

# Supporting Families of Children with Special Needs through Collaborative Practice

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# Introductions



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# An important word about language

“special needs”

“child”



# We Acknowledge ...

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The term “special needs” is **imprecise and controversial**.

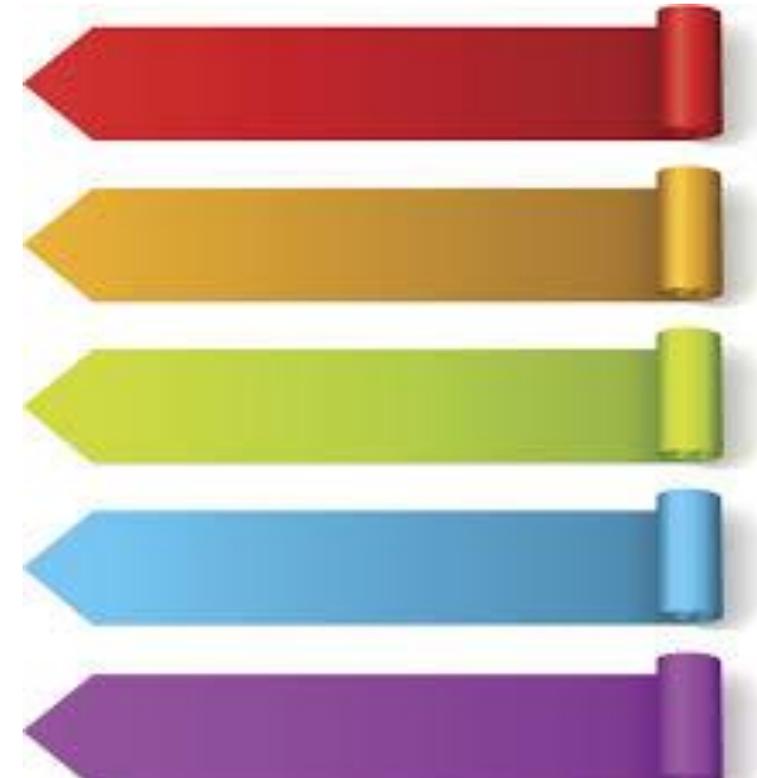
There is **no consensus** on its meaning or use.

Some view it as an “**ineffective euphemism**.”

Many favor **other terms** (*e.g.*, disabilities, exceptionalities, challenges, different abilities)

Some reject all labels as **stigmatizing and harmful** to people whom society marginalizes.

Others favor labels when their use advances **efforts to improve lives**.



# Our Intention

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We use the person-centric term “children with special needs” as **inclusively** as possible, and with the **utmost respect** for the individuals to whom we refer.

We use it **not to create hierarchies or categories**, but to call attention to the complex needs of extremely vulnerable families that the legal community has overlooked and underserved.



# We Caution

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**Some “labels” are defined legal terms:**

“handicapped person”

“physical or mental impairment”

“child with a disability”

“protected handicapped student”

Understanding these legal definitions is crucial to  
advocacy for children’s legal rights.

# Why is this topic important?

To Us

To the Collaborative  
Community

To our Families

To Society



# Why this topic is important to **US**

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# Why this topic is important to The Collaborative Community

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CP is **tailor-made** for families with constellations of complex needs

We are **perfectly positioned** to help

CP might be the **only viable process** in these cases

We need to **run toward** these cases not from them.



# Why this topic is important to **FAMILIES**

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They need a  
**TEAM** that **UNDERSTANDS:**

**Their Experiences Parenting**

**Their Experiences Divorcing/Separating**

**The Intersection of these Experiences**



# Why this topic is important to **SOCIETY**

**All Families  
Need Access to:**

**Effective Alternatives to  
Litigation**

**Qualified Professional  
Teams**

**This is about...**

**Equity**

# What are “special needs”?

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Conditions, challenges, diagnoses, impairments, disorders, and traits that impact health, behavior, emotions, independence, mobility, learning, cognition, relationships, employment, well-being, or personality.

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Some people have many needs.

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Sometimes undiagnosed.

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Some improve; some worsen.

