QUCK REFERENCE GUIDE TO BRAIN INJURY LEGAL AND FINANCIAL CONSIDERATIONS IN MARYLAND - PAGE 1

Category	Purpose	Guidance	Why It Matters	Who to Contact	Helpful Websites
Guardianship	People file for guardianship to obtain the legal authority to make critical personal or financial decisions for someone who is no longer able to make these decisions for themselves. This step is taken when less restrictive alternatives (like powers of attorney) are unavailable and the individual is vulnerable to exploitation or neglect.	To start the guardianship process in Maryland, you will need to file a petition with the Circuit Court in the county where the alleged disabled person lives or where the minor's property is located.	Obtaining guardianship is critical in Maryland because it grants legal authority to make vital medical, residential, and financial decisions for an incapacitated adult or minor who cannot care for themselves. It ensures vulnerable individuals are protected from neglect, secures necessary healthcare, and prevents financial exploitation when no other legal alternatives exist.	Family Law Attorneys; Most all necessary forms are available on the Maryland Courts Guardianship Forms page.	https://www.mdcourts.gov/family/guardianship/courtappointedguardians
Supported Decision Making	Supported decision-making allows a disabled individual to retain their legal rights and make their own choices with the help of trusted advisors. With a Supported Decision Making Agreement, a Legal Guardian is not appointed.	A Supported Decision-Making Agreement can be used to describe the help a disabled person wants and needs. It makes clear how the disabled person will use supported decision-making, their rights, and what the supporter can and cannot do.	If the disabled person has A Decision-Making Agreement, they can make decisions without their supporter. They can also decide what decisions they need help from other people to make.	Family Law Attorneys Disability Rights Maryland	https://disabilityrightsmd.org/supported-decision-making/
Special Needs Trusts	A Special Needs Trust (SNT) is used to provide for an individual beneficiary with a disability – like a Brain Injury - with little to no effect on the beneficiary's eligibility for needs-based government benefits like Medicaid or Social Security Supplemental Income (SSI). If money is left to or given directly to a beneficiary with special needs, it may keep that person from qualifying for government benefits. The Special Needs Trust enables a beneficiary with a disability, or an individual with a chronic or acquired illness, to have, held in Trust for his or her benefit, an unlimited amount of assets. By placing money in an SNT, the funds are managed by a Trustee (usually a parent or sibling) for supplemental expenses (such as therapies, travel, or specialized equipment).	Generally, the SNT is established by an attorney, but they can also be established by individuals using forms found on-line.	A Special Needs Trust (SNT) is crucial because it allows individuals with disabilities to receive inheritances, gifts, or lawsuit settlements without losing eligibility for vital government assistance programs like Medicaid and Supplemental Security Income (SSI), which have strict financial limits.	Family Law Attorneys Individuals Using On-Line Forms	https://mdod.maryland.gov/about/Documents/ABLE/Special%20Needs%20Trusts%20-%20General%20Information.pdf
ABLE Accounts	A Maryland ABLE account can increase the amount of money a disabled person can save and not impact critical benefits like Medicaid and SSDI.	With Maryland ABLE accounts, disabled persons can contribute up to $20,000 per year (or more if the beneficiary is working) for a wide range of qualified disability expenses.	A disabled person can save and invest up to $100,000 before impacting SSI benefits. Other federal means-tested benefits such as Medicaid, housing and food assistance are not impacted by the balance of an ABLE account. Similarly, ABLE account balances are disregarded for the purpose of determining eligibility to receive any assistance or benefits from Maryland means-tested programs like Medicaid and Medicaid Waivers.	Family Law Attorneys Individuals Using On-Line Forms	https://www.marylandable.org/?gad_source=1&gad_campaignid=23857179507&gbraid=0AAABDtLKX8m3aGFLX9MhpLz0oSwOw22k&gclid=EAIaIQobChMIvP7SqtjrlQMVdW5HAR2ypBZSEAAYASAAEgIHG_D_BwE.
