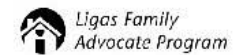


11th Annual Informational Seminar

presented by

*The Arc of Illinois, Family Support Network and
the Ligas Family Advocate Program*



9:15 - 10:15 a.m. - As you are planning for the future - What You Need to Know about:

- **Guardianship, and the many alternatives to Guardianship including:**
 - **Supported Decision Making**
 - **Powers of Attorney**
 - **Limited Guardianship**
 - **Plenary (Full) Guardianship**
- **ABLE Accounts, the who, what, why, where, when and how...**

*Brian Rubin JD (Attorney & Parent)
Benjamin Rubin JD LLM (Attorney & Sibling)*



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& Future Planning**

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“Legal and future planning for our fellow families of individuals with special needs, including intellectual disabilities, developmental disabilities, and/or mental illness, is not one thing we do, it’s the only thing we do; it’s not one area of our practice, it’s our only area of practice.”

When someone is an adult, 18 in Illinois, that person is **presumed fully legally competent...**

and

only **IF** a court (**Judge**) determines otherwise, is that person **NOT** deemed competent...

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- Schools?
- Doctors/Hospitals
- Insurance Claims?
- Signing documents/Contracts
- Dealing with SSA /State
- Residential/Living arrangements
- Employment/Day Programs
- Agencies
- Marriage
- Driving
- Arrests - DD/ID/MI is NOT Diplomatic Immunity...



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SO... the questions to ask...

- Can he/she **fully manage** his/her personal, medical, education & financial **decisions**?

Even **IF** can...

- Could he/she be **vulnerable** to, or be **taken advantage** of by others?

IF SO, THEN...

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Before considering
"Guardianship",
ALWAYS
first consider the
ALTERNATIVES

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**What are
the
ALTERNATIVES?**

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OPTION #1
Do nothing?
Actually...
If **NO** "CAPACITY"
FOR **MEDICAL DECISIONS...**
THEN →

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Illinois Health Care Surrogate Act

(IF **NO** decisional capacity)




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Capacity For Medical Decisions:

Decisional capacity for **MEDICAL/HEALTH** means:

1. the ability to understand and appreciate the nature and consequences of a decision regarding medical treatment or forgoing life-sustaining treatment **and**
2. The ability to reach and communicate an informed decision in the matter **as determined by the attending physician.**



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(795 ILCS 40/2) Health Care Surrogate Act.

(795 ILCS 40/2) Sec. 1. Short title. This Act may be cited as the Health Care Surrogate Act. (Source: P.A. 82-0863)

(795 ILCS 40/2) Sec. 2. Legislative findings and purposes.

(795 ILCS 40/2) Sec. 3. Definitions.

(795 ILCS 40/2) Sec. 4. Scope of authority.

(795 ILCS 40/2) Sec. 5. Designation of health care surrogate.

(795 ILCS 40/2) Sec. 6. Duties of health care surrogate.

(795 ILCS 40/2) Sec. 7. Effect of health care surrogate designation.

(795 ILCS 40/2) Sec. 8. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 9. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 10. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 11. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 12. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 13. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 14. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 15. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 16. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 17. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 18. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 19. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 20. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 21. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 22. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 23. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 24. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 25. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 26. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 27. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 28. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 29. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 30. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 31. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 32. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 33. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 34. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 35. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 36. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 37. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 38. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 39. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 40. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 41. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 42. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 43. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 44. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 45. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 46. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 47. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 48. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 49. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 50. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 51. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 52. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 53. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 54. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 55. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 56. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 57. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 58. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 59. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 60. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 61. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 62. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 63. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 64. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 65. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 66. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 67. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 68. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 69. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 70. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 71. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 72. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 73. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 74. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 75. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 76. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 77. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 78. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 79. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 80. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 81. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 82. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 83. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 84. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 85. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 86. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 87. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 88. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 89. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 90. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 91. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 92. Health care surrogate's liability.

(795 ILCS 40/2) Sec. 93. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 94. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 95. Health care surrogate's liability.


