

RUBIN

LAW A Professional
Corporation

Buffalo Grove Business Park - 1110 West Lake Cook Road, Suite 165
Buffalo Grove, Illinois 60089-1997
email@rubinlaw.com - www.rubinlaw.com
847.279.7999 • toll free 866.to.rubin (867.8246) • fax 847.279.0090

Attorneys: Brian Rubin • Benjamin Rubin • Judith Smith • Melanie Hoffman
Staff: Nicole Rosenthal • Linda Rubin • Karen Muschkat • Carmen Cuzmanko • Mitchell Rubin

Our law practice is limited to "special needs legal and future planning" for our fellow Illinois families of individuals with special needs, including, but not limited to, intellectual disabilities, developmental disabilities, and/or mental illness.

(Attorney memberships include the Special Needs Alliance and the Academy of Special Needs Planners)

So you have Questions?

➔ **How is Rubin Law
"different" than
Other law firms?**

➔ **What does it cost?**

➔ **What is "included"
in that cost?**

➔ **What is the 1st step?**

A message from Brian Rubin:

1. **My law firm's practice is limited to serving my fellow families of children with special needs... not concentrated, but limited.** That is **all** we do. I have been in practice since 1976. Since 1982, when my own son, Mitch, who has Autism, was one year old, my professional practice, as well as my personal time, has been devoted to planning for the future of my fellow families of children and adults with special needs. Our firm's mission is to provide Special Needs Future Planning, with compassion and understanding, for our fellow Illinois families of children and adults with special needs. My youngest son, Benjamin (Benji), Mitch's younger brother is an attorney and joined the family firm in 2010. Our firm also includes attorneys Judie Smith and Melanie Hoffman, as well as para-professional staff of my daughter, Nicole Rosenthal, my wife, Linda Rubin, Karen Muschkat, and Carmen Cuzmanko, a mother of a son with autism. My son Mitchell, who has autism also works in our office part-time.

2. **The first step in the process is that the family will have an Office Consultation .** This meeting normally lasts approximately two (2) hours. During this meeting, we will:
 - a. Review your personal family situation;
 - b. Review your current or existing Wills and Trusts, including any Special Needs Trusts, Powers of Attorney, and Living Wills, if any;
 - c. Explain the who, what, where, when, why and how of Government Benefits, such as SSI, Medicaid, SSDI and Medicare for adults with special needs;
 - d. Discuss Special Education Transition Planning "tips" and "advice" if the child is still in school;
 - e. Discuss State programs and services available, regardless of parents' assets or income, prior to child turning 18;
 - f. Discuss State programs and services available after the child is 18, even while the child is still in school and/or still at home, regardless of parents assets and income;
 - g. Provide practical advice and guidance on accessing post school, post 22, State programs and services, such as:
 - i. Supported Employment
 - ii. Sheltered Employment (Regular Work)
 - iii. Developmental Training (DT)
 - iv. In Home Services
 - v. Residential Options
 - h. Discuss and provide guidance on selecting guardians for when parents have passed on, are elderly, or have lost capacity, for your minor children and in particular, your child with special needs;

- i. Discuss selecting Trustees, that is, the individuals who will watch the money for your children, in particular, your child with special needs, when you are no longer able to do so;
 - j. Discuss how the Special Needs Trust will operate, will work, in *“plain English”*;
 - k. Provide guidance on educating the extended family and friends, such as siblings, grandparents, Aunts and Uncles on the need to modify their estate plan documents;
 - l. Provide guidance on opportunities if a relative needs to go into a Nursing Home... how the Special Needs Trust for their child could be used to secure Medicaid for that relative;
 - m. Provide guidance on special required documentation if the parents are, or in the future are, divorced, due to there being a child with special needs;
 - n. Provide guidance on dividing assets remaining when the parents pass on between the child with special needs and the other child or children;
 - o. Provide guidance on leaving instructions for future Guardians and Trustees of their child with special needs;
 - p. Discuss the appropriate State documents for when parents are out of town and their child or children are in the care of others;
 - q. Discuss the appropriate State documents in the event that the parents or legal Guardians are still living but not physically or mentally competent to care for minor children, in particular, a child with special needs;
 - r. Discuss alternatives to “dividing the pot” among the children when there is a child with special needs;
 - s. Discuss Guardianship for children 18 or older, and the possible alternatives (see more on this topic below);
 - t. Discuss Federal and Illinois Estate Tax Planning, when appropriate;
 - u. Discuss the advantages of Probate Avoidance;
 - v. Answer all of your questions.
3. ***The fee for the Initial Consultation described above, is \$500.*** At the conclusion of the consultation, we will make recommendations as to the estate plan, or revised estate plan, necessary and appropriate for your unique situation. We have a “fixed” or “flat”, all-inclusive, schedule of fees, for such services. Regretfully, it is impossible for us to tell you what documents you will need, or which fees from the fee schedule are applicable until I meet with you, review your individual family situation, learn more about your child with special needs, as well as those of your other children, and understand your desires and your requests.

