

# Legal Services Available

Based on conversations and inquiries made by several of our current clients, we would like to remind everyone of the array of legal services we can provide. Either individually or in conjunction with other attorneys that we have formed close strategic partnerships with, we are able to offer services in the following practice areas:

ESTATES AND TRUST, WILLS, AND SPECIAL NEEDS TRUST

POWER OF ATTORNEY, GUARDIANSHIP

POST EDUCATIONAL PLANNING FOR ADULTS WITH DISABILITIES

JUVENILE ARRESTS, SCHOOL SUSPENSIONS AND EXPULSIONS

WORKER'S COMPENSATION AND PERSONAL INJURY

CRIMINAL DEFENSE

FAMILY LAW

CIVIL LITIGATION AND DISABILITY RIGHTS

*Please contact us to discuss your legal options.*

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LAW OFFICES OF

# MARK B. MARTIN, P.A.

*A boutique law firm providing legal services and advice in the areas of special education law, suspension and expulsion hearings, juvenile justice, criminal defense, civil litigation, family law and disability rights, serving all of Maryland.*

## Transition Planning – What's After High School?

A transition plan is required for students who have an Individualized Education Program (IEP). In Maryland, the IEP team must begin planning for the student's transition from high school during the school year when a student reaches the age of 14. Starting early allows time to adequately prepare, implement and revise a transition plan that will address the challenges of preparing for adulthood. A student with special needs and his or her family must make some important decisions about the future. Such decisions include making choices around future living arrangements, education and employment, finances, and community and social involvement. These are often complex issues that benefit from proper and on-going planning. Transition planning should be an interactive, dynamic process requiring a number of meetings to prepare and plan for a successful transition for a student with special needs. The transition plan can assist the student in securing post high school employment, pursuing post-secondary education and experiencing a meaningful community life.

The reauthorization of the IDEA in 2004 included very specific language about transition planning and the postsecondary outcomes for children with disabilities. The law stresses the need for the student, educators, parents, and community service providers to work together to support the student as he or she works toward his or her

goals and outcomes. Transition services that are provided by knowledgeable educators and that employ resources should be tailored to a student's goals and strengths.

The goal of transition planning is to assist students with disabilities as they progress through school and prepare for life in the adult world. The adult activities could be a combination of any of the following:

- Employment
- Post secondary education
- Employment training
- Independent living
- Community participation
- Adult services

The regulations for IDEA 2004, clarify the purpose of transition services as being "designed to meet students' unique needs and prepare them for further education, employment, and independent living." Factors to consider include post-secondary education, the development of career and vocational skills, as well as the ability to live independently. Transition from school to appropriate adult activities requires the collaboration of the student, family, school staff, and community agencies.

Transition planning should begin with age appropriate transition or vocational assessments. The school staff then

backward maps to address what services, including courses of study and annual goals, will be needed during the coming school year to reasonably enable the student to make progress toward his/her identified outcomes. All of this information should be included in the IEP. This process is repeated annually to make sure the student's interests have remained the same and to make adjustments to the IEP to ensure that the student continues to move toward his/her stated outcomes.

Transition services may include specific instruction, related services, and community experiences. Transition planning should include the development of employment and other post-school adult living goals and objectives. It is essential to identify and develop goals to be accomplished during the current school year and to build upon them in order to assist the student in meeting their post-high school goals. It is never too early to begin thinking about and planning for your child's future after high school.

There are four State agencies that may provide or purchase services that will enable your child to be independent to the maximum extent possible after leaving high school: (1) Maryland Developmental Disabilities Administration; (2) Division of Rehabilitation Services/Maryland State Department of Education; (3) Mental Hygiene Administration/Department



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### Transition Planning – What’s After High School? (cont.)

of Health and Mental Hygiene; and (4) Office of Workforce Development and Adult Learning/Maryland Department of Labor Licensing and Regulation. However, your child must meet very specific criteria to be eligible for services from any of these agencies. Being familiar with the agencies and understanding what services may be available in the future may also assist you now in developing an appropriate transition plan for your child. Detailed information regarding the agencies and their specific

eligibility criteria is provided in The Maryland State Department of Education’s (“MSDE”) Transition Planning Guide.

Portions of this article are reprinted from MSDE’s Transition Planning Guide. You can get a complete copy of the Transition Planning Guide at the Maryland State Department of Education website [www.marylandpublicschools.org](http://www.marylandpublicschools.org).

## Quality of Life and Future Care for Persons with Disabilities – What’s Next?

Caring for a child with special needs takes a great deal of organization and special planning. When a child is young much effort is focused on their education, medical care and providing for rewarding opportunities for involvement in their various communities. As a child with special needs grows older, the family begins to confront a host of new and complex questions regarding their future lives. In some cases, a young adult with a disability may have the capacity for a certain level of independence but may still need the involvement and oversight of their parents or another responsible adult with respect to certain areas of their life. In those cases, the appointment of a guardian might be appropriate.

