



Elder Law, Probate Litigation and Special Needs Planning

April 2026 Newsletter



Register Today!

3rd Annual Elder Law Day

Focusing on Probate, Government Benefits,
and Estate Administration



Richard I. Miller



Shawna A. Brown



Jeffrey J. Trapanese



Ronald L. Davison



Donald A. Dennison



Dan Stone

Guest Speakers



Lynn Magnusson

Estate Sales, Appraisals & Full-Service
Property Transitions



Ira Drucks

Medicare & Social
Security Made Simple



Joseph Lozito

Funeral Disposition Agents and
Common Mistakes to Avoid



Keynote Speaker

Jonathan Lengel

*As Seen on Broadway
and Netflix*

MAGNUSSON
ART GROUP

DRUCKS
AGENCY

Keri-Lozito
FUNERAL HOME

05.19.2026

Park Avenue Club
Florham Park

8:30 AM- 1:00 PM

Breakfast &
Networking Lunch

Earn CLE, CFP & CPE credits!

Elder Law Day 2026

3rd Annual

BACK BY POPULAR DEMAND!

The 3rd Annual Elder Law Day, hosted by the Elder Law, Probate Litigation & Special Needs Practice Groups at Mandelbaum Barrett PC, returns on May 19, 2026, at the Park Avenue Club.

This year's topics will include:

- Estate administration, including the importance of funeral dispositions and agents, with insight from Joseph Lozito of Keri-Lozito Funeral Home, as well as common pitfalls in probate applications
- Managing estate property and logistics, including sales, appraisals, and cleanouts, with perspective from Lynn Magnusson, ASA, AAA, ISA AM of the Magnusson Art Group
- Fiduciary responsibilities, beneficiary disputes, and litigation risks in estate administration
- Medicaid estate recovery, Special Needs Trust payback rules, and post-eligibility considerations
- Medicare and Social Security benefits, presented by Ira Drucks of the Drucks Agency
- Key provisions and potential risks in nursing home and assisted living admission agreements

Keynote Speaker:

We are pleased to welcome Jonathan Lengel, an actor, singer-songwriter and pianist best known for his breakout role as Archie in Netflix's 13: the Musical. Jonathan who has a rare form of congenital muscular dystrophy like the character he portrays, was discovered following a world-wide casting call. He can also be seen in Theater Camp, appearing alongside Ben Platt and Molly Gordon, now streaming on Disney+ and Hulu. His work has been featured in publications including Forbes, Variety, Deadline, and The Star-Ledger. Jonathan joins us to share his personal story and lived experience navigating the transition to adulthood. Jonathan is the son of Cheryl Dispoto, a featured speaker at last year's program, offering a meaningful continuation of the conversation from a new perspective.

NEW THIS YEAR:

Following the program, attendees are invited to a Networking Lunch, an excellent opportunity to connect with speakers and vendors.



*Breakfast will be served,
and CLE, CFP, and CPE credits will be available.*



Register Today!

Spots are limited, and this event fills up quickly.

We look forward to welcoming you!



New Medicaid Work Requirements: What Older Adults and Families Need to Know

In 2025, Congress passed a sweeping federal spending law widely referred to as the “One Big Beautiful Bill Act” (H.R. 1). Among its many provisions are significant changes to the Medicaid program, including the introduction of nationwide work requirements for many Medicaid recipients.

States must implement these requirements by January 1, 2027, although some states may begin earlier.

For older adults approaching retirement age and for families who rely on Medicaid for health coverage, these changes could have important consequences. As elder law attorneys, we are closely monitoring these developments and helping clients understand how the new rules may affect their access to health care coverage.

Below is what we know so far.

Who Will Need to Meet Medicaid Work Requirements?

Under the new law, most Medicaid enrollees between the ages of 19 and 64 will need to demonstrate that they are participating in work or community engagement activities to maintain eligibility.

To remain eligible, individuals must complete at least 80 hours per month of qualifying activities, which may include:

- Paid employment
- Volunteering or community service
- Job training programs
- School attendance (at least half-time)
- A combination of these activities

Individuals must document their participation before enrolling in Medicaid or during eligibility renewals. The law requires reporting at least every six months, though states may require reporting more frequently.

Failure to comply could lead not only to loss of Medicaid coverage but also ineligibility for health insurance subsidies through the federal marketplace.

Who Is Exempt from the Work Requirements?

Fortunately, several categories of individuals are exempt from the new requirements and will not need to report work or engagement hours.

