

Chambliss Estate Planning Newsletter – November 2023

Section 1.01 Navigating Sleepless Nights: A Mother's Guide to Special Needs Planning

By: [Amy Boulware](#)

I was driving to work on August 24, listening to Lady Gaga on my Pandora radio station, when suddenly, I had a strong urge to call my younger daughter, Hannah. We talk regularly, so it isn't unusual that I call her on my way to work, but this day was different. I just had to connect with her. We chatted, and she told me about her plans for the week ahead and the kids she is mentoring as an academic counselor at her university. We said we loved each other and were off to our day's activities. About two hours later, she called me back and said, "I know why you had the urge to talk to me. Do you know what today is?" She reminded me that 11 years ago, our lives changed forever. August 24, 2012, was the day that Hannah fell down a concrete flight of stairs in front of her high school after having an unexplained seizure. She suffered a significant traumatic brain injury that left her in a coma for weeks. When she woke, she did not know her name, how to walk, how to process information, or even how to eat.

Hannah and our family were facing a whole new world — one where she was now a child with a disability, and a hidden disability at that. We often talk about the "old Hannah" and "Hannah 2.0." Neither of us could believe that 11 years after her injury, we could start our day and not have that traumatic event be the first thing on our minds. Hannah has had a tremendous recovery with the help of some spectacular rehabilitation and therapy, but we all know that she is still someone who identifies as a person with a disability. This changed our family dynamic in so many ways. One thing I know for sure is that from the moment a child is either born with a disability or acquires one, like Hannah, parents worry. There are many worries that go through the mind. Will my child be able to be independent? Will they have the support they need? Will they ever live without care? Will there be enough money to pay for the care they need? Can they make decisions for themselves? Are there ways to prepare for the future? These sorts of questions are endless, and they keep parents and family members awake at night. I have them, I know. The fear can be paralyzing. Many families don't know what to do or who to turn to.

I felt compelled to write about this because of a family I am working with right now. They gave me permission to tell their story in hopes that it would help other families realize that ignoring these fears and not planning ahead is not the answer. This individual with special needs was born with developmental disabilities. He grew up in a small town where his parents cared for him, he went to special schools, and lived a quiet life in his family home. When both of his parents passed away, the family plan was always for him to go live with his sister and brother-in-law. They picked up where his parents left off. He lived with them, they cared for all his needs, and they aged together. This is a family that knew from his birth he would need care, and his sibling had agreed to be the person who would do that when their parents passed away. There were no formal agreements, conservatorship, or real understanding of the benefits he might be eligible for. It was just a family obligation that was passed on.

His sister's adult son, who happened to be an only child, begged his parents to do some special needs planning for his uncle. He knew he would eventually be the one to care for him but had no legal rights to do anything. Who else would there be? In many families, there isn't anyone. The nephew's parents did a portion of the planning prior to their deaths but didn't complete it. His parents passed away within months of each other, and now, the son has been trying to navigate the many disability systems, including Social Security, TennCare, group homes, and conservatorship, in a

crisis moment. For his uncle to be eligible for certain benefits that would help pay for a group home, we (as his attorneys) had to be able to prove that he had a disability prior to the age of 22. Where do you think we could find that proof? Can the nephew make legal decisions for him? Can we find care for him? Does he get Social Security benefits? Who is his payee? While grieving for his parents, the nephew has had to find the help to figure all of this out. I can assure you that a crisis is the worst time to do this work. However, can it be done? The answer is yes.

Our Chambliss special needs team is prepared to help families at any stage of their journey, but the best time to do this planning is before a crisis occurs. If worrying about a family member with a disability is keeping you up at night, we can help. We understand this from a personal and professional level.

Don't wait — contact a member of our [special needs planning](#) team today for assistance with any of the following:

- Special Needs Trust Planning
- Navigating Public Benefits
- Conservatorships and Guardianships
- Care Coordination
- Power of Attorney
- Able Accounts

Estate Planning Resources

6 Ways the Sandwich Generation Can Plan for the Future

Anyone experiencing the struggle of simultaneously caring for children and aging parents is part of the sandwich generation. Although “generation” is part of the phrase, it doesn't refer to people born at a specific time. Typically, these family caregivers will be in the 30 to 40-year-old age range, providing for their families and balancing care duties between the needs of children and parents...

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Mental Illness and Social Security Disability Benefits

Living with mental illness can make gainful employment impossible. The Social Security Administration provides disability benefits to people with certain mental illnesses through two federal programs. Social Security Disability Insurance and Supplemental Security Income help support qualifying individuals with mental illnesses that significantly impair their ability to work...

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Should a POLST Be Part of Your Care Plan?

The American Hospital Association estimates that half of Americans suffer from chronic conditions like heart disease, diabetes, and cancer. Following a diagnosis, many experience concerns about the kind of care they will receive. They may worry about how invasive it will be and how it will affect their quality of life. Fortunately, you can proactively decide what treatments would or would not suit your preferences...

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What Does Incapacitated Mean in Elder Law and Estate Planning?

When working with an attorney to prepare for your future and address the challenges associated with aging, you will likely come across the term “incapacitated”...

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Upcoming Events

Chillin' Like Villains Holiday Dance

Where: [The Crossings Room at the Brainerd Crossroads](#) | **When:** December 5, 2023

Chillin' Like Villains is an adult social group for individuals who have various disabilities, ages 18 and up. They meet once a month at different locations around town and do a variety of activities such as attend sporting events, potluck dinners, themed evenings, and more. December's event will be a holiday dance! Please RSVP by November 29 to Josh at jabbott1@chattanooga.gov or (423) 643-6091.

Dreamnights at the Chattanooga Zoo – Asian Lanterns

Where: [Chattanooga Zoo](#) | **When:** December 12, 2023

The festival will feature more than 30 illuminated lantern displays throughout the Zoo. Lanterns will feature guests' favorite zoo animals, traditional Asian lanterns, and natural elements. Movement and interactive displays will ensure a captivating experience. This event is free for individuals with chronic illnesses, disabilities, or special needs along with their families and caregivers. Registration will open soon. For questions regarding this event, please contact the Chattanooga Zoo at (423) 697-1322 or info@chattzoo.org.

Catalyst Climbing Clinics

Where: [High Point Climbing Gym](#) | **When:** November 21 and December 19, 2023

Catalyst Sports is a nonprofit organization based out of Atlanta whose mission is as follows: to empower people by providing the highest quality of adaptive sports for individuals with physical disabilities. Contact Jessie at jmock@chattanooga.gov or (423) 643-6606 for more information.

T-Recs

Where: [Greenway Farms Conference Center](#) | **When:** Third Thursday of Each Month

T-Recs is a teen social and recreation group for individuals with disabilities, ages 13-17 years old, that meets monthly to play games, socialize, explore the outdoors, go on outings into the community and more! For more information or to participate, contact Jessie at jmock@chattanooga.gov or (423) 643-6606.

Also Check Out

Chattanooga Hospital Now Offering Music Therapy to Patients

Music therapy, which shows promise in helping patients recover from or slow the progression of neurological conditions, is now being offered to patients at CHI Memorial Hospital.

Medicare Finalizes 3.4% Payment Cut for Physician Fees in 2024

Physicians will receive a 3.4% cut in their Medicare reimbursement under a final rule released by the Centers for Medicare & Medicaid Services.

Redeveloping the Riverview Park Playground, Bringing Inclusivity

Get a first look at the redevelopment of this North Chattanooga park in the Riverview neighborhood that will be designed to suit the needs of all abilities.