



PLAN|NJ NEWS

THE NEWSLETTER OF PLANNED LIFETIME ASSISTANCE NETWORK OF NEW JERSEY
FUNDED BY THE NEW JERSEY STATE BAR FOUNDATION

FALL 2016

Executive Director

Ellen Ball Nalven, M.Ed.

Board of Directors

Regina Tegeler
President

Samantha J. Herrick, Ph.D., CRC, NCC
Vice President

Elizabeth G. Farishian
Secretary

Peter A. Phillips, CPA
Treasurer

Beth C. Manes, Esq.
Immediate Past President

Annette Backs, MSW, LCSW, CPRP

Linda Buch

Goldie Ellis

Randy Hood

Michael P. McGarry

Sarah Mitchell, Esq.

Adam Wilson, Esq.

Director Emeritus

Ira M. Fingles, Esq.

Advisory Committee

Judith Giacini, CPA, Horvath & Giacini –
Financial Advisor

Milton Hall – Investment Advisor

Wendy Herbert, Esq., Fox Rothschild,
LLP – Legal Advisor

Keith Hocter, CFA – Investment Advisor

Donald H. Wernsing, MD – Medical
Advisor

INSIDE THIS ISSUE:

A Celebration of Abilities	1
Joseph Goes For Gold	2
Guardianship	2
New PLAN NJ Website	3
Thanks to Our Sponsors	4

Who will care for your loved one when you are gone?

PLAN NOW!

A CELEBRATION OF ABILITIES



PLAN|NJ award recipients, Board Members and Staff at "A Celebration of Abilities."

PLAN|NJ held "A Celebration of Abilities" in May, honoring distinguished New Jersey leaders who have made significant and long-term contributions to persons with disabilities and mental health challenges in New Jersey.

Over 130 guests gathered at The New Jersey Law Center in New Brunswick, and the event began by honoring The Honorable Richard J. Codey, who received the Mental Health Award of Excellence for creating a lasting impact on law, policy and quality of life for people with mental health disabilities in New Jersey. The 2016 Trailblazer Award was presented to Ari Ne'eman for empowering and transforming society by widening its views of people with disabilities. Mr. Ne'eman is Co-founder of the Autistic Self-Advocacy Network and also serves as Chairman of the National Council on Disability's Policy and Program Evaluation Committee in Washington, DC.

Other honorees included:

- Donna Custard, President of the New Jersey Chamber of Commerce Foundation, who received the Business Champion Award for her commitment to increasing employment opportunities for individuals with disabilities.

- Bruce Dalziel, former PLAN|NJ Board Member, who received the Parent Advocate Award for his dedication to sustained actions that assist individuals with disabilities.



Keynote address speaker, Ari Ne'eman.

- Jennifer Joyce, Director, Employment, Transition and Day Services, The New Jersey Department of Human Services, Division of Developmental Disabilities, who received the Leadership Award for dedication to life-enhancing programs and services for people with disabilities.

- Chayln Bryant, a PLAN|NJ Service Coordinator, who received the Outstanding Staff Member Award.

- Chelsea Palermo of Red Bank, Efrain "Frankie" Santos of Saddle Brook, and Christina Sabo of Jamesburg received Life Planning Partner Awards. Ms. Palermo is a professional jazz vocalist who was the evening's entertainment and performed with The Vincent Troyani Jazz Trio.

For more information and photos of the event, visit www.plannj.org.

JOSEPH GOES FOR GOLD



Joseph medals at New Jersey Special Olympics.

The Summer Olympic Games held this past August are a wonderful reminder of the challenges faced in “going for the gold,” teaching us to overcome obstacles, whether they be physical, mental, spiritual, or financial. PLAN/NJ client Joseph knows these challenges well. As a Special Olympics participant, Joseph has learned to “go for the gold” not only in the games, but in life as well.

Participating in the softball and 50-meter dash events, Joseph has won several medals throughout the years in the Special Olympics New Jersey and is set to compete again next year.



