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## FINANCIAL MANAGEMENT

*A Guide for Parents of Children with Special and Rehabilitation Needs  
to Accessing Financial Resources*

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# **FINANCIAL MANAGEMENT**

## **A Guide for Parents of Children with Special and Rehabilitation Needs to Accessing Financial Resources**

**BY LISA D. BELCOURT<sup>1</sup>  
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This paper is intended to give an overview of the financial resources that may be available to parents and guardians of children with special needs. It is intended as a resource only and is not meant to be exhaustive.

### **Accessing Private Funding and Resources**

#### **a) Extended Health Care Plans**

Parents and guardians of a child with special needs may have access to extended health care plans, either privately or through their employment, which will cover some of the expenses of that child. The types of benefits and the maximum amounts available depend on the wording in each plan and I recommend that you review your plan thoroughly in that regard and speak to your plan administrator.

For those looking to purchase a private extended health care plan, be sure to investigate the options and costs thoroughly. Be sure to read the fine print, particularly the paragraphs which exclude certain coverages or outline the maximum amounts that can be accessed under a plan.

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<sup>1</sup> Lisa D. Belcourt is a partner at Ferguson Barristers LLP, a litigation firm serving communities throughout Ontario with its head office in Midland, Ontario. Lisa attended Osgoode Hall Law School at York University and was called to the Bar in 1999. The focus of her practice is on personal injury, acting for injured parties. Lisa is a past director of the Simcoe County Association for the Physically Disabled and a current director on the board of Community Living Huronia. She was instrumental in the creation of the Ferguson Barristers – Canadian Paraplegic Association Pro-Bono Clinic and was the recipient of the Canadian Bar Association Young Lawyers' Pro-Bono Award in 2007. Lisa also sits as a volunteer community member on the Tiny Township Accessibility Advisory Committee. She lives near the shores of Georgian Bay with her husband and two children.

Lisa gratefully acknowledges the assistance provided by Rachel Leck, Student-At-Law, with respect to the research and preparation of this presentation.

b) Injuries arising from the Use or Operation of a Motor Vehicle

As a personal injury lawyer, I work extensively with the parents of children who are permanently injured as a result car accidents.

Any person who is injured as a result of the use or operation of a motor vehicle has access to statutory accident benefits under either an automobile policy of insurance or through the Ontario government. Examples would be:

1. child is a passenger in a vehicle that is involved in an accident;
2. child is a pedestrian struck by a vehicle;
3. child is riding a bike and struck by a vehicle;
4. child is operating an ATV or snowmobile;
5. child trips and falls or slips and falls while getting into or out of a vehicle.

Various benefits are available under the Statutory Accident Benefits Schedule: to cover medical and rehabilitation needs relating to the injuries from the accident, to provide payment of additional attendant care required, to pay lost educational expenses, etc. If the injuries are "catastrophic", enhanced benefits are available to pay increased amounts over the lifetime of the injured person.

There may also be benefits available to family members under the statutory accident benefits schedule to compensate for expenses relating to visiting the child, lost income, etc.

Details of benefits available under the statutory accident benefits schedule can be found at [www.fsco.ca](http://www.fsco.ca). In particular, it is recommended that you review brochure found at the link: [After an Auto Accident: Understanding the Claims Process Brochure](#).

Many personal injury lawyers are willing to provide a free initial consultation to discuss the merits of a case and the options available. It is always wise to speak to a lawyer very soon after an accident to discuss your child's rights and obligations.

c) Injuries Arising as a result of Other Incidents

If a child is injured as a result of the negligence of another party, there may be an opportunity to recover funding for expenses relating to the injuries. Such incidents could be playground injuries, slip and fall incidents, etc. Again, it is recommended that parents seek early advice from a lawyer to determine their rights and obligations and protect their child to the greatest extent possible.

d) Limitation Periods for Litigation relating to Children

In Ontario, children have, typically, until their 20<sup>th</sup> birthday to bring claims for the negligence of others. Where the child reaches the age of majority and is incapable of managing property, as defined under the *Substitute Decisions Act*, the applicable time limits do not apply.

There is an exception to this rule: a potential wrongdoer can ask the Court to require a litigation guardian to be appointed on behalf of the incapable person who has been injured. If this occurs, the limitation period will resume running.