# Is it Common? (Yes!)

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## **In 2019 ALONE...**

More than 32,000 completed divorces in Pennsylvania

200,000 Pennsylvanians aged 0-20 with special needs

Approximately 750,000 divorces nationally

14% of all Public School students (7,300,000 students aged 3-21) received special education services under the Individuals with Disabilities Education Act (IDEA)



# Is it MORE Common? (Nobody knows!)

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Research/Scholarship in this area is sparse

Rates comparable to general population, maybe higher for some

No evidence the divorce rate for these parents is 80%

Sometimes parenting child with special needs strengthens marriages

Every family and conflict is unique



# Co-Parenting

Agreements should address:

**Decision-making**

*(parental, educational, medical, etc.)*

**Communication**

*(with each other, providers, child)*

**Care Responsibilities**

**Logistics and Transitions**

**Special Education & College**

**Emergencies**

**Resolving Disagreements**

**Changing the Agreement**



# Co-Parenting

## Common Challenges

Lopsided care-giving

Disagreements about child's needs

Complex/changing needs

Unresolved emotions

Differing needs of siblings

Parental special needs

Connections to one parent's home/neighborhood

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# Co-Parenting

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Consider a **Child Specialist or Co-Parenting Specialist**  
for your Collaborative Team!

Amplifies the child's voice

Facilitates difficult conversations about co-parenting

Helps develop interests and options around co-parenting

Broadens experience and expertise of Collaborative Team



# Support

- The Court’s “Support Calculator” may be inadequate / insufficient
- May be entitled to or need support well beyond childhood.
- Caring for child/adult may impede/limit a parent’s earning capacity/potential.
- Cost of care can be hard to predict/estimate. May need expert guidance.
- Needs may change. Flexibility is important.
- Requires consideration of other sources of funding
- Support may affect parent and/or child eligibility for certain public benefits.
- Need for careful estate planning (special needs trusts) when funds are allocated directly to child instead of to parent.



# Other “Support” Professionals

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- **Public Benefits / Private Insurance Advocate**
  - **Estate Planning / Special Needs Trusts (Attorney, Trustee)**
  - **Care Advisor**
  - **Financial Planner/Advisor (ChSNP)**
  - **Special Education Attorney or Advocate**



**Other  
Important  
Financial  
Considerations**

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**Property Distribution**

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**Public Benefits**

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**Lifetime Care Planning**

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**Parents' Estate Planning  
(Special Needs Trusts)**

# Property Distribution

## Special Considerations

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“Equitable distribution” framework may be inadequate

**Focus on the child’s needs:**

**Where does the child need to live?**

**What do the parents need to be caregivers?**

**How to allocate cost of modifications/adaptations?**

**How to resolve disagreements about child’s needs?**

**R How to prepare for changes in child’s needs?**



# Public Benefits

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Is the child receiving benefits? (Medicaid? Medicare? SSDI?)

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Are there additional benefits for which the child is eligible?

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Are these benefits “means tested”?

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Do the parents’ income and assets count?

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When/under what circumstances will the child’s benefits end?

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What would happen if child lost these benefits?

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What community resources are available to educate/advise/advocate for parents?