Joseph likes to volunteer his time through the Our House Volunteer Action Program.

When he’s not “going for gold” in the Special Olympics, Joseph “goes for gold” in life, helping others in the community through the Our House Volunteer Action Program assisting non-profits, including Meals on Wheels, the Summit YMCA and area churches. Joseph connects with friends at his supervised adult living community, attending dances, bowling events and his favorite, New York Yankee games. Joseph challenges his mind through his love of video games, computers and electronics.

Gold medal winners have strength and endurance; they overcome obstacles, and they see the value of making good time. Joseph demonstrates these qualities on an everyday basis by helping others, challenging his mind, and making connections with friends through shared activities. PLAN/NJ would like to give Joseph an honorary “gold medal.” What is Joseph going to do now? Like most competitors after winning a big event, Joseph is rewarding himself with a trip to Disney World!

Using Guardianships to Protect and Encourage Loved Ones with Disabilities

When a child who has a disability turns 18, a guardianship action is often initiated on his or her behalf. A guardianship is a legal proceeding in which a court is asked to find that a person is unable to adequately manage some (or all) of his or her affairs due to a disability. This action is often filed by a parent. If a court concludes that the individual is unable to care for his or her affairs, it will appoint a guardian (frequently the child’s parents) to make decisions for that individual. Guardianship applications should be initiated when a child who has a disability turns 18, as this is when one would otherwise become “legally” able to make healthcare and financial decisions for him or herself. If a child who has a disability lacks the mental capacity to make such healthcare and financial decisions, a guardianship action on behalf of the child is required.

Problems can result if a guardianship is not obtained for a child who has a disability and has turned 18. Prior to the child turning 18, parents can access their child’s medical information and make healthcare decisions on behalf of their child. Once a child turns 18, that all changes. A medical facility may no longer provide pertinent information to parents or allow parents to make medical decisions on behalf of their child. Additionally, parents trying to contact an insurance company or financial institution on behalf of their child might now be frustrated by the results. A guardianship is what allows a family to continue to access information and make decisions for their child once they reach adulthood.

Guardianships are initiated for all types of people, old and young. Guardianships for those with disabilities have their own unique issues that need to be considered. Ideally, properly structured guardianships should provide protection for young adults with disabilities and contain elements that encourage them to reach their maximum potential.

The creation of a guardianship in New Jersey starts when pleadings are filed with the court in the county in which the young adult resides. The pleadings should include relevant facts, including the petitioner’s relationship to the person for whom guardianship is sought (known as the “ward”). The pleadings should also detail the ward’s disability and how it affects his or her ability to make decisions. The filing states the reasons why the court should appoint a guardian; this is often supported by certifications from two doctors who have evaluated the young adult to assess his or her cognitive abilities. At least two attorneys are involved in a guardianship action — one represents the petitioner and the other represents the interests of the ward.

Upon reviewing the evidence, a judge will determine if a ward has the capacity to care for him or herself in some way. Determining capacity can be a challenging process; a person might have the needed capacity to make decisions for some aspects of life, but not for others. In recent years, New Jersey courts appear more interested in crafting “limited guardianships”; that is, a guardianship where it is determined that the ward requires a guardian for some aspects of decision making, yet retains the right to make decisions in other areas. Limited guardianships are consistent with our courts’ desire to balance a ward’s right of self-determination with traditional judicial concerns for his or her best interest.

The limited guardianship can be an extremely valuable tool for creating effective guardianships for people with disabilities to identify strengths as well as limitations. Taking a “cookie cutter” approach when creating a guardianship arrangement for individuals with disabilities does a great disservice to them. A successful guardianship should be carefully tailored to protect the person from possible exploitation while containing appropriate provisions that allow the individual the independence

The guardianship process provides an important opportunity for families to reevaluate the hopes, concerns and expectations that they have for their loved ones with disabilities.

needed to maximize his or her potential. Should an individual retain the right to marry, to vote or to drive? To what extent should a ward retain decision-making with regard to possible employment and living arrangements? These are but a few of the issues that should be considered during the guardianship process. As the primary purpose of a guardianship is to protect a ward, careful consideration must always be given to those provisions that will achieve that goal.

