

RUBIN LAW A PROFESSIONAL CORPORATION

The Arc RISE 76TH ANNUAL CONVENTION
APRIL 29-30, 2026 | HYBRID

Attorney Brian Rubin
♦ Arc of Illinois Past President
♦ Director 2004-2019

Attorney Benji Rubin
♦ Arc of Illinois Past Treasurer
♦ Director 2014-2023

RUBIN TO RUBIN
"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."

RUBIN LAW A Professional Corporation
Special Needs Legal & Future Planning
www.rubinlaw.com
EMAIL@RUBINLAW.COM

1

MEMBER SNA

RUBIN LAW A Professional Corporation
Special Needs Legal & Future Planning

WWW.RUBINLAW.COM
EMAIL@RUBINLAW.COM
866.TO.RUBIN

"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 area of our practice, it's our only area of practice."


2

IT IS TIME TO START...

RUBIN LAW A Professional Corporation
Special Needs Legal & Future Planning

3

1st,
a “little”
about the
speakers






4

Brian Rubin



An attorney since 1976, Brian is the Parent of 3 children, one of whom, Mitchell, has Autism.

Brian’s law firm, since 1982, when Mitchell was one year old, has been dedicated to serving the legal & future planning needs of his fellow families of children & adults with special needs.


5

- Past President, The Arc of Illinois
- Former Commissioner, State of Illinois Guardianship & Advocacy Commission
- Past Chairman, State of Illinois, Department of Human Services, Statewide Advisory Council on Developmental Disabilities
- Past Chairman, State of Illinois Legislature’s Autism Task Force
- Served on the State of Illinois Department of Human Services, Office of Inspector General, Quality Care Board (“over-sight” of Agency) - Abuse and/or Neglect of individuals with developmental &/or intellectual disabilities, or mental illness
- Past President, Special Needs Alliance, the national, non-profit, membership by invitation, organization of special needs planning attorneys
- Was a Charter Member, Academy of Special Needs Planners, a national organization of special needs planning attorneys

6

- Former Director, DayOne Pact, special needs trusts' trustee, & guardian for individuals with developmental &/or intellectual disabilities
- Serves on the Board of Trustees of Life's Plan Inc., Trustee of both individual special needs' trusts & "Pooled" special needs trusts
- Continuing Legal Education Faculty (teaching other attorneys) on special needs trusts & special needs planning for Illinois Institute for Continuing Legal Education, Illinois State Bar Association, & American Bar Association
- Director, Clearbrook, since 1989, 37 years, an agency serving more than 8,000 children & adults with intellectual &/or developmental disabilities, including Brian's son, Mitchell
- Past Chairman, Special Leisure Services Foundation (SLSF), foundation for Northwest Suburban Special Recreation Association (NWSRA)
- Served as Founding Chairman of Foundation for Special Education District of Lake County Illinois (SEDOL Foundation)
- Former Director, Keshet & Northpointe Resources



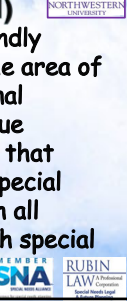
7



8

Benji Rubin (JD/LLM)

Having Mitchell as a brother profoundly shaped who Benji is today, & thus the area of law he chose to practice. His personal experiences as a sibling offer a unique perspective into the responsibilities that come with caring for a sibling with special needs, a concern that he shares with all brothers & sisters of individuals with special needs.



