By Your Side

Decision Making Simplified

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By Your Side

Decision Making Simplified

- More than 35 years helping people who have disabilities and their families.
- Social work/licensed professional counselor background
- Assisted children and adults who have a wide range of developmental and intellectual disabilities, mental health, age related and physical challenges.
- Child Protective Services/Juvenile Justice/Adult Protective Services/Adult Long-term Supports/Children’s Long-Term Supports
- Direct care and administrative services

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By Your Side Services is a consulting agency and does not provide legal advice. None of the information in this presentation should be considered legal advice. Explanations associated with these slides should not be construed as legal advice. By Your Side Services does not provide legal representation and will not determine the content of forms.

By Your Side

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By Your Side can provide a conversation that is as comfortable as possible.
By Your Side can assist others in evaluating their needs and wishes.
We can help others identify their values to complete critical life documents.
By Your Side can view and determine that the documents are complete.
By Your Side can assure that others know where forms need to go and when.

What happens on the 18th birthday… other than the party?

Come of Age

Men must register for the Selective Service

Decide to move out on their own

Make their own health decisions

Make their own financial decisions

Sign contracts for an apartment or purchases

Formal Help Options:

Consent Forms
(Least Restrictive)

Supported Decision-Making

Representative Payee

Powers of Attorney
(Prepared Before Incapacitation)

Guardianship
(After Incapacitation)

Release Forms

(Least Restrictive)

Individual provides consent for their information to be provided to another person

Information shared can be:

Health (including insurance, doctors and others)

Financial (including banks, investments, income and others)

School (IEP, class schedules and others)

Supported Decision-Making

Wisconsin State Statute Chapter 52

April 2018

Simple Form

Identify a Supporter

(1 Supporter for each need)

Financial

Health

Home

Service System

Other

The same supporter may be appropriate for all needs

Representative Payee

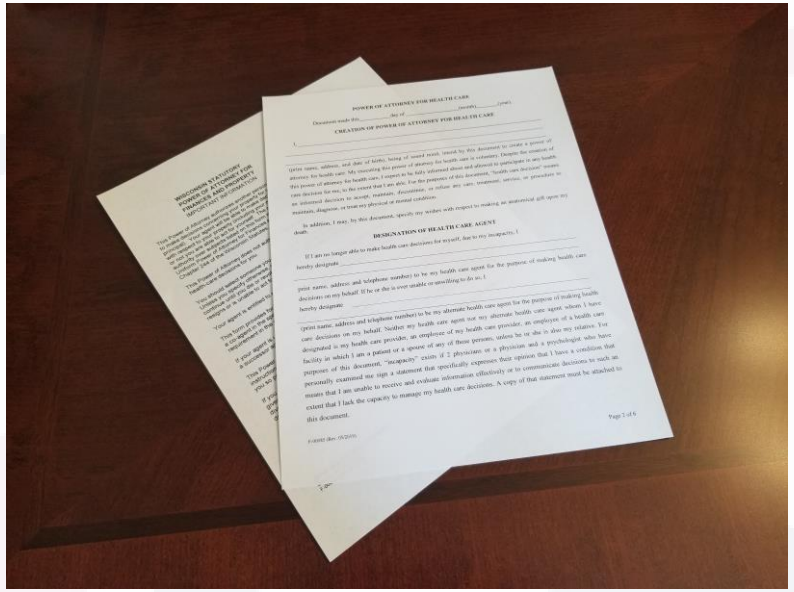
Social Security Administration (SSA)

For those unable to manager their own monetary benefits

Supplemental Security Income (SSI)

Social Security Disability Insurance (SSDI)

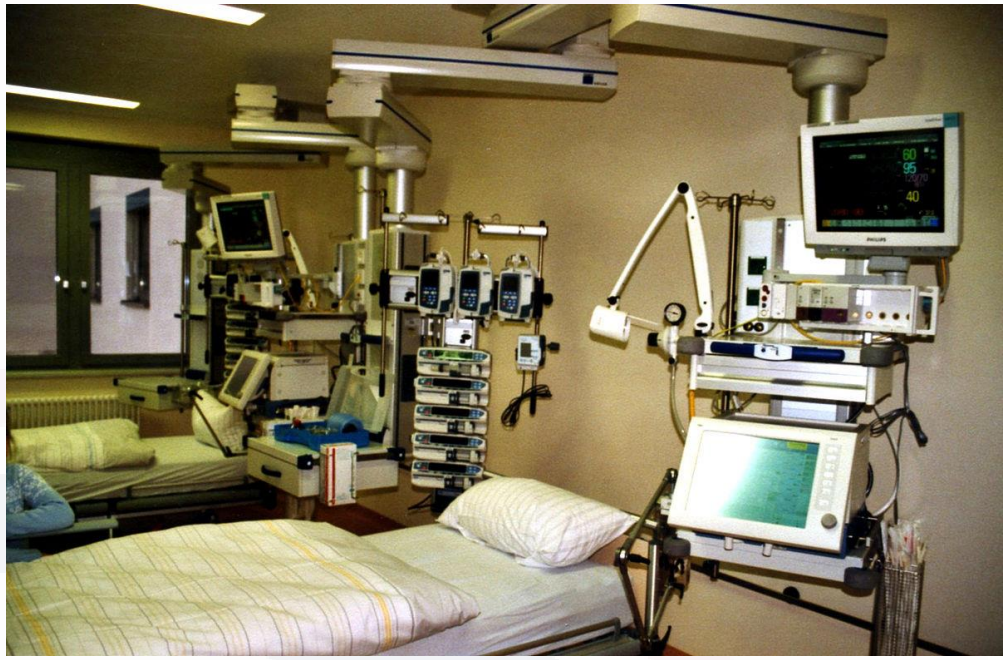
Powers of Attorney



Power of Attorney for Health Care (POAH)

Power of Attorney for Finances and Property (POAF)

Power of Attorney for Health Care



EVERY WISCONSINITE SHOULD HAVE A POA FOR HEALTH CARE

Power of Attorney for Health Care

Did you Know?