(795 ILCS 40/2) Sec. 96. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 97. Health care surrogate's duties.

(795 ILCS 40/2) Sec. 98. Health care surrogate's liability.


(795 ILCS 40/2) Sec. 99. Health care surrogate's powers.

(795 ILCS 40/2) Sec. 100. Health care surrogate's duties.



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OPTION #2
 IF DO HAVE
 "Decisional Capacity"
 then... →



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Supported
 Decision
 Making



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SUPPORTED DECISION MAKING?
 ILLINOIS PUBLIC ACT 102-0614 - EFFECTIVE 2/27/2022


1. Authorizes the creation of supported decision-making agreements
2. Allows a "supporter" to assist a "principal" with an intellectual or developmental disability, **WHO HAS DECISIONAL CAPACITY**, "in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement." I know, "CLEAR AS MUD!"
3. Provides a form.
4. Principal may revoke at any time.
5. **CANNOT MAKE DECISIONS** for principal.
6. If **NO** decisional capacity then **Guardianship is what is needed.**





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OPTION #3

AGAIN, IF DO HAVE
Decisional Capacity



then... 

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PowerS of
Attorney

(IF decisional
capacity)



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Capacity for "FINANCIAL" Decisions

Capacity for financial decisions, for an Illinois Durable Power of Attorney for Property, is the same as capacity to sign a Will, defined in Illinois as the mental ability:

1. to know and remember who are the natural objects of one's bounty; AND
2. to comprehend the kind and character of one's property; AND
3. to make disposition of the property according to some plan formed in one's mind.

I know, again. "CLEAR AS MUD!"
To know what they are signing & why...

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\$ FINANCIAL \$

1987

**Print?
Mark?
Stamp?**

Direct others to sign?

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Example **additional** Powers, when appropriate... 1987 to 2021

- IRS
- Residential
- Employment matters
- Funding/establishing self settled (d4A/C)
- SNTs & ABL Accounts
- HIPAA release
- UID/PW
- Copies

AND MUCH MORE...

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1987, 2011 & several revisions thereafter...

HEALTH CARE

**Print?
Mark?
Stamp?**

Direct others to sign?

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 DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISIONS
 Illinois Statute 105 ILCS 5/14-6.10

EDUCATION
SPECIAL ED -2007
Print?
Mark?
Stamp?
Direct others to sign?

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STUDENT SIGN
 PARENT SIGN

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 DECLARATION FOR MENTAL HEALTH TREATMENT

MENTAL HEALTH
Print?
Mark?
Stamp?
Direct others to sign?
5 PAGE FORM

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 SSA

REQUIRES THEIR OWN FORM
Print?
Mark?
Stamp?
Direct others to sign?

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APPROVED REPRESENTATIVE CONSENT FORM (PERMANENT)

THE STATE
**DHS/HFS
 REQUIRES THEIR
 OWN FORM**

**Print?
 Mark?
 Stamp?
 Direct others to sign?**

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What if he/she:



- **DOES HAVE CAPACITY** to "sign" **BUT** refuses to "sign"?
- **DOESN'T HAVE CAPACITY** to "sign"?
- **HAS CAPACITY, HOWEVER**, just can't help **getting himself/herself into trouble**; maybe legal, maybe criminal, maybe financial, maybe personal, maybe medical/health related?
- **HAS CAPACITY, HOWEVER**, is a danger to himself/herself or others?

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AND WHAT IF he/she **DOES HAVE CAPACITY** to "sign" **BUT**



- **He/She** terminates/voids the PA as soon as... when...?
- **AND...**
 - Doesn't **prohibit** him/her from...
 - Remains vulnerable?

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That is, *will Powers be enough?*



- What if he/she is on computer buying things with mom's credit card.
- What if he/she refuses to have parents at IEP/504/ISP meeting, or is "tricked".
- What if he/she is being asked to sign ___?

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If he/she can't, or won't sign DPAs... **AND/OR** if you determined that SDM, DPAs, or HCSA, are simply **NOT ENOUGH** to assist and/or protect him/her...

