



more time may be needed to first establish RC eligibility, as the RC plays an important role in the conservatorship process.

Conservatorships are filed in the Probate Court of the Superior Court where the proposed individual resides. There are two main types of Conservatorship in California:

- Conservator of the Person—Charged with overseeing personal affairs (including health care)
- Conservator of the Estate—Charged with overseeing financial affairs. Typically parents file to be conservators of the person, and not of the estate, since the latter involves bonding and regular reporting to the court.

Most conservatorships of adults with autism are classified as “Limited Conservatorships.” The disabled person retains all rights except for those explicitly delegated to the conservators. The conservators are required to get treatment, services, and opportunities to help the disabled person become as independent as possible and are required to always act in the best interests of the conservatee. An alternative to a conservatorship is a durable power of attorney, which may be appropriate when the individual has mental capacity to make such an informed delegation of power. It is important to consult an attorney to determine which option fits your particular situation. Learn more: [http://www.sccourt.org/self\\_help/probate/conservatorship/conservatorship\\_limited.shtml](http://www.sccourt.org/self_help/probate/conservatorship/conservatorship_limited.shtml)

AT AGE  
18

### **SOCIAL SECURITY: SSI AND SSDI**

*Social Security offers two types of benefits for people with disabilities over 18:*

**SSI:** To qualify, a person must have a disability that prevents him/her from engaging in gainful employment, and also must have low income/resources (means-tested). Most adults with autism apply for SSI at age 18 (you can do this earlier if your child is in a residential placement, or if your family income is low enough). Make sure your child does not have more than \$2,000 in assets (excluding primary residence). At age 18, the income and resources of family members are not counted, even if the individual lives at home. Retroactive benefits are paid as of the application date. Call 1-800-772-1213 to start the process.

**SSDI:** For people with long-term disabilities who used to work or have family members who have worked but are retired or disabled. There are fewer income restrictions and the benefits are higher than SSI. It can be possible to get both (up to a certain cap).

**Also to do:** Open a checking account for the representative payee for SSI and other government benefits.

**Learn more:** PHP provides free workshops on accessing public benefits such as In Home Supportive Services, Supplemental Security Income, and Medi-Cal. PHP also provides 1:1 consultations for a fee. If your child is a client of regional center, you can request a POS to cover the cost of this service.

BEFORE  
AGE 18

### **IHSS (IN-HOME SUPPORT SERVICES)**

Eligibility for IHSS is only available to those with Medi-Cal, including through “institutional deeming” available from regional centers. Your child may be living at home with you or in their own home to be eligible for this service (not in a group home). You might even be paid as the provider of these services. If you are considering Supported Living, this service must be tapped first. IHSS services include: domestic services, related services

(meal preparation, shopping, running errands, etc.), non-medical personal care services, transportation, yard hazard abatement, and protective supervision. The maximum number of IHSS hours for a person that is considered non-severely impaired is 195 hours per month. The maximum number of IHSS hours for a person who is considered severely impaired (with autism, could be aggressive, self-injurious or prone to elopement) is 283 hours per month.

IHSS providers who live with a disabled person may not have to pay taxes on their earnings. To learn more, see <http://ihssadvocate.com/news/ihss-income-not-federally-taxable>

USUALLY  
BEFORE  
18

### HEALTH BENEFITS

Individuals who qualify for SSI are eligible to receive Medi-Cal health insurance. Private health insurance must be tapped for behavioral health services before the regional centers will fund those types of supports. Most parents' policies will now allow continued coverage for dependents up to age 26.

ANY  
TIME

### ABLE ACCOUNTS

The ABLE (Achieving a Better Life Experience) Act allows tax-exempt savings accounts to be used for maintaining health, independence, and quality of life for individuals with disabilities. It allows money to accumulate that won't affect means-tested benefits received based on the individual having a disability. It allows for savings up to \$15,000 per year (beginning 2018) and up to \$100,000 total without losing public benefits. Earnings in these accounts are not subject to federal or state income tax, so long as the earnings are spent on Qualified Disability Expenses, which can include education, housing, transportation, employment support, health, prevention and wellness, assistive technology, financial services, home improvement, and funeral services.