Mandatory Federal Exemptions

The law generally exempts individuals who fall into the following categories:

- Adults over age 65
- Individuals under age 19
- People who are dually eligible for Medicaid and Medicare
- Individuals who are aged, blind, disabled, or medically frail
- Pregnant or postpartum individuals
- Parents or caregivers of a dependent child age 13 or younger
- Caregivers of a disabled individual
- Foster youth or former foster youth under age 26
- Veterans with a total disability rating

These exemptions are particularly important for many older adults who rely on Medicaid alongside Medicare for long-term care or medical expenses.

Possible State-Level Hardship Exemptions

States may also provide temporary hardship exemptions in certain situations, including:

- Hospitalization or residence in a nursing facility
- Living in areas with high unemployment rates
- Living in federally declared disaster areas
- Traveling outside the community for serious medical treatment

Each state will have discretion in how it implements and evaluates these hardship exceptions.

Why Advocates Are Concerned

Supporters of Medicaid work requirements argue that they encourage employment and community engagement. However, many health policy experts and advocacy organizations, including Justice in Aging, have raised concerns about the potential impact.

Experience from states that previously tested Medicaid work requirements, such as Arkansas and Georgia, suggests that many individuals lost coverage not because they were unwilling to work, but because of reporting and administrative barriers.



Common challenges include:

- Confusing paperwork requirements
- Missed reporting deadlines
- Technology barriers for online reporting systems
- Inconsistent state verification procedures

For adults ages 50 to 64, these challenges may be particularly significant.



Why Older Adults May Be Disproportionately Affected

Individuals in their 50s and early 60s often face unique challenges when it comes to employment and health coverage.

Many in this age group:

- Live with chronic health conditions
- Provide care for aging spouses or family members
- Experience age discrimination in the workforce
- Have difficulty performing physically demanding work

Yet this same group often relies heavily on Medicaid for access to consistent health care and prescription coverage.

Even when exemptions are available, qualifying for them may require documentation and verification that can be difficult to obtain.

For example, individuals deemed “medically frail” may qualify for exemptions, but the definition of medical frailty remains somewhat unclear and could vary across states.

What Medicaid Recipients Should Do Now

Although the national work requirements will not fully take effect until 2027, Medicaid recipients should begin preparing now.

Practical steps include:

- Stay informed about your state’s Medicaid rules and timelines
- Keep records of work, volunteer activities, or educational participation
- Respond promptly to renewal notices or reporting requests
- Consult professionals if you believe you qualify for an exemption

Understanding the new rules early can help reduce the risk of unexpected coverage loss.

How Elder Law Attorneys Can Help

Medicaid rules are complex, and the upcoming work requirements may create additional confusion for many individuals and families.

An elder law attorney can help you:

- Understand whether the work requirements apply to you
- Determine if you qualify for an exemption
- Plan for Medicaid eligibility as you approach retirement
- Protect access to long-term care benefits and health coverage

For older adults and caregivers, proactive planning can make a significant difference.

Final Thoughts

The new Medicaid work requirements represent one of the most significant changes to the program in years. While many individuals will be exempt, others may face new reporting requirements that could impact their coverage.

As states begin implementing these rules, staying informed and seeking guidance will be critical to protecting access to essential health care services.

If you or a loved one rely on Medicaid and have questions about how these changes may affect you, the Elder Law attorneys at Mandelbaum Barrett PC can help you to explore your options and safeguard your benefits.

Elder Law Alert: New Jersey Amends and Readopts Inheritance Tax Regulations



New Jersey has readopted and amended its inheritance tax regulations, with important changes that affect estate planning, estate administration, and families formed through assisted reproductive technology.

Effective November 17, 2025, the New Jersey Division of Taxation readopted the inheritance tax regulations under N.J.A.C. 18:26, with several notable amendments that become effective December 15, 2025. These regulations are scheduled to remain in effect through November 17, 2032.

Expanded Definition of Class A Beneficiaries

One of the most significant changes is the expansion of the definition of a Class A beneficiary. Class A beneficiaries are exempt from New Jersey inheritance tax and traditionally include spouses, civil union partners, children, and certain other close relatives. Under the amended regulations, non-biological children conceived through any means of assisted reproduction are now expressly included as Class A beneficiaries. This update brings the regulations more in line with modern family structures and provides important tax clarity for families created through assisted reproductive technologies.

Inheritance Tax Waivers – Broader Application

The regulations also clarify that a waiver from the Division of Taxation is required for transfers by financial institutions to beneficiaries. Previously, this requirement applied only to banking institutions, trust companies, and deposit companies. This broader application means that estates should anticipate waiver requirements across a wider range of financial entities before assets may be released.

In addition, the regulations eliminate the prior 10-business-day waiting period for the issuance of a waiver, which may help reduce administrative delays in estate administration.

Executor Commissions and Real Estate

The amended regulations further clarify that no inheritance tax deduction is permitted for executor commissions related to the transfer of real estate that is specifically devised to a beneficiary. This clarification is particularly important for executors and beneficiaries to understand when calculating inheritance tax exposure and planning for administration costs.