THEN, MAYBE... JUST MAYBE, "some form" of **GUARDIANSHIP** would be appropriate to help, and to protect him/her, from himself/herself, and from others...

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OPTION # 4

Guardianship...



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The Guardianship Law!

755 ILCS 5/11a

Going to court to take away someone's rights...

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GUARDIANSHIP

- Independence vs. Protection?
- Court... Law Suit... Venue
- Report – Illinois M.D., or ***IF I/DD can be a clinical psychologist licensed under the Clinical Psychologist Licensing Act.***
- Summons (14 days)
- Who can be appointed (U.S. Resident)
- Required notices

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GUARDIANSHIP

- ✓ Guardian ad Litem
(Depends on County)
- ✓ Parents as “Co”
- ✓ Siblings, others, as “Co”
- ✓ Agencies’ positions

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GUARDIANSHIP

- When can do it ?
- Person vs. Estate ?
- Residential Placement ?
- Sterilization
- Annual Reports ? Depends on County... On Line... E-File!

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NO MORE MAILING ANNUAL REPORTS
or even hand delivering!
MUST NOW
E-FILE AS OF 1/1/18
EXCEPT Cook County ☹

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(755 ILCS 5/11a-14.1)
Residential placement
 No guardian appointed under this Article, except for duly appointed Public Guardians and the Office of State Guardian, shall have the power, unless specified by court order, to place his ward in a residential facility.
 The guardian shall have a duty to investigate the availability of reasonable residential alternatives. The guardian shall monitor the placement of the ward on an on-going basis to ensure its continued appropriateness, and shall pursue appropriate alternatives as needed.

Back to Court For "residential" placement!

Need to educate agencies!

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 e: P.A. 90-250, eff. 1/1/91

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GUARDIANSHIP

- Move out of State
- Move out of County? ✓ (Depends on County)
- Why some parents/siblings decline due to possible liability or?
- Then what?
- State Guardian/Private?

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GUARDIANSHIP

- Health Care Surrogate Act – Guardian #1
- Make medical treatment decisions including decisions to forgo or withdraw life-sustaining treatment.

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NO DRIVER'S LICENSE IF PLENARY GUARDIANSHIP

Illinois State Law (755 ILCS 5/11a-25) requires the probate court to notify the Secretary of State when a person is adjudged to be incompetent and a plenary guardian is appointed, no driver's license can be issued.

When the Secretary of State receives notification from the probate court, 5/6-103, specifically provides that the Secretary of State shall suspend the driver's license of any person, as a result of a finding of incompetency, with or suffering from any mental illness.

REQUEST FORM # 8

Beware, don't violate the law!

Even if DMV, with M.D. letter, allows, **DON'T!** (Liability - Insurance)

NOT IF PLENARY for sure... Limited needed!

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Why/When Limited Guardianship?

- ✓ Needs Guardian, but won't cooperate? Consider "limited" ...
- ✓ Liability concerns of Guardian candidates? Consider "limited" ...
- ✓ He/she will be "driving"? **MUST** only have "limited", NOT plenary!

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Limited Guardianship

Appointment of a Limited Guardian **DOES NOT** constitute a finding of legal incompetence!

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REQUIRED TRAINING!
NEW ILLINOIS LAW - Public Act 100-483
Effective September 8, 2018
REQUIRED TRAINING FOR GUARDIANS... even for parents

- **Required Training**
 - outlines the duties and responsibilities of guardians...
 - outlines the rights of a person with a disability...
 - at no cost, and shall
- File with court a certificate of completion within one year
- "the court may, for good cause shown, exempt from this requirement..."

Cook County was exempt UNTIL 1/1/23.
 Now even in Cook County...



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GAC - Office of State Guardian
Guardianship Training

Click here to take the Guardianship training that will provide you with a certificate that you can file with the court; to obtain the certificate and take the training you will need to register with an email address: <https://onenet.illinois.gov/guardianship>

Click here if you would like to view the training without registering; you will not be provided a certificate: <https://onenet.illinois.gov/page.aspx?Item=115268&review=1>

Click here for a list of disability related resources: <https://onenet.illinois.gov/page.aspx?Item=116040>

Guardianship Training Link:
<https://www2.illinois.gov/sites/gac/OSG/Pages/Guardianship-Training.aspx>



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Co-Guardians ?

