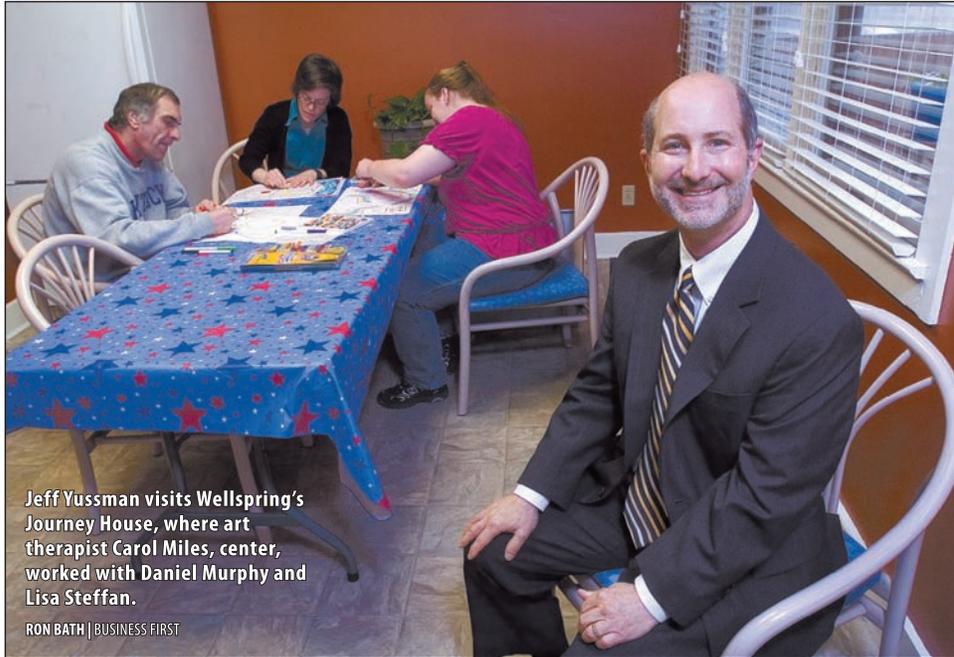


# Those with special needs have an advocate in Jeff Yussman at Wyatt Tarrant & Combs



Jeff Yussman visits WellSpring's Journey House, where art therapist Carol Miles, center, worked with Daniel Murphy and Lisa Steffan.

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## JEFF YUSSMAN

**Special areas:** Estate planning, with a subspecialty in planning for people with special needs

**Title:** Partner, Wyatt Tarrant & Combs LLP, and a member of the firm's tax, business and personal-planning service team

**What he does:** Protects the assets, or inherited assets, of people who have various disabilities or challenges, to help them maximize their quality of life

**In the field:** 28 years

**Age:** 52

**Clients:** Individuals planning their estates

**The most challenging aspect of his job:**

"Dealing with government regulations and constant changes in regulations. It could be any time, with or without notice."

the need for Yussman's practice area is largely unknown, he said.

Yussman's clients or their heirs often are at risk of ineligibility for government benefits because of income from an inheritance.

Establishing a self-settled special-needs trust enables them to keep government supports and supplement their care with an inheritance. A person with a disability, or someone acting on his or her behalf, sets up these trusts with the person's assets.

Third-party special needs-trusts are established by someone other than the beneficiary, such as a living parent or grandparent, but can serve the same purpose.

Yussman recently established a self-settled trust for a 62-year-old client who has schizophrenia. "If she were to get the inheritance outright, she would lose (government) benefits until she spent it all," he explained.

Yussman also can put a lawsuit settlement into a self-settled special-needs trust. Such work, he said, is emotionally taxing.

Currently, he has two lawsuits in which young children were injured and are in vegetative states. The cost of care for the child in one case will be \$500,000 per year.

A self-settled trust created with funds from a favorable lawsuit would supplement Medicaid and repay the Medicaid benefits after the child's death, which is required under federal law.

When no financial arrangements are made for people with special needs, they risk inadequate housing or dependency upon relatives or agencies, Yussman said.

"It's really important for anyone working with someone with special needs to try to access as many resources" as possible and for the special-needs person to actively participate in the planning whenever possible, Yussman said.

This allows "the individual to have the same kind of self-determination that anyone without a disability has and to maximize her quality of life," he said.

BY MARIAM WILLIAMS / CORRESPONDENT

Jeff Yussman's work in estate planning for people with mental, developmental or physical disorders and disabilities is personal.

He and his wife, ZoeAnn Yussman, are raising two special-needs children. Their son, 19, has childhood onset schizophrenia, and their daughter, 16, has developmental delays resulting from a seizure disorder.

Yussman, an attorney with Wyatt, Tarrant & Combs LLP, said he has learned the intricacies of very technical Medicaid and Social Security rules and has become familiar with the resources in Louisville available to people with special needs.

The knowledge helps his own children as well as his clients.

Yussman also serves on the board of WellSpring, which assists people with psychiatric disabilities through rehabilitative services, such as support groups and assisted-living facilities.

### Relieving worries of relatives

Easing families' minds is the most rewarding part of Yussman's work. Many come to him not knowing that good solutions exist for providing for children and adults with special needs.

"They don't have to financially abandon their loved ones," he said.

Parents with a special-needs child might worry that they won't be able to leave that child an estate or money because the child couldn't handle managing it.

"They think they have to trust their other children to provide for the special-needs child. That is not necessary under the law," said Yussman.

Such arrangements place a burden on the other child or children in the family and run the risk that those other children will not provide appropriately for the special-needs child, he said.

### Growing practice area

About 30 percent of Yussman's practice is in special-needs trusts, up from about 10 percent four or five years ago. He attributes the jump to increased understanding about mental, physical and developmental disorders and a decrease in the stigma attached to them.

He cautions, however, against believing the stigma has disappeared.

"The financial support often doesn't follow the discussion, not even for physical disabilities," Yussman said, noting that many local agencies serving special-needs people haven't received cost-of-living increases from the government in several years.

He also is concerned about the public perception of overdiagnosis of mental disorders because of the potential loss of support from the general public. If people believe such problems don't exist, the progress that advocates of people with special needs have made will erode, he said.

### Trusts for those with special needs

Depending on the agency defining the terms, an estimated 10 percent to 20 percent of the American population is disabled or has special challenges. But