ANY  
TIME

### SPECIAL NEEDS TRUSTS

SNTs are created to hold assets for a special needs beneficiary. SNTs can be useful for beneficiaries who receive means-tested public benefits, to avoid impacting their eligibility. SNTs can be funded during the life of the beneficiary or can hold a life insurance policy funded at the death of a parent or parents. If designed incorrectly, the SNT can render the beneficiary ineligible for public benefits, or cost the beneficiary unnecessary expenses or penalties. Parents are advised to consult an attorney about the creation of an SNT.

ANY  
TIME

### LETTERS OF INTENT

As part of the crafting of an SNT or even without an SNT, parents should write a letter of intent, which explains your loved one's abilities, support needs, preferred and necessary services, current and future benefits, etc. as well as your wishes for his or her future. This is an informal document that is often considered by successor caregivers, trustees, conservators, as well as attorneys and courts in making decisions about your child's life. You might consider employing person-centered planning techniques in developing your document.

AT AGE  
18

### HOUSING WAITLISTS

Sign up for Section 8 (portable voucher) waitlists and other low-income housing (set-aside) waitlists. Most voucher waitlists are closed, however contact your county Housing Authority to inquire as to when your waitlist will open up. For more waitlist information: [affordablehousingonline.com](http://affordablehousingonline.com).

Section 8 vouchers can subsidize all monthly rent excepting 30% of monthly income (about \$300 for those receiving SSI).

BEFORE  
OR AT  
AGE 18

## OTHER TO-DO'S

- **Obtain California I.D. or driver's license** from the Department of Motor Vehicles.
- **Register to vote.** See <https://www.dmv.org/ca-california/voter-registration.php>. (Note that a person may be disqualified from voting by reason of mental incompetence by the Probate Court as part of a conservatorship.)
- **Register for Selective Service:** All males, regardless of disability, must register for Selective Service at age 18. Access to certain government benefits in the future may be at risk for failure to register. Register at the post office or online at [www.sss.gov](http://www.sss.gov).
- **Visit transition fairs:** Check with your school district and regional center.
- **Safety and understanding law enforcement training**, e.g., Students Guide to Police Practices <https://www.sanjoseca.gov/DocumentCenter/View/65633>, Be Safe, the Movie [besafethemovie.com](http://besafethemovie.com)

ANY  
TIME

- **DMV Handicap Placard.** <https://www.dmv.ca.gov/portal/dmv/detail/vr/disabled>
- **Discount passes:** Transportation, parks and other agencies often offer disability discounts. For example:
  - National Parks: [store.usgs.gov/pass/access](http://store.usgs.gov/pass/access)
  - California State Parks: <https://www.parks.ca.gov/pages/737/files/dpr818a.pdf>
- **Do a skills assessment:** e.g., [identifor.com](http://identifor.com) (free), Assessment of Functional Living Skills (fee)  
Autism Speaks Community Based Skills Assessment: <https://www.autismspeaks.org/family-services/community-based-skills-assessment> or <https://www.identifor.com>
- **Join a social group:** See, for example, our Panel on Social Opportunities for Bay Area Adults on the Spectrum at [sfautismsociety.org/webinars](http://sfautismsociety.org/webinars)
- **Seek legal help:** [PHP.com](http://PHP.com) directory lists many attorneys who work in conservatorships, social security appeals, special needs trusts and regional center advocacy.

## REFERENCES

Autism Housing Network <http://www.autismhousingnetwork.org/education/turning-18-checklist/>  
Autism Housing Pathways [www.autismhousingpathways.net](http://www.autismhousingpathways.net)  
Autism Speaks Tool Kits <https://www.autismspeaks.org/family-services/tool-kits>  
CalABLE Program <http://treasurer.ca.gov/able/>  
Conservatorship <http://www.courts.ca.gov/documents/handbook.pdf>  
Disability Benefits 101 <https://ca.db101.org/>  
Disability Rights California <http://www.disabilityrightscsca.org>  
IHSS <http://www.cicaihss.org>  
IHSS Protective Supervision <http://www.disabilityrightscsca.org/pubs/549301.pdf>  
Parents Helping Parents [php.com](http://php.com)  
Social Security [www.socialsecurity.gov](http://www.socialsecurity.gov)

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## OPTIONS POLICY

SFASA subscribes to the Autism Society of America's Options Policy which promotes the active and informed involvement of family members and the individual with autism in the planning of individualized, appropriate services and supports. Each family and individual with autism should have the right to learn about and then select, the options that they feel are most appropriate for the individual with autism. Learn more at: <http://www.autism-society.org/about-the-autism-society/guiding-principles/options-policy/>.