Numerous forms of evidence can be used to determine the proper parameters of a guardianship. Evidence can be used to determine those areas in which the individual might retain decision-making and those areas in which he or she should not. The evidence used may include affidavits and testimony from medical doctors attesting to the person's level of decision-making ability. Other forms of evidence may include evaluations by psychologists, school performance records, prior medical records or testimony from the young adult and his or her support network.

The final judgment issued by the court will outline those areas over which the guardian will have authority and those areas in which the ward might retain the right to make decisions. A guardian is usually required to file an annual report with the court. This report allows the court to supervise the guardian's actions, verify that the ward's needs are being met, and determine whether the terms of a guardianship should be modified or terminated. Regarding a ward's finances, a guardian is often required to annually account as to how the ward's funds have been used and managed; this requirement



may be waived if the ward has no real property of value. The guardian may also be required to obtain a surety bond in order to protect the ward's assets; this requirement may also be waived if there are no real assets of value.

When proceeding through the guardianship process, one may wish to request the appointment of a "standby guardian." A standby guardian only has the ability to assist the ward if the appointed guardian is no longer able to fulfill his or her duties due to death, illness or other cause. The appointment of a standby guardian can provide a continuity of care for the individual who has a disability. A guardian should carefully consider who might be best suited to be so named.

The guardianship process provides an important opportunity for families to reevaluate the hopes, concerns and expectations that they have for their

loved ones with disabilities. At the end of the guardianship process, families can take comfort in knowing that a process is in place that will protect their loved ones, while still providing them with the ability to reach their greatest potential — a goal that we all should strive to accomplish.

GARY B. CORNICK, ESQ., has offices located in Somerville and East Brunswick and concentrates on the practice of guardianships, elder and disability law, special needs planning, Medicaid law, estate planning, estate litigation and probate administration. Mr. Cornick is a member of National Academy of Elder Law Attorneys, New Jersey Bar Association, New Jersey Bar Association Elder Law Committee, and co-chairs the Middlesex County Bar Association Elder Law Section. He can be reached at (908) 253-0404 or www.cornicklaw.com.

**NEW PLAN/NJ
WEBSITE**

Have you checked out PLAN/NJ's newly revamped website? Visit www.plannj.org for an article on **Executive Director, Ellen Nalven, Receiving the 2016 NAELA Award.**



***Lifetime Advocacy for
People with Differing Abilities***

Loeser Avenue, P.O. Box 547
Somerville, NJ 08876-0547
Phone: (908) 575-8300
Fax: (908) 927-9010
info@plannj.org

Thank You to Our Sponsors

PLAN/NJ would like to thank the following sponsors of A Celebration of Abilities:

Platinum Sponsor — Merrill Lynch – The Wiegner Group

Silver Sponsors — PNC Wealth Management; Schenck, Price, Smith & King, LLP

Bronze Sponsors — Begley Law Group, PC; Hinkle, Fingles, Prior & Fischer, PC; Mandelbaum Salsburg, PC; The Law Office of Sharon Riverson Mark; Our House Foundation, Inc.; Wanderpolo & Siegel

Professionals and Corporations

Arthur J. Gallagher & Co.
Blackrock Financial Management, Inc.
Cumberland Advisors
Fink, Rosner Ershow-Levenberg, LLC
Ford-Scott & Associates, LLC
IT Radix
Law Office of Donald D. Vanarelli
Sandra Kilpatrick Jordan Consulting

Family Sponsors

Irma and Phil Ball
Linda and Ray Buch
Liz and Gary Farishian
Sarah and Lloyd Mitchell
Barbara Sandstrom
Regina Tegeler
Audrey Wreszin

Thanks to the following individuals, corporations and foundations for their generous contributions that help us to continue to meet the needs of individuals with disabilities and their families.