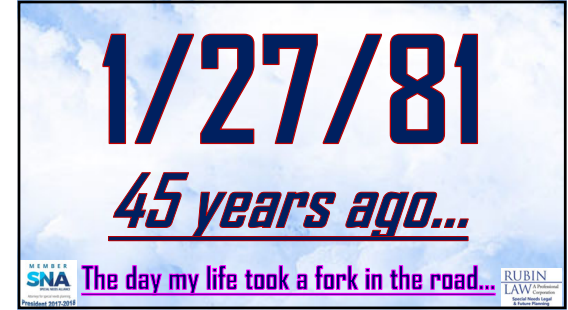
9

- Former Director and Former Treasurer, The Arc of Illinois
- Past-President & Director, of S.I.B.S., the Illinois Chapter of Sibling Leadership Network (National Sibling Association)
- Vice-Chair, American Bar Association Elder Law & Special Needs Planning Group
- Past-Chair, American Bar Association Special Needs Planning Committee
- Director, Clearbrook, an agency serving more than 8,000 children & adults with intellectual &/or developmental disabilities, including Benji's brother Mitchell
- Director, DayOne Pact, trustee of special needs trusts & serves as guardian
- Director, SEDOL (Special Education District of Lake County) Foundation
- Director, NSSRA (Northern Suburban Special Recreation Association) Foundation
- Director, Special Needs Alliance, the national, non-profit, membership by invitation, organization of special needs planning attorneys
- Member of the national Academy of Special Needs Planners
- Continuing Legal Education Faculty Member (teaching other attorneys) of the Illinois Institute for Continuing Legal Education, as well as for the Illinois State Bar Association, & for the American Bar Association, on the topic of special needs trusts, and special needs legal & future planning

10



11



12

→ **11:30 a.m. to 12:15 p.m.**
Session # 2
Special Needs Legal
& Future Planning

=====

→ **2:00 p.m. to 2:45 p.m.**
Session # 7
Guardianship & the
Many Alternatives...

13

Little/Big Brother Benji



14

MITCH



15

Growing up as a "Sibling"...

- Helps put things in perspective in life
- Different than parents...
- Vacations...
- Trips to the Store...
- Understanding our future responsibilities

MEMBER **SNA** SPECIAL NEEDS ASSOCIATION

RUBIN LAW CORPORATION
Special Needs Legal & Estate Planning

16

Benji Rubin
Past-President
S.I.B.S.
Supporting **I**llinois **B**rothers & **S**isters
Illinois Chapter of the national **S**ibling
Leadership **N**etwork

MEMBER **SNA** SPECIAL NEEDS ASSOCIATION

S.I.B.S. SIBLING LEADERSHIP NETWORK

RUBIN LAW CORPORATION
Special Needs Legal & Estate Planning

17

RUBIN LAW CORPORATION
Special Needs Legal & Estate Planning

MEMBER **SNA** SPECIAL NEEDS ASSOCIATION

DOCUMENTS WILL BE SENT BY EMAIL (check 8 boxes below)

- Special Needs Release "Special Needs Trust Checklist"
- Letters of Intent ("Wishes & Information Form" for "future heirs")
- Support on Income & Child Support or SSI & Medicaid
- Managing your Child or Adult Health Insurance (over 18)
- Guardianship & Alternatives (Power of Attorney, Supported Decision Making)
- Special Needs Trusts & Special Needs Public Planning
- Adult Sibling Group & Sibling Information for younger siblings
- Support of Guardianship or Special Needs
- Trusts & Special Needs Trusts
- Trusts & Adult IRAS Waiver
- Adult Assets
- Military Powers Benefit (MPB)
- Pay-As-You-Go Insurance Policy
- Please add marks to your list to receive your materials by email

Check appropriate box and complete the required information.

Send address to _____ families.

Day time phone number (____) _____ Email _____

Visit to _____

Send address to _____ families.