- Law ?
- Agencies ?
- M.D.s/Hospitals?



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• Use Short Term Guardian Declaration to delegate to Co... or Cos to a 3rd party?



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(755 ILCS 5/11a-18.3)
Duties of short-term Guardian of a disabled person

(a) *...The short-term guardian of the person shall have authority to act... without direction of the court... in no case shall exceed a cumulative total of 60 days in any 12 month period for all short-term guardians appointed by the guardian.*

(b) *... not have any authority to act as guardian of the estate ...*

(Source: P.A. 90-796, eff. 12-15-98.)

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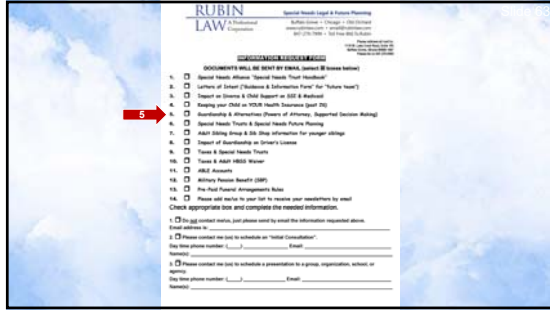
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BUT, EVEN IF A PLENARY GUARDIAN IS APPOINTED... THE WARD CAN STILL VOTE... FOR THIS IS ILLINOIS!

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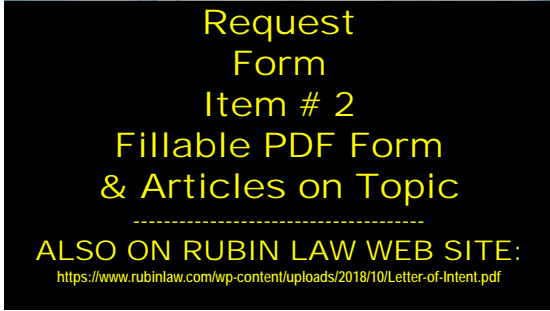
62



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**In EP Magazines
February 2011
Brian Rubin**

**In Parenting
Special Needs
Jan/Feb 2014
Brian Rubin**

**In Met Life
Agent/Broker
Newsletter
Edition 4 2013
Brian Rubin**

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Dallas, Texas 75243
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DOCUMENTS WILL BE SENT BY EMAIL UNLESS IT SAYS OTHERWISE

- Special Needs Attorney "Special Needs Trust" needed?
- Letter of Intent of Guardians & Educational Trust For "Future Care"?
- Trust or Income & PMA Support or SSI & Medicaid
- Funding your child or child's health insurance (plan #)?
- Guardianship & Alternative Dispute Resolution?
- Special Needs Trusts & Special Needs Future Planning
- Asset Sheltering & Gift Tax Information for younger siblings?
- Trust of Guardianship or Trust's Income
- Trusts & Special Needs Trusts
- Trusts & Asset Protection
- IRAs accounts
- Military Reserve Benefit (MRB)?
- The First Power of Attorney Rules
- Please call back to our law firm to receive your membership by email

Check appropriate box and complete the needed information.

I do not understand this form, please email me the information requested above.

Please contact me back to schedule an "Initial Consultation".

My phone number: (_____) _____-_____. Email: _____

My fax phone number: (_____) _____-_____. Email: _____

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Email form To email@rubinlaw.com

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WHAT/WHY/WHEN ABLE?

When to consider ABLE?

