

Offices in  
Portsmouth and  
Virginia Beach, Virginia  
Tel: 757-399-7506  
Fax: 757-397-1267  
Web: [www.oasthook.com](http://www.oasthook.com)



MEMBER



### INSIDE THIS ISSUE

- Children with Disabilities and Social Security
- Announcement
- Speakers
- Oast & Hook
- Distribution of this Newsletter

Editor  
Sandra L. Smith,  
Certified Elder Law Attorney

## CHILDREN WITH DISABILITIES AND SOCIAL SECURITY

A recent *Wall Street Journal* article addressed the issue of Social Security benefits for children with disabilities. These children may be eligible for Supplemental Security Income (SSI), or they may be eligible Social Security Disability Income (SSDI) based on a parent's work record.

For SSI, a child under the age of 18 years may be eligible if the child has impairments that meet Social Security's definition of disability for children, but the family's income may preclude the child from receiving this benefit. Once the child turns age 18, the family income is no longer a factor, because the benefit is based on the child's own income and resources. The child must meet Social Security's adult disability definition, meaning that the child must be unable to do "substantial work," or must be unable to earn more than \$940 per month.

A child with a disability may also be eligible for SSDI based on a parent's work record. The parent must be receiving retirement or disability benefits or have died in order for the child to receive this benefit. The child has to meet the Social Security definition of disability for adults, and the disability must have begun prior to the child becoming age 22. Generally, the child would receive one-half of the worker's retirement or disability benefit amount. The actual amount depends on three factors: the worker's earnings record, the time of the worker's retirement benefit claim, and the number of dependents. For example, if the parent starts to collect Social Security retirement benefits prior to the parent's full retirement age, then the monthly benefit amount is permanently reduced.

If the family includes more than one dependent (for example, spouse and two children with disabilities), then the benefits paid to all dependents would be combined into a "family benefit amount." The family could get as much as 180% of the worker's benefits, but the exact amount is calculated by a complex formula. Although the worker's benefit would not be reduced, the dependents' benefits could be reduced proportionately if the total family

amount exceeds the limit. The maximum benefit amount does not apply when each spouse is collecting benefits based on his or her own work record. Families should consult with their local Social Security office for information specific to their situation. There are also several publications on the Social Security website ([www.ssa.gov](http://www.ssa.gov)) that may be helpful, including “Benefits for Children” (Publication No. 05-10085), “Benefits for Children With Disabilities” (Publication No. 05-10026), “Supplemental Security Income” (Publication No. 05-11000), and “Disability Benefits” (Publication NO. 05-10029).

The attorneys at Oast & Hook can assist parents of children with disabilities with their estate, financial, insurance, and special needs planning.

### **Announcement**

Oast & Hook invites you to attend our upcoming seminar. To be held on March 13th, this seminar will focus on estate and financial planning, and it is entitled: “Estate, Long-term Care and Financial Planning.” You will find this to be an informative seminar that will discuss the many issues facing the elderly when they plan for retirement. The seminar will cover estate planning, disability planning, insurance, and public benefits planning. The seminar speakers will be Oast & Hook attorneys Andrew Hook, William Oast III and Sandra Smith. If you are interested in attending this breakfast meeting, then please complete and fax the attached registration form to 757-397-1267. For more information about this breakfast meeting, please phone Jennifer Lantz at 757-967-9724.

### **Speakers**

If you are interested in having an elder law attorney from Oast & Hook speak at an event, then please call Jennifer Lantz at 757-399-7506.

### **Oast & Hook**

Oast & Hook is an elder law firm. We represent older persons, disabled persons, their families, and their advocates. The practice of elder law includes estate planning, investment and insurance advice, estate and trust administration, powers of attorney, advance medical directives, titling of assets and designations of beneficiaries, guardianships, conservatorships, and public entitlements such as Medicaid, Medicare, Social Security, and SSI, disability planning, income tax planning and preparation, bill paying, account management and reporting, care management, and fiduciary services. We also handle litigation involving these issues, such as will contests and estate administration disputes. For more information about Oast & Hook, please visit our website at [www.oasthook.com](http://www.oasthook.com).

Oast & Hook is a Virginia member of the Special Needs Alliance, a nationwide network of disability attorneys. As members of this alliance, we assist personal injury attorneys in resolving their cases to enhance the judgments and awards of their disabled clients and to maintain the eligibility of these

clients for SSI and Medicaid. We are experienced in protecting the public benefits of persons with special needs and in assisting with the management of their assets. For more information about the Special Needs Alliance, visit its website at [www.specialneedsalliance.com](http://www.specialneedsalliance.com). The Special Needs Alliance has begun publication of an informative e-newsletter called *The Voice*. The purpose of this newsletter is to provide information and answers about special needs planning for family members and professionals. To subscribe to *The Voice* go to [www.specialneedsalliance.com/subscribe.aspx](http://www.specialneedsalliance.com/subscribe.aspx).

### **Distribution of This Newsletter**

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

Please visit us on the world wide web at:

**[www.oasthook.com](http://www.oasthook.com)**

Our website contains information about Oast & Hook and an archive of our newsletters and other estate planning, estate administration, and elder law articles in searchable form at.

**Copyright © 2008 by Oast & Hook, P.C.**

*This newsletter is not intended as a substitute for legal counsel. While every precaution has been taken to make this newsletter accurate, we assume no responsibility for errors, omissions, or damages resulting from the use of the information in this newsletter.*

*This newsletter is produced to be sent electronically. If we currently fax you a copy of the Oast & Hook News but you prefer to receive it by e-mail, then please contact us at: [mail@oasthook.com](mailto:mail@oasthook.com).*

*If you would like to be removed from our Oast & Hook News distribution list, please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.*

# OAST & HOOK

**Presents:**

## **Estate, Long-term Care and Financial Planning**

**Date:** Thursday, March 13, 2008

**Location:** Hilton Norfolk Airport  
1566 North Military Highway  
Norfolk, Virginia

**Schedule:** Registration: 8:30 a.m. to 9:00 a.m.  
Workshop: 9:00 a.m. to 11:30 a.m.

**Presenters:** Andrew H. Hook, William H. Oast III, and Sandra L. Smith

**Tuition:** Register on or before February 25, 2008, for an early registration fee of \$15.  
After February 25, 2008, the registration fee will be \$30.

Space is limited, so please register as soon as possible. Walk-in registrations will not be accepted.  
*No refunds after March 1, 2008.*

---

### Registration Form

Please complete this form and either fax it to Oast & Hook at 757-397-1267 or mail it to Linda Gerber at Oast & Hook, P.C., at 295 Bendix Road, Suite 170, Virginia Beach, Virginia 23452-1294.

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

#### **Payment Method:**

Mail check payable to Oast & Hook.

American Express       Discover       Master Card       Visa

Card No: \_\_\_\_\_ Expires: \_\_\_\_\_

Cardholder Name: \_\_\_\_\_

Signature: \_\_\_\_\_

For more information, please phone Jennifer Lantz or Linda Gerber at 757-399-7506.