

# Top Mistakes in Representing the Person with Developmental Disabilities

Macomb County Probate Court GAL training

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# Top Mistakes

- Your own bias and preconceptions
- Ineffective communication
- Lack of client preparation
- Not staying on top of special needs planning tools

# The Role of Unconscious Bias



We tend to accept information that confirms our prior beliefs and ignore or discredit information that does not.

This confirmation bias settles over our eyes like distorting spectacles for everything we look at.

*Kyle Hill*

# The –isms

- Racism
- Ageism
- Ableism
- Cultural bias
- People with mental illness or autism are “lazy”
- People on government benefits have all they need-well provided for
- Why should I have to pay taxes to support people with disabilities when they have money
- People with disabilities are a drain on society, eugenics
- Parents are receiving secondary gain

# Families Have Unrealistic Expectations

Presumption that professional is obstructionist



Resentment from client, referral source, court, or government



Advocating uphill against bias toward persons with disabilities



Perception of being taken advantage of by professionals



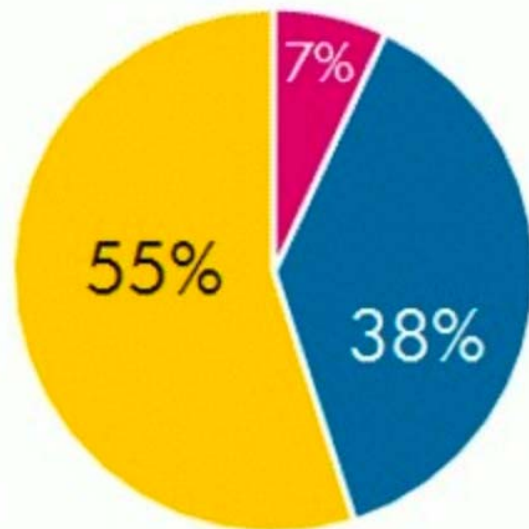
Lack of financial and educational sophistication



Not understanding the legal process



# Effective Communication



## Elements of Personal Communication

- 7% spoken words
- 38% voice, tone
- 55% body language

**Source: Professor Albert Mehrabian**  
University of California Los Angeles

# Is This Your Face?





**Why yes, I am a bit stressed.**



**Why do you ask?**

qujckmeme.com

# Too Much Information





Pay attention



Look at who is  
talking



Do not talk

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# ACTIVE LISTENING

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Ask questions



Follow  
directions



Visualise what  
is being said

*@rli1981*

# Communicating with Persons with Disabilities and Their Families

- Using people first language
- Getting to know the vernacular
  - Understanding the acronyms-AAA, CLS, DHS, POMS, BEMS

# Using Inoffensive Language

## Do Not Use

- Confined to wheelchair
- Retarded
- Mental handicap
- Avoid words such as “stricken with” “suffers from” “victim of”
- Vegetable

The difference between the right word and the almost right word is the difference between lightning and lightning bug  
-Mark Twain

## Instead Use

- Uses a wheelchair for mobility
  - Developmentally disabled
  - Intellectual disability
  - Presumes person is suffering
  - Person in vegetative state
- A checklist of respectful phrases is included in your materials

# Preparing the Client and Family for Court



# Preparing the Client

- Get to know the client
  - They are more than their disability or the reason that brought them to court
- Tell them what to expect in the courtroom
  - They may think they did something bad
  - Prepare them for doctor testimony
  - Let them tell the Judge what they CAN do

# Special Needs Planning Tools



# ABLE Account

- Section 529a of the IRC-assets grow tax free
- Must have acquired disability before age 26
- MiABLE is at [www.miable.com](http://www.miable.com)
- Only allowed ONE account
- DHHS gets reimbursed upon death
- National website to compare/contrast all ABLE accounts
- Must be used for QDE's: qualified disability expenses
- Exempt resource for SSI and Medicaid
  - Can contribute up to \$15,000 annually
  - Person can contribute up to \$12,060 annually of gross wages
- [www.ablenrc.org](http://www.ablenrc.org)

# Special Needs Trusts

- Who's money is it?
- Beneficiary's money: First-Party SNT
  - d4A-custom trust
  - d4C-pooled special needs trust-Springhillpooledtrust.org
- Anyone else's money (including crowd funding):  
Third-Party SNT
  - custom stand-alone preferred
  - Pooled third-party SNT-  
[www.springhillpooledtrust.org](http://www.springhillpooledtrust.org)

# Working with Special Needs Clients and their Families

- Be prepared to be inspired, oftentimes families dealing with more in a single morning than we do all day
- Clients are typically happy that you are helping solve some of the most difficult issues they will have
- Try to empathize with the client or their family
- Understand that oftentimes, clients and their families will not have facts available so it may take investigation
- Systems built for persons with disabilities are typically not well funded and government workers are overworked, underpaid, and underappreciated