It is wise to seek early advice from a lawyer relating to the possibility of a claim. Often times, I will recommend that the parents hire an investigator to gather the facts and evidence and obtain statements from the various witnesses and that the negligent party be given notice of the potential law suit so that his insurance company has an opportunity to do likewise. At that point, the parents can make an informed decision regarding the merits of a case on their child's behalf and have obtain and preserved evidence that their child may need down the road if he decides to start an action on his behalf.

e) Settlements for Children

Any settlement of a child's claim or the claim of any incapable person requires court approval, whether a lawsuit has been started or not.

For very small settlements, where the child is likely going to be "capable" at age 18 and is not going to need access to the funds for medical and rehabilitation needs before the age of 18, I often recommend that this money simply be placed into a court account to be paid out when the child turns 18. The money can also be paid out before age 18 upon motion to the court.

For smaller settlements, where the child requires immediate access to the funds, the Court could make an Order that the money be paid over to the parents for the benefit of the child.

For more substantial settlements, and even some smaller settlements, a structured settlement makes a lot of sense, particularly where the child is going to need access to monies on a regular basis to pay for medical and rehabilitation expenses, attendant care expenses, or to supplement their income.

A structured settlement is an annuity that pays monies out on a pre-determined basis. It is guaranteed and tax-free. It cannot be collapsed at a later date.

For further information relating to structured settlements, I recommend that you visit the website for Henderson Structured Settlements Inc. at [www.henderson.ca](http://www.henderson.ca).

f) Criminal Injuries Compensation Board

The Criminal Injuries Compensation Board provides compensation to persons who have been injured as a result of the violent actions of another person.

The types of payments that can be made depend on the type and extent of the injuries and I recommend that you visit the CICB website at [www.cicb.gov.on.ca](http://www.cicb.gov.on.ca) for more information on who can apply for compensation, the types of compensation available and the limits to the compensation available.

g) Public Service and Community Organizations

There are many public service and community organizations that are prepared to contribute amounts to the purchase of a device or item. These organizations usually look for a specific project to contribute to (i.e. a wheelchair, accessible van, etc. ). It can be daunting to approach the organizations on your own and it is helpful to have connections with an organization to assist you in that regard.

The following are organizations that may be of assistance to you:

- i) President's Choice Children's Charities – [www.presidentschoice.ca](http://www.presidentschoice.ca)
- available for children under age 18 with physical or developmental disabilities
  - funding is available to families with income under \$70,000
  - no restrictions on types of equipment or modifications
  - average grant is \$9,000; average age of child is 10 years old
- ii) The Easter Seals Society – [www.easterseals.org](http://www.easterseals.org)
- available to parents of children with physical disabilities
  - not based on family income
  - up to \$3,000 per year
  - see chart Approved Listing of Equipment, Services & Programs for Funding & Criteria 2009 attach
  - installation, labour assessment and delivery costs are not funded
  - home renovations and vehicle modifications are not funded
- iii) Ontario Federation of Cerebral Palsy – [www.ofcp.on.ca](http://www.ofcp.on.ca)
- does not appear to be based on family income
  - will fund 25 percent of the cost of one piece of equipment, up to a maximum of \$2,500 per year (complement to ADP funding)
  - funds similar equipment as Easter Seals Society – see chart attached
  - installation, labour assessment and delivery costs are not funded
  - home renovations and vehicle modifications are not funded

iv) Muscular Dystrophy Association – [www.muscle.ca](http://www.muscle.ca)

- funding is available for children with diagnosis of muscular dystrophy or muscular atrophy
- not clear if it is geared to family income
- maximum of \$2,640 per item
- deductible of \$200 may apply
- may help fund recreational equipment

### **Accessing Public Funding and Resources**

There is a myriad of programs available through the various levels of government. However, the applications are overwhelming and many, if not most, programs are geared to income.

a) Ontario Disability Support Program (ODSP)

The ODSP program is run through the Ministry of Community and Social Services.

