Each is uniquely different and possesses different standards for qualification; therefore, recognizing these differences becomes key to knowing which program to apply. We offer a general overview of each program below:

Need Based Assistance

1) Supplemental Security Income

SSI is a government assistance program for US citizens or nationals (and some non-citizens) living generally in the US. To be eligible, the applicant must be age 65 or older, or, regardless of age, he or she must be blind or disabled. The applicant need not be completely blind to qualify, and to meet the criteria of being "disabled," a physical or mental difficulty must be expected to prevent the applicant from working for at least one year or result in death. Additionally, the applicant must accept any available vocational rehabilitation services.

The amount of assistance one may qualify for, or determining if one qualifies at all, is dependent upon the area in which the applicant lives, as well as upon his or her income and assets owned, in addition to that of the applicant's spouse, or parents if under the age of 18.

2) Medicaid

Medicaid is another need-based government assistance program, offering medical benefits generally to the elderly, blind or disabled who meet restrictive state-specific standards, SSI recipients, and/or medically needy individuals who are unable to pay their medical bills. Medicaid is a joint state and federal program with state law determining which of the above categories qualify for Medicaid. This program generally helps pay for hospitalization, outpatient services, physician's services, nursing home care and home health care, to name only a few covered services.

Employment-Based Assistance

1) Social Security

Social Security provides qualified individuals with retirement benefits and disability benefits. However, to qualify for disability benefits, the disability must be expected to prevent the applicant from working for at least a year or result in death, thereby disqualifying those with short-term/temporary disabilities. Additionally, the applicant must have worked long enough and recently enough to meet certain Social Security requirements. Disability benefits can be received until age 65, at which point, the benefits convert to retirement benefits in an equivalent amount.

Social Security is an employment-based government assistance program. Employees pay into the Social Security trust fund through payroll taxes, and benefits are available to employees and their dependents. The applicant's lifetime average earnings determine the amount of the benefit available to the applicant. Additionally, early retirement and excess income earned during retirement may reduce the retirement benefits.

2) Medicare

Medicare is the second form of employment-based assistance. The government offers Medicare in two different parts – A and B. Medicare Part A - Hospital Insurance covers hospital bills, skilled nursing care up to 100 days, and other medically related follow-up care. Employment taxes pay for Medicare Part A.

To qualify, the applicant must be a US citizen or permanent resident. If age 65 or older, qualification is based upon the applicant's (or their spouse's) employment. Alternatively, one may qualify for Medicare Part A if he or she receives (or is eligible to receive) Social Security or railroad retirement benefits. If the applicant (or their spouse or ex-spouse) worked in a government job that paid Medicare taxes, they will also qualify for Medicare Part A.

If, however, the applicant is under age 65, qualification is still possible under the following circumstances: (1) after being entitled to receive Social Security for 24 months, (2) receiving a disability annuity from a railroad, (3) after qualifying for Social Security disability and where the applicant or a parent or spouse has worked at a government job at which they have paid Medicare taxes, (4) has Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease, or (5) where the applicant has permanent kidney failure (other requirements apply).

The second form of Medicare is Medicare Part B - Medical Insurance. Part B covers expenses such as physician's bills. Differing greatly from Medicare Part A, Medicare Part B requires the payment of premiums; however, some states will pay the premiums or deductibles of low-income applicants with few resources depending upon state law. To qualify for Medicare Part B, the applicant must be eligible for Medicare Part A Hospital Insurance or, if ineligible, must be a U.S. citizen or lawfully admitted alien who has lived in the U.S. for a minimum of 5 years, and age 65 or older.

Assistance From a Qualified Attorney

The assortment of requirements necessary to qualify for the various forms of aid available to a disabled loved one can be overwhelming. To add to the complexity, certain asset transfers may disqualify you from qualifying for need-based assistance. MH is a qualified estate planning law firm familiar with the technical rules in this complicated arena. Please contact us for a consultation. Failing to do so could mean losing out on valuable government assistance.

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For fifty years, the attorneys at Morris Hall, PLLC (MH) have provided quality estate planning documents for our clients. Helping our clients protect their assets for those they love has been our goal from the very beginning. We are recognized throughout the Southwest for our expertise in educating individuals about the importance of proper estate planning. We do this through various speaking engagements and public seminars. We also strive to keep our clients up-to-date through frequent communication like e-newsletters, complimentary reviews and phone calls, and more advanced seminars.

At Morris Hall, we focus on protecting families from the expense and delay of probate and minimizing tax consequences. We also implement basic and advanced estate planning strategies for clients, and assist in the administration of our clients' estates upon death or disability. Since we practice estate planning exclusively, we are able to answer the complex questions and concerns consumers have about estate planning.

MH is staffed with experienced attorneys and paralegals who are trained in the complex areas of trust administration, probate and tax law. Our firm's aim is to help you understand the basic principles of estate planning and why each individual needs a plan. We have helped thousands of individuals secure their assets. By taking advantage of the services that Morris Hall has to offer, you can be assured that your legacy and your family will be protected.

To see our current calendar of events in your area, visit www.morristrust.com/seminars or to schedule a free consultation with an attorney, call us toll free 888.222.1328.



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The American Academy of Estate Planning Attorneys is a member organization serving the needs of attorneys committed to providing their clients with the best in estate planning. Through the Academy's comprehensive training and educational programs, it fosters excellence in estate planning among its members and helps them deliver the highest possible service to their clients.