- Excess SSI/SSDI/Earnings to avoid \$2,000 issue?
 - But if SSDI not SSI... & working, consider HBWD let!
- Short term savings
- For beneficiary to be in control of "some" spending money
- Avoid 1/3 reduction for housing if on SSI
- Small inheritances not correctly left to 3rd party trust
- Small lawsuit settlements
- Court ordered divorce child support not to exceed \$17,000 in a calendar year (2023)...
- 2018 - Convert traditional 529 Account... up to \$17,000 limit...
- 2018 - **Additional contribution** by BENEFICIARY of the lesser of earned income from employment for year & federal poverty level amount, **if no contribution by or for to an employer retirement saving plan. However, the earned income will still be counted for purposes of eligibility.**

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ABLE #11

DOCUMENTS WILL BE SENT BY EMAIL, UNLESS OTHERWISE NOTED

- Special Needs Willing "Special Needs Trust Checklist"
- Copy of Special Education & Educational Plan for "Special Needs"
- Report on Income & Asset Support in SSI & Medicaid
- Copy your state or child needs services plan file
- Beneficiary & Withdrawal Powers of Appointment
- Special Needs Trust & Special Needs Future Planning
- ADAT Billing Issue & SO-Other information for program settings
- Report of Beneficiary or SSI on SSI's Income
- State & Special Needs Trusts
- State & ADAT "Wider"
- ADAT Accounts
- Military Pension Benefits (MSP)
- An Act Federal Employment Act
- Please add notes to your list to include your comments by email

Check appropriate box and complete the needed information.

I do not need notes, just please send by email the information requested above.

Send address to _____

Please contact me (or to schedule a consultation or "Initial Consultation")

Day time phone number: (____) _____ Email: _____

Please contact the law to schedule a consultation in a group, organization, school, or agency.

Day time phone number: (____) _____ Email: _____

NO TRAVEL, PLEASE. Consultations and document signing ALL virtual - via ZOOM, one-on-one in accordance with our Remote Work.

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QUESTIONS

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"Legal and future planning for our fellow families of individuals with special needs, including intellectual disabilities, developmental disabilities, and/or mental illness, is not one thing we do, it's the only thing we do; it's not one area of our practice, it's our only area of practice."

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Buffalo Grove • Chicago • Old Orchard
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847-279-7999 • Toll Free 866.To.Rubin



Legal and future planning for our fellow Illinois families of individuals with special needs, including intellectual disabilities, developmental disabilities, physical disabilities and/ or mental illness. It is not one thing we do – it is the only thing we do. It is not one area of our practice, but our only area of practice.

WHAT WE DO...

- Special Needs Trusts
- Government Benefits Planning (Medicaid/ SSI/ Medicare/ SSDI)
- Estate & Estate Tax Planning – Wills & Trusts
- Estate, Probate and Trust Administration
- Guardianships & Alternatives
- Powers of Attorney
- Letters of Intent
- Consulting on Special Needs Family Divorces
- Navigating the Illinois “MAZE” of Children & Adult Services
- Consulting on Special Needs Medical-Malpractice/ PI Settlements

ATTORNEYS

Brian Rubin (Parent) ~ Benjamin (Benji) Rubin (Sibling)
Judith (Judie) Smith ~ Melanie Hoffman ~ Jolie Kaplan (Sibling)

SUPPORT STAFF

Jill Yonover, Paralegal ~ Karen Muschkat, Legal Assistant
Bethany Callese, Paralegal (Sibling) ~ Linda Rubin, Legal Assistant (Parent)
Holly Garcia, Office Manager ~ Mitchell Rubin, Clerical Support (who has Autism)

Attorney Brian Rubin, the founder of Rubin Law, a former IRS Agent, and former IRS Attorney, has been a practicing attorney since 1976, is the parent of three children, one of whom, Mitchell, has Autism.

Brian's law practice, since 1982, when Mitchell was one year old, has been dedicated to serving the legal and future planning needs of his fellow Illinois families of children and adults with intellectual disabilities, developmental disabilities, and/or mental illness.

Brian is a Past President of the Special Needs Alliance, the national, non-profit, as-association of experienced special needs planning attorneys (membership is by invitation only), served on the Special Needs Law Section Steering Committee of the National Academy of Elder Law Attorneys, was a Charter Member of the Academy of Special Needs Planners, and is a Faculty Member and Textbook Author for the Illinois Institute for Continuing Legal Education (IICLE) on the topic of special needs legal and future planning, as well as a Speaker for the American Bar Association and the Illinois State Bar Association on those topics.