The Westfield Service League
The Robert and Joan Dirks Foundation
The Fred C. Rummel Foundation
The Karma Foundation
The New Jersey State Bar Foundation
Michael McGarry

Nancy Gittelson
Philip Ball
Luis DaCosta
Julia Mooney
Sarah Mitchell
William and Wendy Ohare, Jr.

Richard Smith
Mr. and Mrs. Edward Warshawer
in memory of Estelle Ball
Pearl Lynn
Randy Hood

PLAN/NJ PROFESSIONAL SPONSORS DIRECTORY

Attorneys and Financial Advisors/Planners

The following professionals have interest and experience in estate planning and many other related matters for individuals with disabilities and their families, including guardianship, public benefits, and special education laws. **Inclusion on this list does not represent a recommendation or endorsement by PLAN/NJ**, and the list is not inclusive of all attorneys in New Jersey who provide such legal services. Families should contact attorneys personally regarding services, fees, and to determine whether a particular attorney meets the family's needs.

PLAN/NJ

P.O. Box 547
Somerville, NJ 08876-0547
Phone: (908) 575-8300
Fax: (908) 927-9010
E-mail: info@planj.org
Web: www.plannj.org

ATTORNEYS

Focusing on elder care, special needs trusts, and other disability matters.

Begley Law Group, P.C.
Thomas D. Begley, Jr., Esq.
Kristen Behrens, Esq.
Ethan Ordog, Esq.
Moorestown, NJ 08057
(856) 235-8501
www.njelderlaw.com
ccarusobegleylawyer.com

Bressler, Amery & Ross, P.C.
Paul I. Rosenberg, Esq.
Svetlana Shuster, Esq.
Florham Park, NJ 07932
(973) 966-9684
www.bressler.com
prosenberg@bressler.com
sshuster@bressler.com

Virginia Bryant, Esq.
Rhone Bryant LLC
Counselor at Law
Princeton, NJ 08540
(609) 924-0094
vbryant@rhoneybryant.com

Butrym & Cassavell, P.C.
Edward J. Butrym, Esq.
Laura W. Cassavell, Esq.
Pennington, NJ 08543
(609) 737-9300
www.butrym.com
ebutrym@butrym.com

John W. Callinan, Esq.
Law Offices of John W. Callinan
Wall, NJ 07719
(732) 974-8898
www.eldercarelawyer.com
john.callinan@verizon.net

Debra Eckert-Casha, Esq.
Casha and Casha, LLC
Montville, NJ 07045
(973) 263-1114
www.casha.com
dcasha@casha.com

Kathleen Scott Chasar, Esq., P.A.
Law Office of Kathleen Scott Chasar,
Esquire, P.A.
Ewing, NJ 08648
(609) 882-2200
KLGSCOTTB@Verizon.net

Mark H. Chazin, Esq.
Gebhardt & Kiefer, P.C.
Clinton, NJ 08809
(908) 735-5161
www.gklegal.com
Mchazin@gklegal.com

Alan A. Davidson
Robert A. Sochor
Davidson, Sochor, Ragsdale & Cohen, LLC
Elmwood Park, NJ 07407
Skillman, NJ 08558
(201) 791-7797
adavidson@aadesq.com
rsochor@nj-lawyer.com

Linda Ershow-Levenberg, Esq.
Fink, Rosner, Ershow-Levenberg, LLC
Clark, NJ 07066
(732) 382-6070
www.finkrosner.com
linda@finkrosner.com

Raymond Falcon, Jr.
Falcon & Singer P.C.
Montvale, NJ 07645
(201) 307-0074
rfalcon@falconsinger.com

Michael K. Feinberg, Esq.
Greenbaum, Rowe, Smith & Davis, LLP
Woodbridge, NJ 07095
(732) 549-5600
www.greenbaumlaw.com
mfeinberg@greenbaumlaw.com

