Hinkle, Fingles & Prior welcomes Evelina Padilla, Esq. to the firm

Evelina G. Padilla has joined Hinkle, Fingles & Prior, bringing her experience in special education, children’s issues, public entitlements, and a broad range of administrative issues.

As a Governor’s Executive Fellow at the Eagleton Institute of Politics, Ms. Padilla worked at the New Jersey Department of Education, Legislative Services, reviewing and monitoring legislation. For two years, she served as a law clerk for the New Jersey Office of Administrative Law. Prior to that, she served as a clinical law student at the Rutgers Newark Special Education Clinic.

She holds a JD from Rutgers University School of Law, Newark. She is a member of the New Jersey, New York, and Florida bars. She serves on the advisory board of Caregivers of New Jersey. She is proficient in Spanish.

LIFE INSURANCE

By S. Paul Prior, Esq., and Herbert D. Hinkle, Esq.

Life insurance can be a key to securing the future of a person with a severe disability.

Younger parents, especially those with modest assets, need life insurance for a variety of reasons: to ensure there are sufficient assets for the surviving spouse, particularly if the spouse is a stay-at-home parent, and to meet the needs of minor children and guarantee their education. Having a child with a severe disability increases the need for life insurance. A single working parent will have childcare costs and other expenses that do not end when the child grows up.

Additionally, parents will want to ensure that a special needs trust is funded upon their death. Insurance is a good way to guarantee such funding, even for affluent parents who no longer have minor children.

For parents of young children, term or whole insurance on the lives of each parent is often best. Later on, parents might consider joint survivorship life insurance to fund a special needs trust. Because joint survivorship is insurance on the lives of both parents, it is usually less expensive than life insurance on one spouse.

Lastly, sometimes to save estate taxes, life insurance is owned by an irrevocable life insurance trust. This will keep the insurance outside of the taxable estate. Bear in mind that unless Congress acts, estates in excess of $1 million will be subject to a 50% federal estate tax starting in 2011. And yes, life insurance is subject to the federal estate tax.

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Giving Back to our Communities

S. Paul Prior, a member of the Board of Trustees at Special Olympics New Jersey, is joined by his family and colleagues at the firm as a volunteer at the organization’s Summer Games.
PREPARING FOR COLLEGE
By Ira M. Fingles, Esq., Hillary D. Freeman, Esq.

Increasingly, for students with disabilities, college is an option. The obligations of post-secondary institutions in special education are quite different from those of high schools. So, if college is in your plans, it is important to know your rights and how to prepare.

State and federal law require school districts to provide an individualized education, with services, supports, accommodations, and modifications to all eligible students with a disability. Every eligible student has an IEP that spells out individualized goals. While rights and protections guaranteed by IDEA may terminate when a student with disabilities graduates high school, post-secondary institutions and higher education entrance testing services (e.g., ETS, GRE, LSAT) have certain obligations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act to provide reasonable accommodations for students with disabilities.

Students with disabilities are entitled to accommodations designed to “level the playing field.” Post-secondary institutions and testing services must therefore provide appropriate accommodations to ensure they are not discriminating based on a student’s disability. These may include extra time on tests, a reader, large print text, note takers, and other supports. The individual student is responsible for making requests for these accommodations to appropriate offices within the institution, and securing them may require specialized legal representation.

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On-Site Guardianship and Estate Planning
Hinkle, Fingles & Prior has made it easier for families to attend to critical planning issues by bringing professional services directly to them. Would your parent group or organization like to host a day-long event featuring a free legal consultation for those who register? To arrange an on-site planning day for families affiliated with your program, please call Michelle at (609) 896-4200 or (215) 860-2100.

Workshops & Seminars Offered at No Charge
Hinkle, Fingles & Prior provides workshops, seminars, and lectures at no charge to parent groups and non-profit organizations. See our website, www.hinkle1.com, for a list of popular topics. For more information, please call (609) 896-4200 or (215) 860-2100.