Brian has been elected as a Fellow of the American College of Trust and Estate Counsel (ACTEC) and has received the highest attorney rating from Martindale-Hubbell, "AV® Preeminent™", and AVVO's highest attorney rating of "Top Attorney".

Brian is a Past Chairman of the State of Illinois Statewide Advisory Council on Developmental Disabilities, is a Past Chairman of the State of Illinois Autism Task Force (established by the Illinois Legislature), served as a member of the State of Illinois Guardianship & Advocacy Commission, and served on the State of Illinois Department of Human Services Office of Inspector General Quality Care Board, among other State of Illinois Committees and Commissions.

Brian is a Past President of The Arc of Illinois (served on The Arc of Illinois Board for 15 years), has been a member of the Board of Directors of Clearbrook (an organization serving more than 8,000 individuals with intellectual and/or developmental disabilities, including his son, Mitchell) since 1989, is a member of the Board of Trustees of Life's Plan, Inc. which serves as Trustee of both Pooled Special Needs Trust and individual Special Needs Trusts.

Brian has also served on the Board of Directors of Pact, Inc.(now known as DayOne Pact, Inc) which serves as Trustee of Special Needs Trusts as well as Guardian for individuals with intellectual disabilities, developmental disabilities and/or mental illness, he served as a member (Past Chairman) of the Board of Directors of the Special Leisure Services Foundation, the foundation supporting the Northwest Suburban Special Recreation Association (NWSRA), served as the founding Chairman of the Board of Trustees of the Foundation of The Special Education District of Lake County (SEDOL Foundation), served on the Board of Directors of KESHET (Jewish Parents of Children with Special Needs), served on the Advisory Council of Encompass (Encompass in partnership with Jewish Child & Family Services, Jewish United Fund, JVS Chicago, JCC Chicago, Keshet, and The Center for Enriched Living and Center for Independent Futures), and served on the Board of Directors of Northpointe Re-sources, also an agency serving individuals with intellectual and/or developmental disabilities.

Attorney Benjamin (Benji) Rubin, Brian's youngest son and Mitchell's "little/big" brother, has been a member of the Law Firm since 2010 and is now President of Rubin Law, a professional corporation.

Benji graduated from the University of Illinois College of Law, Magna Cum Laude, received his undergraduate degree from Northwestern University, and his Graduate Law Degree, an LLM (Tax), with honors, also from Northwestern University.



Benji is a member of the Academy of Special Needs Planners, a member of the national Board of Directors of the Special Needs Alliance, national, non-profit, association of experienced special needs planning attorneys (membership is by invitation only), is Vice-Chair, American Bar Association Elder Law and Special Needs Planning, and Prior Chairman of the American Bar Association Special Needs Planning Committee.

Benji serves as the President of SIBS (Supporting Illinois Brothers and Sisters), the Illinois chapter of the national Sibling Leadership Network, an organization of adult siblings of individuals with intellectual disabilities, developmental disabilities and/or mental illness. Benji is a member of the Board of Directors of The Arc of Illinois, and is a member of the Clearbrook Associate Board, an organization serving more than 8,000 individuals with disabilities, including his brother, Mitchell. He also serves on the Board of Directors NSSRA (Northern Suburban Special Recreation Association) which facilitates and provides year-round recreation programs and services to individuals in Deerfield, Glencoe, Glenview, Highland Park, Kenilworth, Lake Bluff, Northbrook, Northfield, Wilmette and Winnetka; Highwood and Lake Forest, and Riverwoods.

Benji also serves on the Board of Directors of DayOne PACT, which serves as Trustee of Special Needs Trusts as well as Guardian for individuals with intellectual disabilities, developmental disabilities and/or mental illness, serves on the Board of Directors of the Foundation of The Special Education District of Lake County (SEDOL Foundation), served previously on the Advisory Council of Encompass (Encompass in partnership with Jewish Child & Family Services, Jewish United Fund, JVS Chicago, JCC Chicago, Keshet, and The Center for Enriched Living and Center for Independent Futures).

