



Elder Law, Probate Litigation and Special Needs Planning

June 2026 Newsletter

MISSED ELDER LAW DAY THIS YEAR?



**The valuable discussions are available now.
Watch the full symposium on our YouTube channel!**

You can still access the valuable insights, practical guidance, and important discussions shared throughout the event.

Our Elder Law Day session recordings are now live on our YouTube channel, making it easy to watch at your convenience and revisit the topics that matter most to you and your family.

Visit our YouTube channel
to start watching today:





Donald Dennison Featured in Care.com Article on Life Care Contracts

“Entering a life care contract within a CCRC provides assurances to a prospective resident that their future care needs will be met within the same community despite an increased need for more hands-on care as they age.”

Donald “Donny” A. Dennison, Esq., Associate in the Elder Law Practice at Mandelbaum Barrett PC, was recently featured in a Care.com article discussing the important considerations surrounding life care contracts and continuing care retirement communities (CCRCs).

Donny provided valuable insight into how life care contracts can help seniors plan for future care needs while highlighting the importance of understanding the long-term financial and legal implications before signing.

[Read the full article here.](#)



Will DAC Benefits Cause You to Lose Medicaid or SSI? What Families Should Know



Families of individuals with disabilities often breathe a sigh of relief when a loved one becomes eligible for additional financial support. One benefit that can provide meaningful income and long-term stability is Disabled Adult Child (DAC) benefits. However, for many families, receiving a DAC award letter can also create immediate panic, especially when Supplemental Security Income (SSI) benefits stop and Medicaid coverage appears to be at risk.

As special needs planning attorneys, we frequently counsel families through this exact situation. The good news is that while DAC benefits can affect SSI eligibility, they do not necessarily mean the loss of Medicaid coverage. Understanding how these benefits interact, and acting quickly when changes occur, can help families avoid dangerous gaps in healthcare and support services.

What Are DAC Benefits?

Disabled Adult Child benefits are Social Security Disability Insurance (SSDI) benefits paid to an adult child based on a parent's work record. To qualify, the individual must generally have a disability that began before age 22 and have a parent who is retired, disabled, or deceased and eligible for Social Security benefits.

These benefits are often larger than SSI payments because they are based on the parent's earnings history rather than financial need.

Why SSI May Stop

SSI is a needs-based benefit program with strict income and resource limits. When a person begins receiving DAC benefits, that additional income may push the beneficiary above SSI's allowable monthly income threshold. As a result, SSI payments can terminate.

For families who rely on Medicaid-funded services, this can feel alarming because, in many states including New Jersey, Medicaid eligibility is directly tied to SSI eligibility.

The Important Medicaid Protection Many Families Overlook

Fortunately, federal law contains an important protection for individuals who lose SSI solely because of DAC benefits. Under this rule, many disabled adult children may continue receiving Medicaid even after SSI cash benefits end.

Generally, this protection may apply if:

- The individual previously received SSI and Medicaid
- SSI stopped only because DAC benefits began or increased
- The person still meets all other SSI eligibility requirements, including resource limits
- The disability began before age 22

In practice, this means Medicaid coverage may continue even though SSI payments do not.



Why Families Need to Act Quickly

One of the biggest risks is administrative confusion. Families often receive multiple notices from Social Security and Medicaid agencies, and coverage disruptions can occur simply because paperwork is delayed or misunderstood.

If your loved one receives a DAC award letter:

- Read all notices carefully and keep copies
- Contact your state Medicaid agency immediately
- Specifically request evaluation for “continued Medicaid under the DAC protection”
- Confirm that SSI ended only because of DAC income and not another issue such as excess resources

Even short lapses in Medicaid coverage can jeopardize access to therapies, home care services, medications, and other critical supports.

Special Needs Planning Still Matters

Families should also understand that DAC eligibility can impact other planning decisions. Marriage, gifts from family members, inheritances, or improperly titled assets may affect continued eligibility for important benefits.

This is why coordinated special needs planning remains essential. Tools such as Special Needs Trusts, Supplemental Needs Trusts and ABLE accounts can help protect eligibility while still allowing families to provide meaningful financial support.

DAC benefits can provide valuable financial assistance and long-term stability for individuals with disabilities. But without proper guidance, the transition can create confusion and fear surrounding Medicaid and SSI eligibility.

The key is understanding that losing SSI does not always mean losing Medicaid. With proactive planning and timely action, many individuals can continue receiving the healthcare coverage and support services they depend on.

