

How can we continue to care for our family member with a disability after they turn 18 and when we are no longer capable of caregiving?

If your child has a disability you will need to make plans to ensure that they will have the highest possible quality of life, including financial security, when you are no longer able to be the primary care provider. The expenses associated with having a child with special needs can be substantial and continue for many years. In addition, some individuals are not able to, or not yet ready to, make all of their own life decisions when they turn 18 (also, refer to Tip Sheet on “Guardianship”).

- You can take steps to ensure your child’s future financial stability as soon as your child is diagnosed by applying for the Disability Tax Credit (DTC). This is a non-refundable tax credit for individuals with disabilities. It can be transferred to the parent of a child under the age of 18 years or of an adult child if the parent is providing him/her with financial assistance. Each year, file a tax return for your son or daughter (even if they do not have any taxable income) to ensure that Canada Revenue Agency your child on record.
- Once a DTC is in place, a Registered Disability Savings Plan (RDSP) can be opened. This is a long-term savings plan for eligible Canadians which provides tax deferred growth, sheltered savings exempt from Assured Income for the Severely Handicapped (AISH), and deposits are matched from the government.
- A financial planner who specializes in advising people with special needs can provide further assistance and help you estimate current expenses versus what is needed as savings for the future.
- When a child turns 18, parents are no longer the legal guardians of their child. If you feel your adolescent will not be capable to make decisions in one or more of the following areas, you may need to consider becoming your child’s legal guardian: living arrangements, social activities, employment, education and training, legal matters, health care, and daily living routines. If no one is willing or available, the Public Guardian can become the guardian when it is in the adult’s best interests. For more information, refer to the “Guardianship” Tip Sheet.
- There are four levels of guardianship: full guardianship, co-decision making, supported decision making, and specific decision-making. For further information, refer to the “Launch Transition Planning Guide: Guardianship.”
- If your adolescent will require assistance with financial matters, you will need to obtain formal or informal trusteeship. Formal Trusteeship is a court appointed process, whereas, informal trusteeship is an agreement when the dependent adult does not have property or large financial assets. It can be used to manage AISH or employment income only. For more information on government funding options, refer to the “Funding” Tip Sheet.
- It is also important to ensure that financial resources, accommodations and services are provided for your child after your death. A proper will provides specific, detailed plans for your estate, how your estate will be distributed after you die, and provides direction for those who will have responsibility for caring for your child with ASD.
- Many parents create a “trust” for their disabled child through their wills. The purpose of a trust is to ensure that the child’s inheritance is carefully managed and protected after the parent dies. The parent may appoint another family member, trusted friend or a trust company to be the “trustee.” The trustee’s duty is to invest the trust funds prudently on behalf of the child and to use the trust funds, when needed, to pay for the child’s on-going care.

RESOURCES

The Resource Centre (a Sinneave Family Foundation initiative) does not endorse or guarantee the exhaustive, complete, accurate or up-to-date nature of information provided and does not assume any risk for the outcome of information or referrals provided.

Alberta Human Services – Guardianship & Trusteeship

Phone: 1.877.427.4525 (toll-free)

Website: alberta.ca/help-incapable-adults.aspx

Calgary Legal Guidance

A client-centered organization that provides free legal assistance, information, and advocacy to individuals experiencing financial hardship who need legal services and representation.

Phone: 403.234.9266
Address: Suite 100, 840 - 7th Avenue SW, Calgary, AB T2P 3G2
Email: clg@clg.ab.ca
Website: clg.ab.ca

Canada Revenue Agency: Disability Tax Credit

Website: canada.ca/en/revenue-agency/services/tax/individuals/segments/tax-credits-deductions-persons-disabilities/disability-tax-credit.html

Canada Revenue Agency: Registered Disability Savings Plan

Website: canada.ca/en/revenue-agency/services/tax/individuals/topics/registered-disability-savings-plan-rdsp.html

The Children's Link Society – Transition Services

A family-centred, community-based, central access point of information for families of children with special needs in Calgary and Area. Transition Services can assist youth in transitioning to adulthood with the following application processes: Guardianship and Trusteeship, PDD, and AISH.

Contact: Lorna Selig, Transition Consultant
Phone: 403.230.9158
Address: #211, 8855 MacLeod Trail SW, Calgary, AB T2H 0M2
Email: lorna.selig@childrenslink.ca
Website: childrenslink.ca/Portal/DesktopDefault.aspx?tabid=85

Government of Canada: Employment and Social Development Canada – Disability

Website: canada.ca/en/employment-social-development/programs/disability.html

Kerby Centre – The Personal Decision Making Program

Assists in understanding the following options: Personal Directive, Guardianship, and Co-Decision making.

Phone: 403.705.3246
Address: 1133 – 7 Avenue SW, Calgary, AB T2P 1B2
Email: information@kerbycentre.com
Website: kerbycentre.com

Legal Aid Alberta

Legal services at minimal cost.

Phone: 1.866.845.3425
Address: 1800, 639 - 5 Avenue SW, Calgary, AB T2P 0M9
Website: legalaid.ab.ca/Pages/default.aspx

Planned Lifetime Advocacy Network

PLAN is a family led organization that provides information for parents and families on planning for the future of persons with disabilities including information on financial security and RDSPs.

Phone: 604.439.9566
Address: 312 Main Street, Vancouver
Website: plan.ca

Steven Williams, Independent Financial Advisor

Steven will help you set up an RDSP and does not charge set-up fees.

Phone: Office: 403.457.6221, Cell: 587.777.6250
Email: steven@rdsplan.ca
Website: rdsplan.ca

Vanderleek Law

Gordon Vanderleek has been practicing law for over 20 years, and has experience working with families with children with various disabilities. Annie Vanderleek is a mother of children with disabilities, and is the firm's Disability Advocate. Along with individual legal services, the firm also offers community seminars.

Phone: 403.457.4575
Address: Suite 200, 1940 - 9th Avenue SE, Calgary, AB T2G 0V2
Website: vanderleeklaw.ca

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