Day time phone number (____) _____ Email _____

Visit to _____

network.org & Siblings International network

7

SIBLING LEADERSHIP NETWORK

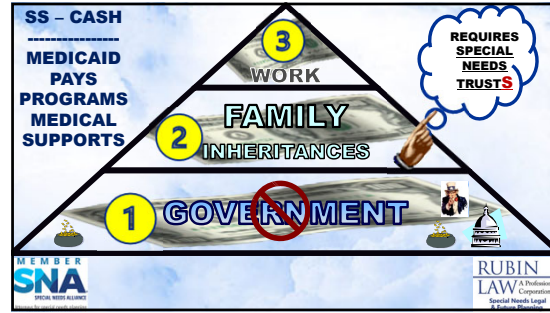
tip.org

RUBIN LAW CORPORATION
Special Needs Legal & Estate Planning

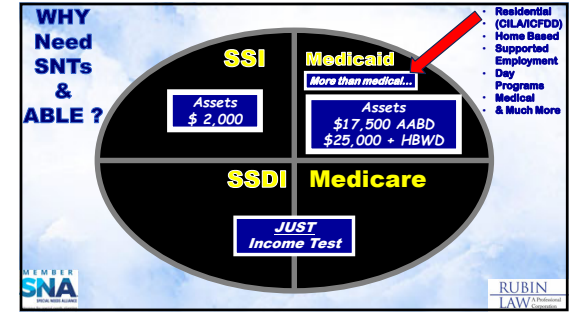
18



19



20



21

WRONG WAY **X** **WRONG WAY**

- “Directly”
- No Will
- “Disinherit” & leave to others (“moral Obligation”)
- “Traditional Trust”

MEMBER SNA RUBIN LAW

22

Special Needs Trusts

MEMBER SNA RUBIN LAW

23

Special Needs Trusts


- ➡ **3rd Party**
- ➡ **Self Settled**
aka, OBRA, 1st Party, Pay Back...

MEMBER SNA RUBIN LAW

24

SNTs.. 2 Versions, both...

- ✓ Reserve
- ✓ Supplemental Fund
- ✓ Over & Above Government Benefits
- ✓ No \$ limit
- ✓ Federal
- ✓ State



MEMBER SNA
RUBIN LAW A Professional Corporation
Special Needs Legal & Estate Planning

25

3rd Party Trusts

ORIGINAL - GOOD

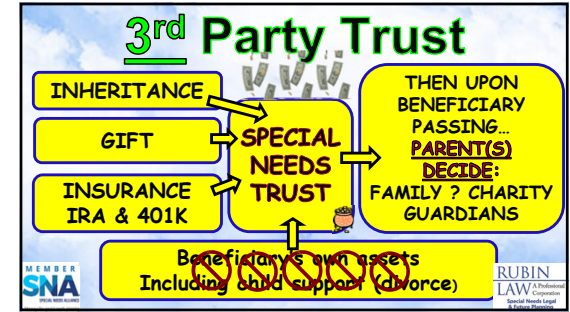
GIFTS INHERITANCES
NOT
OWN ASSETS
1st Party!

➔ by Court Decisions **1982**

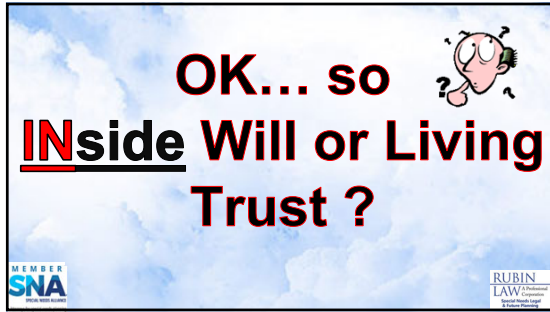
➔ by Statute 760 ILCS 3/509 (1/1/20)
Original statute 760 ILCS 5/15.1 **1991**

MEMBER SNA
RUBIN LAW A Professional Corporation
Special Needs Legal & Estate Planning

26



27



28



29



30

#1 So **NO** "Piggy Backing"
 #2 **NO** "Grand Fathering"
 #3 **NO** Nursing Home Impoverishment
 #4 **NO** Place for gifts to go

MEMBER SNA
 RUBIN LAW

31

So far just
3rd Party
But what if...

MEMBER SNA
 RUBIN LAW

32

Beneficiary **HAS** assets

Savings Bonds
 529? **NOT!** UTMA Accounts **at 21**
 IRA - 401k
 Excess SSI/SSDI
 Large Gift
 Law Suit Settlement
 Inheritance
 WILL/TRUST/BENEFICIARY

CHILD SUPPORT - DIVORCE

MEMBER SNA
 RUBIN LAW

33

If “NOT that much”

When to consider ABLE?