Douglas Fendrick, Esq.
Fendrick & Morgan, LLC
Voorhees, NJ 08043
(856) 489-8388
www.fendricklaw.com
[fendrickmorganlaw.com](http://www.fendrickmorganlaw.com)

Lawrence A. Friedman, Esq.
Friedman Law
Bridgewater, NJ 08807
(908) 704-1900
www.specialneeds-nj.com
laf@specialneeds-nj.com

Leonard D. Furman, Esq.
Levine & Furman, LLC
East Brunswick, NJ 08816
(732) 238-6000
www.levinefurman.com
len@levinefurman.com

Susan L. Goldring, Esq.
Zager Fuchs, PC
Red Bank, NJ 07701
(732) 747-3700
www.zagerfuchs.com
sgoldring@zagerfuchs.com

Wendy Wolff Herbert, Esq.
Fox Rothschild, LLP
Princeton, NJ 08543
(609) 896-4583
www.foxrothschild.com
wherb@foxrothschild.com

Nancy Heslin Reading, Esq.
Reading Law Firm
Newton, NJ 07860
(973) 579-2222
nreading@sussexelderlaw.com
www.sussexelderlaw.com

Hinkle, Fingles & Prior
Herbert D. Hinkle, Esq.
Ira M. Fingles, Esq.
S. Paul Prior, Esq.
Maria Fischer, Esq.
Adam Wilson, Esq.
Lawrenceville, NJ 08648
NJ (609) 896-4200
PA (215) 860-2100
www.hinkle1.com

George M. Holland, Esq.
Wanderpolo and Siegel, LLC
Upper Montclair, NJ 07043
(973) 893-5467
georgehollandlaw@gmail.com

Jo-Anne Herina Jeffreys, Esq.
Hoboken, NJ 07030
(201) 656-5033
jhjeffreys@aol.com

Barry E. Levine, Esq.
Law Office of Barry E. Levine
Morris Plains, NJ 07950
(973) 538-2084
blevine@blevinelaw.com

Beth C. Manes, Esq.
The Law Office of Beth C. Manes, LLC
Springfield, NJ 07081
(973) 986-2880
beth@maneslaw.com

Brenda McElnea, Esq.
Law Offices of Brenda McElnea
West Orange, NJ 07052
(973) 239-9595
www.njelderlawyers.com
bmcelnea@njelderlawyers.net

Robert C. Novy, Esq.
Novy & Associates LLC
Manchester, NJ 08759
(732) 657-0600
www.novy.com

Roma K. Oster, Esq.
Rockaway, NJ 07866
973-625-9124
romoo47@hotmail.com

Kevin A. Pollock, Esq.
Law Office of Kevin A. Pollock, LLC
Pennington, NJ 08534
(609) 818-1555
kevin@pollockatlaw.com

Valerie A. Powers-Smith, Esq.
Slovak, Baron, Empey, Murphy
& Pinkney, LLP
Princeton, NJ 08540
(609) 955-3393
powers@sbemp.com

Carl Price, Esq.
Price & Price, LLC
Haddonfield, NJ 08033
(856) 429-5522
carl@pricelawpractice.com

Linda J. Robinson, Esq.
Law Office of Linda J. Robinson
Bridgewater, NJ 08807
(908) 281-9756
LJRESQ@aol.com

Eugene Rosner, Esq.
Fink, Rosner, Ershow-Levenberg, LLC
Clark, NJ 07066
(732) 382-6070
Gene@FinkRosner.com

Schenck, Price, Smith & King, LLP
Shirley B. Whitenack, Esq.
Gary Mazart, Esq.
Regina M. Spielberg, Esq.
Crystal West Edwards
Florham Park, NJ 07932
(973) 539-1000
www.spsk.com, sbw@spsk.com
gm@spsk.com