A guardianship involves an appointment by the court of a guardian to make decisions for an adult who lacks sufficient capacity to make or communicate significant responsible decisions concerning their own health or safety. The power of a guardian over the “ward” (incapacitated person) is similar to that of a parent over his child, but is constrained to the extent of the ward’s actual limitations and to ensure the dignity and individual rights of the ward.

Just as each person’s abilities and needs are unique, the tools needed to prepare and plan for that person’s future are also unique.



### Some questions to consider when contemplating the future of an individual with special needs are as follows:

**one** Should you petition the court for an order of guardianship? Do you need guardianship of the person? Of the property? Or both?

**two** Do you need to establish a Special Needs Trust to provide quality of care and a certain quality of life for your loved one?

**three** What type of trust should be established in order to protect the persons eligibility for public benefits such as Medicaid and Supplemental Security Income (SSI)?

## Workers Compensation — Know Your Rights

If you have the unfortunate experience of suffering an injury while at work, you may have to navigate an unfamiliar process to receive everything you are entitled to under workers’ compensation.

The process may initially seem simple, however, the various benefits that you may be entitled to receive expands beyond just lost wages and medical expenses. In fact, some workers may never miss a day of work due to a work related injury but still may suffer both short term and long term affects from that injury. It is imperative that you know your rights!

Workers’ compensation provides benefits which may include some, or all, of the following types: temporary total disability; temporary partial disability; permanent total disability; permanent partial disability; medical/hospitalization; wage reimbursement; vocational rehabilitation; or death and funeral benefits. Often, an employee who suffers a work related injury may not be thinking about the longer term affects of their injury and/or whether they are entitled to any benefits if they don’t miss work. A lawyer can assist with the evaluation, investigation, preparation and presentation of a potential workers’ compensation claim.

The most obvious benefits that a claimant may be entitled to receive is the payment of all reasonable and necessary medical expenses and payment of temporary total disability compensation. Medical expenses may include



reimbursement for prescriptions, braces, glasses, and/or reimbursement for travel to and from the doctor’s office for medical treatment. When a worker’s compensation dispute exists between the claim of the injured party and the insurance company, it must be resolved by the Workers’ Compensation Commission. There are literally thousands of claims pending a hearing. Therefore, if the matter can be worked out on a mutual basis, it eliminates the long wait for a hearing. A case may be resolved with a full and final settlement agreement which may close the case forever and close out all future benefits, or a case may be resolved by way of a Stipulation. If the insurance company and the claimant’s attorney can agree upon the nature and the extent of a disability, a “Stipulation” can be prepared and, submitted to the Workers’ Compensation Commission for approval. When a claimant receives an award by virtue of a Stipulation or an award following a hearing, he has “an open award.” This means the right to future medical treatment and reimbursement for medical expenses remains open.

There are many factors to consider when you have suffered a work related injury. Because of the complexity of some of the benefits available pursuant to a Worker’s Compensation claim, it is important to contact an attorney for a detailed consultation. Please call our offices if you have any questions related to this information or any other legal matter.



**WHAT QUESTIONS DO YOU HAVE? EMAIL US YOUR QUESTIONS OR COMMENTS AT [INFO@MARKMARTINLAW.COM](mailto:info@markmartinlaw.com).**

**NOTE: THIS NEWSLETTER IS NOT INTENDED TO PROVIDE ANY LEGAL ADVICE. FOR LEGAL ADVICE PLEASE CONTACT OUR OFFICE SO WE CAN DISCUSS YOUR SPECIFIC CASE AND CIRCUMSTANCES.**

**four** How can a Special Needs Trust be funded in order to provide the maximum benefit to the individual and still protect their eligibility for public benefits programs that provide basic necessities?

**five** What state or federal agencies offer adult services to support persons with disabilities? What are the eligibility criteria?

**six** When should I begin planning for my child’s future after high school? What obligations, if any, does the school have in the planning process?

**seven** Please call our office to discuss any questions or concerns you may have concerning these or other issues regarding the future for your child with special needs.

### Annual Review and IEP Revisions

Schedule a meeting to discuss the final progress report on your child’s IEP and to receive clear information regarding what goals have been achieved, what goals will remain the same, to determine if objectives are being changed and if so, how? Request the data, reports and other information needed to support the conclusions of the school based members of the IEP team. Do they have work samples? Was there data collection of specific trials? If the school has not previously provided data to support the student’s progress, request that data be provided in the future – BE SPECIFIC.

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