If your family is navigating DAC benefits, SSI changes, or Medicaid concerns, **consulting with our Special Needs attorneys at Mandelbaum Barrett PC** can help protect benefits and avoid costly mistakes.



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.



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.

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.**



End-of-Life Planning for Individuals with Special Needs: A Guide for Families and Caregivers



Talking about end-of-life care is never easy. Many families avoid the topic altogether, even though most people understand how important these conversations are. According to The Conversation Project, while 92% of Americans believe discussing end-of-life wishes is important, only 32% have actually had the conversation.

For families who care for a loved one with an intellectual or developmental disability (IDD), these discussions can feel even more complicated. Parents, siblings, and caregivers often want to protect their loved one from distress or worry that the person may not fully understand the subject.

But individuals with IDD deserve the same opportunity as anyone else to express their wishes, ask questions, and participate in decisions about their own lives, including their medical care and end-of-life preferences.

As special needs planning attorneys, we often remind families that these conversations are not about focusing on death. They are about respecting autonomy, protecting dignity, and ensuring a person's voice is heard in the decisions that matter most.

Why End-of-Life Conversations Matter

Honoring Autonomy and Dignity

Every individual has the right to participate in decisions about their body and medical care. Organizations such as The Arc and the National Down Syndrome Society emphasize the importance of person-centered planning throughout a person's life, including during serious illness or at the end of life.

Even when a guardian or caregiver helps make decisions, understanding the individual's preferences allows families and professionals to honor their values.

Reducing Fear and Uncertainty

Many individuals with IDD are highly perceptive and may sense when something is wrong. Avoiding conversations about illness or death can sometimes create more anxiety than the discussion itself.

Open, honest communication can help reduce fear and allow the individual to ask questions in a supportive environment.

Improving Medical Decision-Making

When families know their loved one's wishes, they can make more informed decisions during medical emergencies. These conversations can help:

- Align treatment with the person's values
- Avoid unnecessary hospitalizations
- Reduce stress for caregivers during difficult moments



Supporting Healthy Grief and Emotional Preparation

People with IDD experience grief just like everyone else. When they are included in conversations about illness, loss, and death, they often cope better when those experiences occur.

Providing space for questions and emotions helps build emotional resilience and understanding over time

When Should These Conversations Begin?

Start Before a Crisis

Ideally, discussions about end-of-life care should begin long before a serious illness or emergency arises.

Starting early allows families to:

- Introduce topics gradually
- Revisit conversations over time
- Reduce the pressure of making urgent decisions

For individuals with IDD, having multiple conversations over months or years can make complex topics easier to understand.

Use Natural Life Moments

Certain events may naturally open the door to discussions about illness and death, such as:

- The death of a family member or pet
- Transitions to adulthood
- Estate planning or guardianship discussions
- A new medical diagnosis
- Changes in living arrangements

These moments can help introduce conversations about treatment preferences, funerals, or grief in a way that feels more natural.

Listen When They Bring It Up

Many individuals with IDD are aware of aging and illness and may ask questions about these topics. When they do, it may be a meaningful opportunity to start the conversation in an age-appropriate and supportive way.

How to Talk About End-of-Life Care

Use Clear and Direct Language

While it may feel uncomfortable, using clear and honest language is important. Euphemisms like “going to sleep” or “passing away” can sometimes be confusing.

Instead, use simple and direct terms such as “dying,” “death,” or “serious illness.”

Explain one idea at a time and check for understanding by asking the person to explain the concept in their own words.

Adapt to the Individual’s Communication Style

Every individual communicates differently. Families and caregivers can make conversations more accessible by using:

- Pictures or visual aids
- Social stories
- Communication boards or devices
- Body diagrams
- Short, repeated discussions instead of one long conversation

Breaking the topic into smaller conversations can make the information easier to process.



Offer Concrete Choices

Abstract questions can be difficult for anyone, especially individuals with IDD. Instead, offer specific and relatable options, such as:

- “If you were very sick, would you want to be at home or in a hospital?”
- “If a machine helped you breathe, would you want it only to help you get better, or not at all?”
- “Who would you trust to help make decisions if you couldn’t speak for yourself?”

Providing clear choices helps individuals express their preferences in meaningful ways.