In Wisconsin, unless there is a formal document like this, a spouse cannot decide to withhold life support, nutrition or any other life sustaining supports
EVEN THOUGH THESE MAY BE YOUR WISHES?

Power of Attorney for Health Care

Think about these questions now before the moment when you may not be able to make decisions for yourself.

How important is independence and self-sufficiency?

Should a decision maker place me in a nursing home or CBRF?

What is important to me when I am dying? (physical comfort, no pain, family, friends)

Where would I prefer to die?

Do I want any specialized treatments? (dialysis, CPR or respirator)

Should my decision maker (agent) withhold or withdraw a feeding tube or hydration?

Two appropriate witnesses are required.

Many other considerations can be addressed with a relatively comfortable conversation.

By Your Side has created a guide to assist the assessment of your wishes.

By Your Side has created a tracking sheet so that you can track who has the final document.

Power of Attorney for Health Care

Wisconsin's POAH can also be your living will

Wisconsin's POAH can also be your advance directives

Wisconsin's POAH is durable

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By Your Side Services developed a detailed guide to assist others in planning their document.

By Your Side Services provides a tracking sheet so that you can remember who received what and when.

Power of Attorney for Finances and Property

You've Worked Long and Hard

You want all of that handled with care
You want that handled for your care
and according to your wishes

Power of Attorney for Finances and Property

You may want someone to handle just your liquid assets

You may want someone with investment experience to handle your investments

You may want someone with real estate experience to handle your real property

You may trust someone who can handle it all

Power of Attorney for Finances and Property

It’s all about ensuring that your wishes are followed

Wisconsin is a “married state” for property

Wisconsin’s POAF can be durable

By Your Side Services developed a detailed guide to assist others in planning their document.

By Your Side Services will provide a tracking sheet.

Guardianship

(Most Restrictive)

After Incapacitation

Cannot Make Decisions for Self

Court Order

Guardianship

Court Proceeding
Finding of Incompetence
Rights are Removed

How Do We Arrive at Guardianship?

Evaluate the Ability to Make Decisions

(Discussion with Family, Friends & Professionals)
(Limited Guardianship or Plenary Guardianship)

Competency Evaluation

(Physician/Psychiatrist/Psychologist)

Petition for Guardianship

(Review Any Rights the Proposed Ward May Retain)
(By Your Side Provides a Guide to Consider These Possibilities)
(Consider a Stand-By Guardian)
(Guardian ad Litem Submits His/Her Report to the Court)

Court Hearing

(Judge or Court Commissioner Determines Competency)
(Judge or Court Commissioner Orders/Denies Guardianship)

Guardian Responsibilities

Guardianship of the Person

Healthcare Decisions

-Treatments; doctors, medication, admissions
-Medicaid Reviews/Insurance Submissions
-Residential
-Other Approvals for Rights Retained “with Approval of the Guardian”
-Annual Report on the Condition of the Ward for the Court
(due annually before April 15 – Tax Day)

Guardianship of the Estate

-Make Decisions Regarding All Assets of the Ward
-Track All Income and Expenditures of the Ward
-Annual Account of Guardian/Conservator
(due annually before April 15 – Tax Day)

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Tools Developed by

By Your Side

Free Phone Consultations

Personalized Decision-Making Guides

Guardianship Handbook (Wisconsin Bar Association)

Personalized Tracking Forms

Transition

Aging and Disability Resource Center (ADRC)

Wisconsin ADRC Listings and Links https://www.dhs.wisconsin.gov/adrc/consumer/index.htm

- One stop shop for all resources for disability and aging related services.
- Learn about public benefits
- Find out about Day programs for adults/seniors
- Publicly funded service coordination (Family Care/IRIS)
- Public financial benefits (through the Social Security Administration)

Public Benefits

www.ssa.gov

West Bend Office: 888-655-0843
1145 Vern St. West Bend, WI
53090

Consider Supplemental Security Income (SSI) for current low-income families or when a child is in the month of their 18 birthday.
If a parent is disabled or diseased, consider Social Security Disability Income (SSDI)

Investment Option

Tax-advantaged savings/investment account
Anyone can contribute up to $15,000 per year per account
Find out more at https://www.ablenrc.org/what-is-able/what-are-able-acounts/

Trusts

Special Needs Trusts must be set up very carefully for a person who has a disability.

- It can be set up for a person of any age.
- It must be set up within Wisconsin Medicaid law requirements.
- Options are
  - A knowledgeable attorney can set up a trust for varying costs depending on the complexity of the trust. BE CERTAIN THAT THEY KNOW WISCONSIN MEDICAID LAW VERY WELL.
  - An investment firm with background in managing assets for people with disabilities can assist with investment options. BE CERTAIN THAT THEY KNOW WISCONSIN MEDICAID LAW VERY WELL.

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