Benji is a Faculty Member for the Illinois Institute for Continuing Legal Education (IICLE) on the topic of special needs planning, as well as a Speaker for the American Bar Association and the Illinois State Bar Association on those topics.

Having Mitchell as a brother profoundly shaped who Benji is today, and thus the type of law he chose to practice. His firsthand experiences as a sibling offer a unique perspective into the responsibilities that come with caring for a sibling with special needs. Now as an adult, those sometimes present and future responsibilities he has regarding his brother's care are a concern that he shares with all brothers and sisters of individuals with special needs.

I received the following from a fellow father of a child with special needs.

Someone I Love

- **Someone I love relies on me in ways you will never understand.**
- **Someone I love endures pain and challenges that break my heart and renew my spirit at the same time. Someone I love is unable to advocate for themselves for things that most of us take for granted.**
- **Someone I love will never have the opportunities that every child should have.**
- **Someone I love will need unconditional love and support after I am gone - this frightens me to the core.**
- **Someone I love encounters pity, stereotyping responses, and prejudice at every turn, because they look, act, and/or learn differently than others.**
- **Someone I love has needs that require me to allow "outsiders" to have power and input in areas that should be mine alone to meet.**
- **Someone I love will continue to look to me for everything in life long after other children are able to assume a place as part of the world.**
- **Someone I love has needs that require more time and energy than I have to give.**
- **Someone I love has needs that mean I am not able to meet basic needs of my own.**
- **Someone I love has needs that have become the driving force behind major decisions my family makes.**
- **Someone I love has changed me in ways I will never be able to describe.**
- **Someone I love has taught me about love and about the really important things in life...**
- **And still others don't understand what it is to be me.. they aren't living in my skin.**

Brian Rubin

RUBIN

LAW A Professional Corporation

Special Needs Legal & Future Planning

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Brian Rubin — Mitchell Rubin — Benjamin Rubin

“Legal and future planning for our fellow Illinois families of individuals with special needs, including intellectual disabilities, developmental disabilities, physical disabilities, and/or mental illness, is not one thing we do, it’s the only thing we do; it’s not one area of our practice, it’s our only area of practice.”

Brian N. Rubin, Parent

Benjamin A. Rubin, Sibling

**NO travel needed...
consultations and
document signing,
ALL virtual, via
zoom, now
permitted in
accordance with
new Illinois laws...**

INFORMATION REQUEST FORM

DOCUMENTS WILL BE SENT BY EMAIL (select boxes below)

1. Special Needs Alliance "Special Needs Trust Handbook"
2. Letters of Intent ("Guidance & Information Form" for "future team")
3. Impact on Divorce & Child Support on SSI & Medicaid
4. Keeping your Child on YOUR Health Insurance (past 26)
5. Guardianship & Alternatives (Powers of Attorney)
6. Special Needs Trusts & Special Needs Future Planning
7. Adult Sibling Group & Sib Shop information for younger siblings
8. Impact of Guardianship on Driver's License
9. Taxes & Special Needs Trusts
10. Taxes & Adult HBSS Waiver
11. ABLE Accounts
12. Military Pension Benefit (SBP)
13. Pre-Paid Funeral Arrangements Rules
14. Please add me/us to your list to receive your newsletters by email

Check appropriate box and complete the needed information.

1. Do not contact me/us, just please send by email the information requested above.

Email address is: _____

2. Please contact me (us) to schedule an "Initial Consultation".

Day time phone number: (_____) _____ Email: _____

Name(s): _____

3. Please contact me (us) to schedule a presentation to a group, organization, school, or agency.

Day time phone number: (_____) _____ Email: _____

Name(s): _____

NO TRAVEL NEEDED... Consultations and document signing ALL virtual - via ZOOM, now permitted in accordance with new Illinois laws.