Include Trusted Supporters

These conversations often benefit from the involvement of trusted individuals, including:

- Family members
- Long-term caregivers
- Direct support professionals
- Case managers
- Health care providers familiar with IDD

Supporters can help explain medical concepts and reinforce understanding.

Give Time, Reassurance, and Patience

These discussions rarely happen in a single conversation. It is normal, and healthy, to revisit them multiple times.

Families should allow time for emotions, answer questions honestly, and reassure their loved one that they will always be supported.

Putting Wishes into Legal Documents

Once an individual’s preferences are understood, it is important to formally document those wishes.

Depending on the situation, this may include:

- Advance directives
- MOLST or POLST forms (depending on the state)
- Guardianship arrangements
- Supported decision-making agreements

These legal documents ensure that a person’s wishes are respected even if they cannot communicate them later.

A Compassionate, Person-Centered Approach

Planning for end-of-life care is not about expecting the worst. It is about respecting the individual, protecting their dignity, and ensuring their wishes are understood.

For individuals with intellectual and developmental disabilities, thoughtful conversations can create a sense of safety, trust, and empowerment.

When families approach these discussions with compassion, patience, and openness, they help ensure that their loved one’s voice remains at the center of every decision, throughout every stage of life.

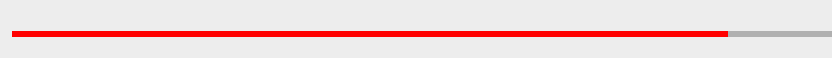
The Special Needs team at Mandelbaum Barrett PC is here to help families ensure the proper legal protections are in place while honoring the individual’s voice. **Contact us today** to speak with one of our attorneys.



In the latest episode of “Sit Downs with Shawna,” Elder Law Partner **Shawna Kirchner Brown** sits down with **Patrick Waters**, an associate in Mandelbaum Barrett PC’s Tax, Trusts & Estates Practice Group, to discuss his journey from law clerk to attorney.

Patrick shares what inspired him to pursue a career in estate planning, the lessons he learned as he transitioned into practice, and how his unique background in classical languages has influenced his approach to communication, empathy, and client service.

Learn more about the perspective, dedication, and passion Patrick brings to helping individuals and families navigate estate planning, tax matters, and their long-term goals.



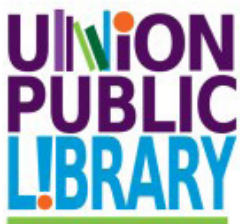
Estate Planning, Wills & Living Wills



On Tuesday, June 9th at 6pm, **Shawna Brown**, Elder Law Partner at Mandelbaum Barrett PC, led an informative Estate Planning session at the **Union Public Library**.

The session covered essential estate planning topics, including:

- ✓ Wills and Living Wills
- ✓ Protecting Your Assets and Finances
- ✓ Planning for Future Healthcare and Financial Decisions
- ✓ Key Considerations for Building a Comprehensive Estate Plan



Guardianships in 2026, the Basics & Beyond with Richard Miller and Shawna Brown



Join Richard Miller and Shawna Kirchner Brown as part of a distinguished panel of industry thought leaders at the New Jersey State Bar Association’s “Guardianships in 2026” webinar on July 14th from 9:00 AM – 12:35 PM.

As guardianships in New Jersey continue to increase due to an aging population and more individuals with developmental disabilities reaching adulthood, understanding the evolving guardianship landscape has never been more important.

This comprehensive seminar will cover:

- ✓ Guardianship basics under Title 30 and Title 3B
- ✓ Ethical challenges facing attorneys and Guardians ad Litem
- ✓ Emerging issues and post-pandemic developments in guardianship practice
- ✓ Practical strategies for confidently navigating adult guardianship matters

Attendees will gain valuable insight from an experienced panel of judges and legal professionals and leave better equipped to handle the complexities of guardianship practice in New Jersey.



NJICLE

We are proud to announce that **37 Mandelbaum Barrett attorneys** have been recognized on the **2026 Morris & Essex Top Lawyers** list.

Among those honored are **Richard Miller**, Chair of the Elder Law Practice Group and Co-Chair of the Special Needs Practice Group; **Arla Cahill**, Co-Chair of the Special Needs Practice Group and Chair of the Education Law Practice Group; and **Steven Holt**, Chair of the Tax Practice Group and Co-Chair of Trusts & Estates.

This recognition reflects the dedication, knowledge, and client-focused advocacy our attorneys bring to their work every day. We congratulate all of our attorneys who were selected and thank our clients and colleagues for their continued trust and support.