1. Excess SSI/SSDI/Earned Income... to avoid *resource/asset* issue:
 - SSI \$2,000 / AABD Medicaid \$17,500 / HBWD Medicaid \$25,000 + OBs
2. Short term savings
3. For beneficiary to be in control of “some” spending money
4. Small inheritances not correctly left to 3rd party trust
5. Court ordered divorce child support not to exceed \$20,000 (2026) in a calendar year - **MAYBE ?**
6. 2018 - Convert traditional 529 Account... up to \$20,000 limit (2026)...
7. Earned income still counts; ABLE not the answer for “too much” income!

34

More on ABLE?

3:15 p.m. after “Break”
Session #12
“Get Hands-on with IL ABLE”
JJ Hanley & Stephanie Kanter
Office of the Illinois State Treasurer

Bring your questions, and your curiosity, for some essential learning & hands on practice about opening & managing ABLE Savings & Investment Accounts.

35

Otherwise

1st Party Special Needs Trust

Federal Law 8/10/93
Illinois Law 1/1/96

MEMBER

SNA

www.sna.com

RUBIN

LAW

LLP

Specialty Law Firm

36

1st Party SNT
 Called... "Self Settled"... or

- ☑ "OBRA 93 Trust"...
- ☑ "(d)(4)(A) or (C) Trust"
- ☑ "PAY BACK Trust" (like an ABLE account...)
- ☑ **because...**

MEMBER SNA RUBIN LAW

37



38

1ST PARTY SNTS ARE THE VERSIONS REQUIRED FOR CHILD SUPPORT NOT 3RD PARTY SNTS!

& NOT ABLE, FOR SURE IF OVER ANNUAL LIMIT, & IN OUR OPINION, NEVER?!

MEMBER SNA RUBIN LAW

39

COMMON ATTORNEY MISTAKES!



**Not
100%
Discretionary**



43

COMMON ATTORNEY MISTAKES!

**Permitting
Pay TO...**
{So... **SHOULD**
provide ability to
distribute to **ABLE!**}



44

COMMON ATTORNEY MISTAKES!



**Over
Restrictive
Language...**



45

COMMON ATTORNEY MISTAKES!

**No "Contribution"
or
Gift Language
3rd Party**



46

COMMON ATTORNEY MISTAKES!

**No
"Contingent"
SNT for others**



47

COMMON ATTORNEY MISTAKES!

**No
"Termination"
Provision**



48

COMMON ATTORNEY MISTAKES!

NO
Nursing Home
IMPOVERISHMENT
PROVISION



49

COMMON ATTORNEY MISTAKES!

NO
TRS/SURS
& other "public"
Pensions Sub Trust



50

COMMON ATTORNEY MISTAKES!

No Provisions for
Next Generation
Trustees!



51

COMMON ATTORNEY MISTAKES!

**No Contingent
Corporate Trustee!**

MEMBER
SNA
President 2017-2018

RUBIN
LAW
A Professional
Corporation

52

COMMON ATTORNEY MISTAKES!

**No Trustee(s)'
or Guardian
Power to change
corporate trustee...
Trust Protectors?**

MEMBER
SNA
President 2017-2018

RUBIN
LAW
A Professional
Corporation

53

COMMON ATTORNEY MISTAKES!

**No Change
of State
Provision...**

MEMBER
SNA
President 2017-2018

RUBIN
LAW
A Professional
Corporation

54

COMMON ATTORNEY MISTAKES!

**No Family
&/or Friends
Instructions or
Forms!**






55

COMMON ATTORNEY MISTAKES!

**Provisions on “passing”
of beneficiary?**

1st Party: “ALL” States...

**3rd Party:
Parents GPA, CLP, Atom...**

56

COMMON ATTORNEY MISTAKES!

**Divorced Parents?
Common or
Separate SNTs?**




57

COMMON ATTORNEY MISTAKES!