# Lifetime Care Planning

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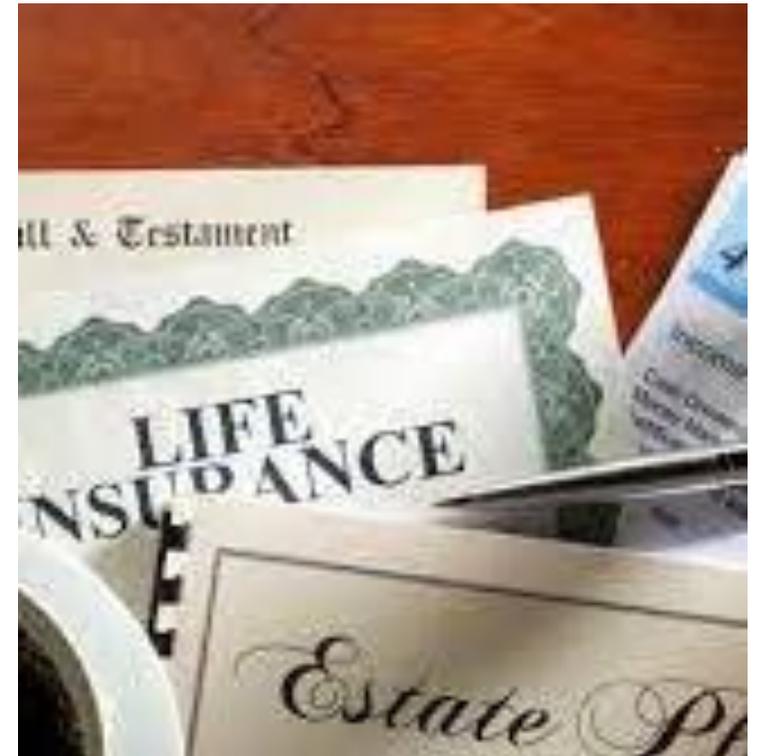
- Consider a **ChSNP** for your Collaborative Team
- Ensure plan is aligned with **short/long-term needs**
- Consider using a **Care Planner**
- Build in **flexibility** to accommodate changes in needs
- Ensure financial plan preserves **benefits**
- Plan for adulthood that **maximizes independence**
- Consider education expenses, including **college**
- ABLA Accounts
- Tax Planning



# Parents' Estate Planning

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- **Who will care for child if parents cannot?**
- **Who will make medical decisions for child if parent cannot?**
- **Life and Long-Term Care Insurance**
- **How can child inherit without compromising public benefits?**
- **Special Needs Trusts**
  - **Third-Party Funded SNT's**
  - **Self-Funded SNT's**
  - **Pooled SNT's**
- **Guardianships**
- **Who can assist the parents in preparing these documents?**



# The Outsized Role of “Outside” Forces and Players

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- **Important issues, such as eligibility for services/funding, cannot be resolved simply by agreement of the parties.**
- **Many influential “players” are not “at the table,” including:**

**The Child**  
**Service Providers**  
**Governmental Agencies**  
**Allied Professionals**  
**Relatives**



Our  
families  
need a  
divorce  
process  
that is:

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Highly adaptable to uncommon and unusually complex situations.

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Efficient and cost-effective.

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Parent/family-focused and driven.

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Informed by a team of knowledgeable and experienced professionals.

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As collaborative/cooperative as possible.

# Adapting the Collaborative Process

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COMPETENCY

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EXPERTISE

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COORDINATION

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OUTREACH

# Competency

**Everyone on the team needs basic competency in:**

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The experiences of parents of children with special needs

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Special education law

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Benefits (Medicaid/Medicare/Social Security)

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Special needs estate planning (SNTs, guardianship, POA)

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We don't all need to be experts.  
But we do all need to be competent issue-spotters and “speak the language.”

# Coordination

One Team member could  
serve as the Team's  
**Special Needs  
Coordinator:**

- Conduct an extensive “special needs checkup” interview with both parents
- Help the Parents and Team ask the right questions
- Help answer the hard questions
- Help the Team work through roadblocks/challenges
- Identify and coordinate with outside professionals
- View the entire process through the “special need lens”

# OUTREACH (to Parents)

**They need to  
know:**

Collaborative Divorce is a thing

How well-suited it is for their  
situation

We get it

We can help

# OUTREACH

(to other professionals)

Special education advocacy

Estate Planning

Insurance

Accessing public benefits

Medical, mental health,  
therapists, other professional  
service providers

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**They too need to know:**

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Collaborative Divorce is a thing

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How well-suited it is for these families

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We get it

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We can help

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# Asking the Right Questions

- What special needs does their son/daughter have?
- How severe? Do we know the trajectory?
- What role do parents play in caring and advocating?
- What public benefits do they receive?
- What are their hopes/concerns for the future?
- Have they done estate planning?
- To what extent do the parents agree/disagree about their son/daughter's needs?
- Are all special educational needs being met?
- Does either parent have special needs?

# What to do with the answers?

1

Guide them  
when we can.

2

Connect with  
other  
professionals  
when necessary.

3

Help them create  
their own  
solutions.

4

Ensure they get  
the full benefit of  
the Collaborative  
process.



# Your Questions

Contact Us!

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