At the podium:
The entire legal team at Hinkle, Fingles and Prior will attend the two-day Autism New Jersey Conference, October 7-9, and present on issues of importance to families caring for a loved one with autism including housing, waiting lists, special education, bullying, estate and financial planning, and sibling issues. S. Paul Prior will be part of a special panel of adult siblings. For more information, please visit: www.autismnj.org.
Q&A:
What is a Letter of Intent?
By Evelina G. Pedilla, Esq.

Quite simply, a letter of intent is written instructions left by parents for use by the persons who will succeed them in having responsibility for a son or daughter with disabilities. Here is a short list of what should be in a letter of intent:

- Relevant medical history
- Living arrangements
- Work and activity arrangements

For more information on this, and to download a sample letter of intent, please go to www.hinkle1.com and navigate to the articles page.

National Special Education Experts to co-present with Firm

From Evaluations to Outcomes:
Special Education Services for Students with Learning Disabilities

featuring Ira M. Fingles, Esq., Hillary D. Freeman, Esq. & Howard Margolis, Ed.D.

Learn about best practice in the evaluation of students with disabilities, and learn how the evaluation process can inform service delivery.

- October 6
- Cherry Hill, NJ
- October 13
- New Brunswick, NJ
- November 3
- Hamilton (Mercer County), NJ

Transition to College for Students with Disabilities

featuring Ira M. Fingles, Esq., Hillary D. Freeman, Esq. & Vincent J. Varrassi, MA, LDT-C.

Learn about graduation issues, admissions testing and admission process, selecting a college, and ADA and Section 504 accommodations available to eligible college students.

- October 18
- Freehold, NJ
- November 15
- Cherry Hill, NJ

Events begin promptly at 7:00 p.m. A Q & A session will follow. Registration is requested. Please call Jackie at (609) 896-4200 or (215) 860-2100. Indicate the date, location, and name of the workshop when you call.

Family Support Center of NJ to present Lectures on Pressure Points in Special Education

Attorneys from Hinkle, Fingles and Prior have been invited to discuss the changes that have resulted from state and local budget cuts, and describe what parents and educators/advocates need to know in order to preserve services for students who need them. Events are being held on November 10 in Brick (Ocean County), and November 30 in Lawrenceville (Mercer County). Registration is required. Please RSVP to Cheryl at (800) 372-6510.
Legal Victories

Attorneys at Hinkle, Fingles and Prior successfully represented a 22-year-old man with developmental disabilities whose parents were seeking retroactive placement on DDD’s priority category for residential services—sometimes called the waiting list for waiver services. Due to the firm’s efforts, the young man is now receiving residential services in the community funded by DDD.

Attorneys at Hinkle, Fingles and Prior successfully represented a 20-year-old student with disabilities whose parents were seeking his placement in a community-based group home and appropriate educational services. The firm negotiated a settlement with the school district for approximately $100,000 to fund the cost of the student’s placement.

A school district in Northern New Jersey agreed to place a child with autism in a residential program, in view of his maladaptive behavior and need to master more life skills. The case was settled without litigation.

Appointments

S. Paul Prior, Esq. has been appointed to the Board of Directors of Autism New Jersey. He also serves on the Boards of the Arc of New Jersey, Special Olympics New Jersey, and the Eden Foundation.

Hillary D. Freeman, Esq. has been appointed to the Board of Directors of ASCEND, the Aspergers & Autism Alliance for Greater Philadelphia. She also serves on the Professional Advisory Board of the Learning Disabilities Association of New Jersey.

Call (609) 896-4200, or (215) 860-2100 for more information.

Please visit our newly updated website for articles, information, and resources.

www.hinkle1.com

Articles are also available for reprint.

Our attorneys are available to provide speaking and workshop services on a wide array of disability law topics for organizations and groups. Call now to learn more, or visit us online at www.hinkle1.com