Wills (New or Outdated)	The purpose of a will is to legally state a person's final wishes upon their death, primarily to distribute property, name guardians for minor children and or adult dependents and appoint an executor to manage the deceased's estate.	Without a will, the state decides how the deceased person's property is distributed. Many people choose to create trusts in their wills. These trusts go into effect upon a person's death and give greater flexibility and control over how property gets distributed.	If a Brain Injury Survivor is named in an outdated will, they may inherit resources that will disqualify them for critical benefits like Medicaid and SSDI. On the other hand, if a Brain Injury survivor outlives a person who meant to pass on all or part of their estate to the survivor and no will was ever made, the state may inherit the deceased's estate.	In Maryland, any person who is at least 18 years old and legally competent can create their own last will and testament. A lawyer is not absolutely necessity, but the document must follow strict state signing and witnessing rules to be legally valid. On-line Forms are available. Estate Attorneys	https://registers.maryland.gov/main/wills.html
Power of Attorney (POA)	A Power of Attorney is a legal document that lets you name a trusted person—called your agent or attorney-in-fact—to make financial, legal, or medical choices for you if you cannot do so or need help managing your affairs.	A Maryland Power of Attorney must be in writing, signed by the person, and acknowledged before a notary public with at least two adult witnesses present. Statutory forms for general or limited financial powers are available on-line.	Without a POA, if you become sick or hurt, your family cannot automatically step in. They must ask a judge for legal control through a slow and costly process. A POA allows you to choose in advance who manages your life instead of leaving it up to a court. Having a POA protects you in case you sustain a Brain Injury.	Estate Attorneys On-line forms	https://www.peoples-law.org/powers-attorney

Advance Directives	An advance directive is a legal document that lets you state your choices for medical care ahead of time. It helps doctors and family members know what to do if you get very sick or hurt and cannot speak for yourself.	Everyone should make an advance directive. There is a misconception that advance directives are only important for people who are elderly or very ill, but the truth is anyone can become sick or injured unexpectedly at any time.	Be in charge of your health care. Everyone 18 years old and older needs someone they trust to speak for them. Choose a person who respects your wishes to be your health care agent. Name someone to speak for you if you cannot speak for yourself.	Estate Attorneys On-line forms	https://app.mydirectives.com/maryland
Medicare/Medicaid	**Medicare** is a federal program for people aged 65 or older or those with disabilities, regardless of income. In Maryland, **Medicaid** (known as Medical Assistance) is a joint federal and state program for residents with limited income. They differ significantly in funding, rules, and benefits	**Medicare:** Split into Part A (hospital), Part B (doctors/outpatient), Part C (private Advantage plans), and Part D (prescription drugs). It does not traditionally cover routine dental, vision, or long-term custodial nursing home care. **Maryland Medicaid:** Covers standard doctor visits, hospital care, and prescriptions, plus extended benefits that Medicare often excludes—such as long-term nursing home care, personal care services, and non-emergency medical transportation.	Generally, Those that are declared 100% disabled by their doctors will qualify for **Medicare** after a two year waiting period from the time of the injury regardless of age. **Maryland Medicaid** is a financial means tested program and has strict income and personal asset limitations. If you have income and assets over a certain threshold, you will not qualify.	Family Law Attorneys Medicare and Medicaid Directly	Maryland Medicaid and enrollment help through Maryland Health Connection call 1-855-642-8572 or go to: https://www.marylandhealthconnection.gov/find-help/
Maryland Medicaid Waiver Programs	Maryland Medicaid Waiver Programs are special Medicaid options that provide home and community-based services as an alternative to institutional care. Key programs include the **Community Pathways Waiver** for developmental disabilities, the **Community Options Waiver** for older adults and physical disability persons, the **Model Waiver** for medically fragile children, the **Autism Waiver**, the **Brain Injury Waiver**, and the Medical Day Care Waiver. The REM program (**Rare and Expensive Medicine**) is not a Medicaid Waiver program but may provide critical services for severe Brain Injury Survivors.	Many of these programs have strict admission requirements. Some of them close from time-to-time due to over-enrollment. So it is important to check with each program and get on their waiting lists if appropriate.	Individuals with Brain Injuries who are granted waivers may remain in their homes or their family's home instead of being institutionalized. There is no cost for Waiver participation. But the person does need to be on Medicaid.	The Maryland Department of Health . ¯oogle each waiver (i.e. search: "Maryland Brain Injury Waiver" for a fact sheet and phone numbers or go to: https://www.montgomerycountymd.gov/department-health-human-services/disability-services-programs/maryland-medicaid-waivers)	https://health.maryland.gov/mmcp/ltss/Pages/home.aspx
Social Security (SSA)	The Social Security Administration runs two main programs for people with disabilities: Social Security Disability Insurance (**SSDI**), which requires a work history, and Supplemental Security Income (**SSI**), which is based on low income and limited resources. Both use a strict definition requiring a total, long-term disability lasting 12 months or more.	**SSDI is:** 1) Tied to past employment and payroll tax contributions, 2) Requires specific work credits (generally working 5 out of the last 10 years), 3) Monthly payment amounts depend on your life-to-date earnings, 4) Qualifies you for Medicare after a 24-month waiting period.	**SSI is:** 1) Needs-based program for people with little to no income and resources, 2) No prior work history required, 3) Funded by general revenues, not Social Security taxes, 4) Often qualifies recipients for Medicaid or local assistance.	Applications can be filed online through the Social Security Administration website, by phone at 1-800-772-1213, or at a local Social Security office. A Supports Planner can also help (if available to you).	https://www.ssa.gov/ssi
Representative Payee Accounts	A representative payee account is a special bank account set up by an appointed person to manage SSDI or SSI funds for someone who cannot handle their own money.	Social Security appoints a suitable Representative Payee who manages the payments on behalf of the beneficiaries. Generally, family or friends serve as Payees.	If the beneficiary receives (SSI) or Medicaid (SSDI), a Representative Payee often needs to keep the total countable assets—including saved Social Security funds in the bank—under $2,000. Exceeding this limit can cause the beneficiary to lose their government benefits.	Not all Banks will open a Representative Payee account. Check with your local Bank.	https://www.ssa.gov/payee/faqrep.htm