What This Means for You

These changes underscore the importance of reviewing estate plans, beneficiary designations, and administration strategies, especially for blended families, families formed through assisted reproduction, and estates holding New Jersey real estate. Executors and trustees should also be aware of the expanded waiver requirements to avoid delays in asset distribution.

If you have questions about how these regulatory changes may affect your estate plan or an estate you are administering, we encourage you to **contact our Elder Law attorneys** to discuss your specific situation.

This alert is provided for general informational purposes only and does not constitute legal advice.

Donald Dennison Authors Article for Exceptional Parent Magazine



Turning 18 is a major milestone, but for parents of children with special needs, it also brings critical legal and financial decisions.

In his latest article featured in Exceptional Parent Magazine, Donald Dennison outlines what families should consider before their child reaches adulthood, from decision-making authority and government benefits to special needs trusts and long-term planning.

Proactive planning can help protect your child's future while supporting independence.

YOUR CHILD IS TURNING 18 - NOW WHAT? A SPECIAL NEEDS PARENT'S GUIDE

BY DONALD A. DENNISON, ESQ.



For most parents, their child's eighteenth birthday is met with mixed emotions. This is especially true for parents with a special needs child. Parents often ask what they should be doing (or considering) in the months preceding their child's eighteenth birthday.

MANY HAPPY RETURNS : WHAT PARENTS SHOULD DO BEFORE THEIR CHILD'S EIGHTEENTH BIRTHDAY

Although the advice varies from client to client, here are five considerations for special needs parents on the heels of their child's eighteenth birthday.



1. CONSIDER: LEGAL DECISION-MAKING

When a child attains the age of eighteen, the law suddenly views a young adult as being capable of making their own financial, medical and legal decisions. Without a legal document authorizing a parent to make (or assist in making) financial, medical and/or legal decisions, a parent may find themselves stripped of the ability to provide their child with ongoing assistance.

Therefore, a special needs parent should consider and try to anticipate the type and extent of assistance their child will need in the future. Some special needs parents may need to consider petitioning a court to become their child's guardian. Guardianship, however, is not always the appropriate answer, especially when a child is high functioning, and may be largely capable of making some or all of his/her own financial, medical or legal decisions. In situations such as this, consideration should be given to executing legal documents, such as Powers of Attorney and healthcare proxies/directives upon the child attaining age eighteen. Regardless of the mechanism and approach utilized, it is best to prepare these arrangements in advance of a child's eighteenth birthday.

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MANY HAPPY RETURNS : WHAT PARENTS SHOULD DO BEFORE THEIR CHILD'S EIGHTEENTH BIRTHDAY cont.



2. CONSIDER: GOVERNMENT BENEFITS (SSI, MEDICAID, DDD, ETC.)

In New Jersey, the Division of Developmental Disabilities (DDD) offers a broad range of services and supports for special needs individuals. To qualify for DDD services, an individual must be receiving (or eligible to receive) Social Security benefits (often, SSI) and Medicaid benefits.

Both SSI and Medicaid are means-tested benefits, meaning the respective eligibility determination agencies will consider both the applicant's financial and clinical needs. Financial eligibility is established when the applicant possesses less than \$2,000.00 in assets, and earns less than the federal maximum SSI benefit (\$994.00 per month in 2016).

Most people who qualify for SSI are automatically enrolled in Medicaid. It is recommended to apply for SSI benefits, as soon as possible after a child's eighteenth birthday.



3. CONSIDER: YOUR ESTATE PLAN AND SPECIAL NEEDS TRUST

With the excitement of a child's upcoming eighteenth birthday, it is important for parents to re-evaluate their personal estate planning documents. This ensures the estate plan is consistent with any new planning the parents are implementing, with respect to their soon-to-be young adult.

For example, if a special needs parent intends on petitioning a court for guardianship, nominating a guardian in the Last Will and Testament should be considered. This guardian nomination is referred to as a "testamentary guardian", which provides the Surrogate's Court guidance, with respect to the person the parents believe is most appropriate to serve in that role, upon their demise.

If parents intend on pursuing DDD eligibility and/or other government benefits, it is important to ensure that the parents' Last Will and Testament is not inadvertently leaving a portion of their estate to their special needs child, outright. It is often addressed by establishing a special needs trust (or supplemental benefits trust) for the benefit of the special needs child. By using a special or supplemental benefits trust, a parent is able to set aside funds for their child's future without jeopardizing the government benefits (or future government benefits).