Other Documents

- **Wills need special language!**
- **Living Trusts too**
- **Insurance Trusts too**
- **Powers of Attorney too**
- **Beneficiary Designations too**

MEMBER SNA
President 2017-2018

RUBIN LAW
A Professional Corporation

58

Rec For It # Han

est Item \$ ing rial

For

10

Administering a Special Needs Trust

A Handbook For Trustees

SNA
Helping you meet your goals

MEMBER SNA
President 2015-2016

RUBIN LAW
A Professional Corporation

59

You need to write it ALL down!

**Guidance & Instructions For
Future Guardians, Agents,
Trustees, & Care Providers.**

AKA Letter of Intent...

ABOUT MITCH RUBIN

MEMBER SNA
President 2017-2018

RUBIN LAW
A Professional Corporation

60

**Request
Form
Item # 2
Fillable PDF Form
& Articles on Topic**

ALSO ON RUBIN LAW WEB SITE:
<https://www.rubinlaw.com/wp-content/uploads/2018/10/Letter-of-Intent.pdf>

61

**In EP Magazine
February 2011
Brien Rubin**

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

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

MEMBER SNA President 2013-2014

RUBIN LAW CORPORATION

62

RUBIN LAW CORPORATION
Special Needs Legal & Future Planning
1000 Lakeside • Chicago, Illinois 60606
312.276.7898 • 312.266.1830

DOCUMENTS WILL BE SENT BY EMAIL, UNLESS WE BECOME BELOW

1. Special Needs Affidavit "Special Needs Trust Instrument"
2. Letters of Intent, Custodial & Information Form for "Future Trust"
3. Impact on Donor & Donee Support on 529 & Mutual
4. Funding for Child or Child Health Insurance (over 50)
5. Guardianship & Alternatives (Plenary of Attorney)
6. Special Needs Trusts & Special Needs Future Planning
7. Asset Allocation & IR, 529, Other Information for proper Allocation
8. Impact of Guardianship on Donor's Lifetime
9. Trusts & Special Needs Trusts
10. Trusts & Asset Allocation
11. ABLE Accounts
12. Ability Based Benefits (SMB)
13. Pre Paid Funeral Arrangements Rules
14. Please call today to get help to receive your assessment by email

Check appropriate box and complete the needed information.

1. Do not contact us now, just please send by email the information requested above.
Email address to _____

2. Please contact us back to schedule an "Initial Consultation".
Do this please contact _____ Email _____
Name(s) _____

3. Please contact us back to schedule a presentation to a group, organization, school, or agency.
Do this please contact _____ Email _____
Name(s) _____

**Email form
To
email@rubinlaw.com**

MEMBER SNA President 2013-2014

RUBIN LAW CORPORATION

63

11:30 a.m. to 12:15 p.m.
Session # 2
Special Needs Legal
& Future Planning

REMINDER =====

2:00 p.m. to 2:45 p.m.
Session # 7
Guardianship & the
Many Alternatives...

64

QUESTIONS

RUBIN LAW A Professional Corporation
Special Needs Legal & Future Planning

WWW.RUBINLAW.COM
 866.TO.RUBIN

"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."

65

RUBIN LAW Special Needs Legal & Future Planning
 A Professional Corporation
 www.rubinlaw.com email@rubinlaw.com
 847-279-7999 • Toll Free 866 To Rubin (866-867-8246) • Fax 847-279-0050

NO travel needed... consultations & document signing, ALL virtual, via zoom, now permitted in accordance with Illinois law...

RUBIN LAW A PROFESSIONAL CORPORATION
 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, Partner
 Benjamin A. Rubin, Sibling

66

WHAT WE DO... <ul style="list-style-type: none">· Special Needs Trusts· Government Benefits· Guardianships· Supported Decision Making & Powers of Attorney· Estate/Estate Tax Planning· Wills & Trusts· Estate Administration· Letters of Intent· Navigating the Illinois "MAZE" of Services· Consulting on Litigation Settlements· Consulting on Special Needs Family Divorces	NO travel needed... Consultations & document signing, ALL virtual, via Zoom, now permitted by Illinois law...	 <p>847.279.7999 or 866.to.rubin email@rubinlaw.com www.rubinlaw.com</p>
--	--	---

67