Anthony J. Serra, Esq.
Serra Law Group
Whitehouse Station NJ 08889
908-534-1985
www.serralawgroup.com

Shana Siegel, Esq., CELA
WanderPolo Law, LLC
Bloomfield, NJ 07003
(973) 744-5710
wpselderlaw.com
shana@wpselderlaw.com

Robert A. Sochor
Davidson, Sochor, Ragsdale & Cohen, LLC
Elmwood Park, NJ 07407
Skillman, NJ 08558
(201) 791-7797
rsochor@nj-lawyer.com

Thomas N. Torzewski, Esq.
Laufer, Knapp, Torzewski & Dalena, LLC
Morristown, NJ 07960
(973) 285-1444
www.lauferknapp.com

Donald D. Vanarelli, Esq.
Law Office of Donald D. Vanarelli
Westfield, NJ 07090
(908) 232-7400
www.dvanarelli.lawoffice.com
dvanarelli@dvanarelli.com

Nina E. Weiss, Esq.
Weiss Law LLC
Pennington, NJ 08534
609-303-0270
<http://www.guardianshiplawynj.com>
nina@guardianshiplawynj.com

Lori I. Wolf, Esq.
Cole, Schotz, Meisel, Forman
& Leonard, PA
Hackensack, NJ 07601
(201) 525-6291
www.coleschotz.com,
loriwolf@coleschotz.com

FINANCIAL ADVISORS

Linda Blum
Special Needs & Beyond Team
Wall, NJ 07719
732-922-6300, ext. 118
Linda.Blum@margfinancial.com

Brian E. Backensto, CFP®, CRPC®, CSNA
Sandra D. Backensto, CFP®, CRPC®, CSNA
Christina E. Flory, CSNA
Merrill Lynch Wealth Management®
Certified Special Needs Advisors
Mount Laurel, NJ 08054
(856) 231-5544
(866) 596-5916
sandra_d_backensto@ml.com
www.fa.ml.com/the_backensto_group

Gary Brush CFP®
AXA Advisors
Belmar, NJ 07719
(732) 292-3381
www.gary.brush.myaxa-advisors.com

Michael T. Byrne, ChFC
Lighthouse Planning Consultants
Cherry Hill, NJ 08002
(856) 488-2807
Michael.Byrne@lfg.com

James J. DiGesù, CPA, PFS, M
Wealth Health
Roseland, NJ 07068
(973) 535-9577
jdigesu@wealthhealthllc.com
www.WealthHealthLLC.com

Robert Dunn, CFP®
Private Wealth Management Group, Inc.
Princeton, NJ 08542
(609) 921-7002
www.myprivatewealth.com
bob@myprivatewealth.com

Gwendolyn A. Faulkner
Special Needs Roadmaps
Life Care Planning Consulting
(609) 791-9798
www.specialneedsroadmaps.com

Vincent J. Grenier Wealth Management
Florham Park, NJ 07932
(973) 377-0006
vincent.grenier@wfafinet.com

James D. Kinney
Financial Pathways LLC
Bridgewater, NJ 08807
(908) 203-4664
www.financialpathways.net
james.kinney@cfdinvestments.com

Denise B. Librizzi, CFM, CSNA, CRPC®
Merrill Lynch
Bridgewater, NJ 08807
(908) 685-3257
(800) 944-8801
denise_librizzi@ml.com

David F. Light, CFP®, CRPC®
Ameriprise Financial Services Inc.
Wayne, NJ 07470
(973) 633-0877, ext. 14
david.f.light@ampf.com
www.davelight.com

Douglas A. Vogel
Special Needs Planner
MetLife Center for Special Needs Planning
Florham Park, NJ 07932
(973) 236-9873
davogel@metlife.com

Jean M. Wiegner, CFM
Wealth Management Advisor
Senior Vice President, Investments
Merrill Lynch
Princeton, NJ 08540
(609) 806-2537
(800) 756-5830
www.askmerrill.ml.com
jean_m_wiegner@ml.com