In conclusion, a child's eighteenth birthday is not simply a legal milestone. It is an important planning opportunity. By proactively and thoughtfully addressing issues, such as future decision-making authority, public benefits, estate planning and coordinated transition planning, parents can create a protective framework for their child's well-being, while also promoting as much independence and dignity as possible.

ABOUT THE AUTHOR:



Donald A. Dennison is an associate in Mandelbaum Barrett PC's Elder Law and Special Needs Practice Groups, concentrating on guardianships, Medicaid and asset preservation planning, special needs matters, and estate administration, with significant experience in nursing home and probate litigation.

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[Read More Here!](#)

30 Mandelbaum Barrett PC Attorneys Named to Super Lawyers and Rising Stars Lists for 2026

With 21 attorneys named to the New Jersey *Super Lawyers 2026* list and 9 recognized as Rising Stars, our team continues to earn recognition across a broad range of practice areas.

The Super Lawyers 2026 selections recognize outstanding attorneys who have demonstrated excellence in the practice of law. Honorees are nominated by their peers and evaluated through a rigorous selection process that includes independent research and peer review within each practice area.

We are proud to share that **Richard Miller**, Chair of the Elder Law Practice and Co-Chair of the Special Needs Practice, and **Arla Cahill**, Co-Chair of the Special Needs Practice, have once again been recognized on the Super Lawyers list. Richard has earned this distinction consistently since 2010, reflecting his longstanding leadership and dedication in the field.

We also congratulate **Donny Dennison**, Elder Law Associate, on being named to the Rising Stars list, an honor recognizing outstanding emerging attorneys.

These recognitions highlight our team's continued commitment to providing exceptional advocacy and trusted guidance to clients in elder law and special needs planning.

See [Award Information and Methodology](#).



2026 Super Lawyers

Steven I. Adler
William S. Barrett
Michael F. Bevacqua, Jr.
Andrew R. Bronsnick
Arla D. Cahill
Jeffrey W. Cappola
David S. Carton
Damian P. Conforti
Frank A. Custode
Douglas I. Eilender
Raj Gadhok
Arthur D. Grossman
Anthony J. Iacullo
Barry R. Mandelbaum
Richard I. Miller
Matthew P. O'Malley
Michael A. Saffer
Robert C. Scrivo
Lynne Strober
Peter H. Tanella
Jacqueline Greenberg Vogt

2026 Rising Stars

Xena A. Balcazar
Julia P. Belton
Brian M. Block
Melody M. Block
Donald A. Dennison
Robert J. Faugno
Mena R. Francis
Eileen R. Funnell
Samantha E. Holleritter

International Women's Month

EMPLOYEE SPOTLIGHT

MARIAH HERNANDEZ



“What does leadership look like to you as a woman?”

This week, **Mariah Hernandez**, Legal Coordinator in our Elder Law Practice Group, shares her thoughts on setting the tone, supporting your team, and leading with confidence and adaptability. Her perspective offers inspiring insights into what it truly means to lead as a woman.

Watch the full video below and celebrate the women shaping our firm and community every day!

[Watch Here!](#)





CYCLE FOR SURVIVAL

For the third year in a row, our firm proudly participated in **Cycle for Survival**, coming together in support of rare cancer research.

Held on Sunday, March 15 at the Equinox in Summit, NJ. Cycle for Survival raises critical funds for rare cancer research and initiatives at **Memorial Sloan Kettering Cancer Center (MSK)**, helping to drive progress where it's needed most.

Team Mandelbaum joined dozens of other teams, businesses, and organizations, taking turns riding in high-energy, 30-minute shifts on stationary bikes. The event's uplifting, community-driven atmosphere was a powerful reminder of what can be achieved when people come together for a shared cause.

Fueled by the energy and generosity of our riders and supporters, we were proud to continue making an impact in the fight against rare cancers.



MEMORIAL SLOAN KETTERING | EQUINOX



MB MANDELBAUM
BARRETT PC
ATTORNEYS AT LAW

Come see us at
Booth 517

abilities
expo

NEW YORK METRO
MAY 1-3, 2026

New Jersey Convention and Expo Center



*"Abilities Expo
HAS IT ALL for the
disability community!"*

Abilities Expo

Our Special Needs Practice Group is excited to be exhibiting at the **Abilities Expo**, May 1st to 3rd at the New Jersey Convention & Expo Center in Edison!

Stop by **Booth 517** to meet our team and learn more about how we support individuals and families with special needs.

Be sure to check out the Expo's incredible lineup of workshops, adaptive dance, travel expert Cory Lee, singer/songwriter Lachi, and more!

[Register for Free Here!](#)

MEET OUR TEAM



Team Mandelbaum

Make sure to check out our new resources section at the bottom of the Elder Law and Special Needs pages on our website.

ELDER LAW

Click Here

SPECIAL NEEDS

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