4. The “all inclusive” fee that will be provided to you at that time, includes:

- a. The Initial Consultation;**
- b. Our drafting for your review of all appropriate documents, including, as may be appropriate for your estate and family situation:
 - i. Wills, including provisions for non-special needs children;**
 - ii. Third Party Special Needs Trusts for inheritances and gifts;**
 - iii. First Party “OBRA 93 Pay Back” Special Needs Trust for medical malpractice, personal injury or other law suit settlements, as well as miss-directed inheritances and other assets of the child;**
 - iv. Revocable Living Trusts, including transfer of residence;**
 - v. Irrevocable Life Insurance Trusts;**
 - vi. Charitable Trusts;**
 - vii. Form letters, letters of instructions and certifications for all Trusts;**
 - viii. Declarations of Trust Ownership;**
 - ix. Sworn Declarations of Estate Planning Intent, for married couples “in case of” subsequent divorce;**
 - x. Durable Statutory Powers of Attorney for Property for financial matters;**
 - xi. Durable Statutory Powers of Attorney for Health Care;**
 - xii. Illinois Statutory Living Wills;**
 - xiii. Illinois Statutory Health Surrogate Act Declarations for child with special needs;**
 - xiv. Illinois Statutory Short Term Guardian Declarations;**
 - xv. Among other documents.****
- c. A binder of all proposed documents for your review;**
- d. All necessary changes and modifications to those draft documents, that you may request;**
- e. Phone consultations in regards to your questions regarding the draft documents;**
- f. A second Office Consultation, which normally will last approximately ninety (90) minutes to two (2) hours, to review and explain the documents, in as little or as much detail as you desire, followed by the signing of all of the documents in the presence of our provided witnesses and Notary Public;**
- g. A bound copy of all of the signed, witnessed and notarized documents;**
- h. A permanent envelope containing all of the original documents;**
- i. Instruction Letters;**
- j. Form letters and Trust Certifications;**

- k. After the second Office Consultation at which the documents are signed, we continue to provide ongoing services to our clients for no additional charges, unlike most other law firms. That is, we provide the following services, not usually provided by attorneys (except for additional hourly fees), so long as we prepared your estate plan, such as:
- i. Answering telephone questions of clients on government benefits;
 - ii. Answering telephone questions on transition planning;
 - iii. Answering telephone questions on post 21 programs and agencies;
 - iv. Consult with client's personal injury, corporate, or divorce lawyers;
 - v. Consult with clients regarding beneficiary changes, title changes and funding (opening accounts) in the name of the trust, if desired;
 - vi. Consult with extended family, and the extended family's attorneys as to their need to, "just in case", address the fact in their estate plan, that there is a potential heir who has special needs;
 - vii. Defend the Special Needs Trust(s), if required, before government agencies;
 - viii. Advise clients of changes in laws, regulations, or administrative rules that might affect the Special Needs Planning;
 - ix. Provide introductions for clients to individuals at agencies providing services;
 - x. Among other services.

More on Guardianship...

Having individuals appointed Guardians for someone over 18 is a court proceeding. We can arrange that service in the counties of Cook, Lake, DuPage, Kane and McHenry. The "fixed" or "flat" all-inclusive fee is also reflected on a fee schedule. The fee is dependent upon which county the individual with special needs has his or her permanent residence, and certain other circumstances, such as the marital situation of the parents, cooperation of the person/child, cognitive level of the individual/child, etc. We also prepare Short term and Stand By Guardian Declarations as part of our representation, so that the Guardian is able to delegate to someone else their Guardian responsibility if they are out of town, or if they become unable to serve due to disability, such as a stroke, etc.

More Questions ?

If you have additional questions about our firm and its approach, please call us at 847.279.7999, or outside of the Chicago Metro Area, Toll Free at 866.To.Rubin. Please also visit our web site at www.rubinlawcorp.com.

Brian Rubin

OUR FIRM'S & OUR FAMILY'S MISSION:

Special Needs Legal and Future Planning, with compassion and understanding, in order to guide our fellow families of children and adults with intellectual disabilities, developmental disabilities, and/or mental illness, down the "road to peace of mind".

Special Needs Future Planning includes, in addition to "normal" or "traditional" estate planning, Discretionary Supplemental or Special Needs Trusts, OBRA 93 or Medicaid "Pay-Back" Trusts, Adult Guardianship & alternatives, Health Surrogate Act Declarations, forms and language for the extended family to "piggy-back" on the Special Needs Trust, coordinating beneficiary designations for life insurance, IRAs, 401ks, pensions & profit sharing, planning for "post 18" child support if parents are divorced, Short-Term & Stand-By Guardian Declarations, special provisions and modifications to the parents' Wills, Living Trusts, Powers of Attorneys, as well as help with Medicaid, SSI, residential, day programs, employment issues & many, many related other matters.