Recognition that speaks to impact, excellence, and an unwavering commitment to serving our clients and communities.



Steven Holt Named Incoming President of the Estate Planning Council of Northern New Jersey

Congratulations to **Steven Holt**, Esq., Chair of Tax Law and Co-Chair of Trusts & Estates at Mandelbaum Barrett PC, on being named the incoming President of the **Estate Planning Council of Northern New Jersey**.



The Estate Planning Council plays an important role in advancing education within the estate planning profession, helping members deepen their knowledge so they can better serve clients and the public. The Council also fosters strong professional relationships among estate planning professionals who work together as part of a collaborative team, while encouraging meaningful discussion aimed at improving service and outcomes for all.

Wishing Steve great success in this well-deserved leadership role!

[Learn more about the Estate Planning Council here.](#)

SUCCESS STORY

Medicaid Benefits Reinstated After County Improperly Terminated Coverage Based on Distributions from Special Needs Trust

We recently secured an important victory for a client whose Medicaid benefits were terminated after a New Jersey Board of Social Services improperly deemed “countable income” on the client as a result of mortgage payments being made out of the client’s Special Needs Trust.

Our client, a disabled individual, relies on Medicaid benefits for essential medical care and support. He is also the beneficiary of a Special Needs Trust, which is a legal tool specifically authorized under federal law to help disabled individuals maintain eligibility for government benefits while still receiving financial support for certain supplemental needs.

Despite the trust being valid and properly administered, the county determined that monthly mortgage payments being made by the trustee to the client’s mortgage lender should count as the client’s “income.” As a result, the county asserted that the client’s income exceeded Medicaid’s monthly income limit.

Donald A. Dennison, Esq. of Mandelbaum Barrett PC’s Elder Law practice group challenged that determination before the Office of Administrative Law, arguing that Congress expressly authorized Special Needs Trusts to protect the assets of disabled individuals without risking the loss of their public benefits. Additionally, New Jersey Medicaid regulations specifically exclude certain repayable loans (such as mortgage payments) from being treated as countable income.

Ultimately, the county board agreed to reverse course and fully reinstate the client’s Medicaid benefits. This outcome reinforces an important principle, namely, that properly established Special Needs Trusts exist to protect the assets of disabled individuals, not to serve as a basis for denying essential public benefits.

If you or a loved one are faced with a Medicaid denial or termination involving a Special Needs Trust, it is important to seek legal guidance. In many cases, strict deadlines apply, including the right to request a Fair Hearing to challenge an adverse action. For questions regarding Special Needs Trusts, Medicaid eligibility, or public benefits planning, **contact the Elder Law team at Mandelbaum Barrett PC.**

These stories are successful case results from our attorneys. Please note that results may vary depending on your particular facts and legal circumstances.



Welcome to the Team!

We're pleased to welcome **Sara Lerner** to Mandelbaum Barrett PC as an Associate in our Tax, Trusts & Estates, and Elder Law Practice Groups.

Sara focuses her practice on estate planning and trusts and estate administration and elder law. Prior to joining the firm, she served as a Law Clerk in the Superior Court of New Jersey, Chancery Division, Family Part, and provided direct legal services to clients in New York and Connecticut in matters involving elder law, disability rights, and consumer finance.

Sara earned her J.D., cum laude, from Benjamin N. **Cardozo School of Law** and her B.A. in Psychology, summa cum laude, from **Columbia University**. She is admitted to practice in New York, Connecticut, and New Jersey.

[Find out more about Sara here.](#)

Welcome!

H A P P Y —————
P R I D E
M O N T H

#MBPride

This **Pride Month**, we celebrate the **LGBTQIA+** community and reaffirm our commitment to fostering a culture of inclusion, respect, and belonging.

At Mandelbaum Barrett PC, we recognize that our differences strengthen our firm, our profession, and the communities we serve. We are proud to support an environment where everyone feels welcomed, valued, and empowered to be themselves.

[Click Here To Leave a Review!](#)



We're incredibly grateful for our client's thoughtful review and kind words.

“Dan Stone’s dedication, clarity, and ability to cut through complex situations truly reflect the standard of service we strive to provide at Mandelbaum Barrett PC. We’re proud to have him on our team, and equally proud that clients feel supported, heard, and ultimately at peace after working with us.”

Thank you for placing your trust in our Elder Law team.

We’re always here when you need us.

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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