Persons with special needs who suffer a total disability relating to work may qualify for ODSP. The program has two components – Income Supports and Employment Supports. Persons who qualify for income supports will likely also qualify for health benefits. Although the ODSP policies seem to suggest that health benefits are only available to persons who are receiving income supports, it is quite possible to receive extended health benefits even if your family income is too high and disqualifies you from receiving income supports. The types of health benefits available are: prescription medications, dental and vision care, transportation costs, assistive devices, medical supplies. There is often resistance at the ODSP intake level to deal with these types of situations and it is strongly recommended that you seek assistance from a local community legal clinic or lawyer.

b) Trillium Drug Program

This program is intended for families who have high prescription drug expenses in relation to the net household income. You cannot be eligible for 100% drug coverage under another plan (public or private). There is a deductible paid in four installments. The amount of the deductible is calculated based on net household income and the size of the household. (see weblink at [www.health.gov.on.ca/english/public/pub/drugs/trillium.html](http://www.health.gov.on.ca/english/public/pub/drugs/trillium.html)).

c) Ministry of Children and Youth Services – [www.children.gov.on.ca](http://www.children.gov.on.ca)

There are a number of services and programs available to children and youth through this Ministry. The difficulty can be determining what resources are available and appropriate and then accessing these resources. My recommendation is that you start with contacting the local regional office of the Ministry but certainly it makes sense to contact your local Children's Treatment Centre.

Various programs available include:

- Assistance for Children with Severe Disabilities – paying for travel, special clothing, parental relief, assistive devices (parent contribution), health expenses.
    - amounts received by a family will depend on the severity of the disability, functional abilities of the child and family income.
    - Maximum is \$420 per month
  - Child Care Programs –these programs are administered through municipalities and provide assistance for children within the daycare setting or who are in approved recreational programs that have purchase of service agreement
    - day care setting must be licenced
    - what are purchase of service agreements
    - only up to age 18 for day care
    - only age 6 to 18 for recreational
  - Services for Children and Youth with Developmental Disabilities – delivers services through community based agencies and provides respite care, community supports and residential services
    - limited to children with developmental disabilities
    - depends upon resources available through the community
  - Children’s Treatment Centre – there are 20 centres across Ontario funded by the Ministry of Children and Youth Services
    - each centre is designed to meet the needs of its community
    - a referral is required
- d) Child Disability Benefit (CDB) – This benefit is made available through Canada Revenue Agency. The application includes a certificate to be signed by qualified practitioner. This may require an assessment not covered under the OHIP scheme and the cost of having the certificate completed is the responsibility of the applicant. This benefit is geared to the family net income, with limited benefits of up to \$2455 per year. However, an accepted application for the CDB is required in order to access some other funds (i.e. the RDSP grants). See weblink at [www.cra-arc.gc.ca/bnfts/dsblty-eng.html](http://www.cra-arc.gc.ca/bnfts/dsblty-eng.html)).
- e) Assistive Devices Program – This program is intended to enable persons with physical disabilities to increase their independence. It is run through the Ministry of Health and Long-Term Care and will pay up to 75 per cent of the cost of equipment. However, many people with disabilities often find it very difficult to come up with additional 25 per cent needed to actually purchase equipment. The other difficulty is that the program will only pay for equipment that is purchased from vendors registered with the Assistive Devices Program. This leaves a limited choice in vendors. The other difficulty is that ADP funding will not fund equipment that is exclusively used for sports, work or school. (See weblink at [www.health.gov.on.ca/english/public/program/adp/adp\\_mn.html](http://www.health.gov.on.ca/english/public/program/adp/adp_mn.html)).

- f) Special Services at Home program (SSAH) – This program is administered through the Ministry of Community and Social Services. The program has an extensive and detailed application process that is repeated yearly. Decisions about funding amounts are made on a yearly basis which can make it difficult for parents to plan from one year to the next. Funding decisions are based upon individual and family needs and supports, services available in the community, locally identified priorities, and regional funding available. This may mean that historically underfunded areas (such as northern communities) will be problematic in terms of access to funding. The expectation under the program is that formal and informal community supports will be accessed, which may not always be a realistic expectation. (See weblink at [www.accesson.ca/mcss/english/resources](http://www.accesson.ca/mcss/english/resources)).
- g) Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP-D) – This program is administered through CMHC and is intended to provide assistance to modify residential units. Maximum loan amounts depend on where you live and whether the applicant is an owner or landlord. Applicants for the RRAP-D may also qualify for regular RRAP funding. (See the weblink at [www.cmhc-schl.gc.ca/en/co/prfinas](http://www.cmhc-schl.gc.ca/en/co/prfinas)).



Helping Kids with Physical Disabilities Succeed

# Approved Listing of Equipment, Services & Programs for Funding & Criteria 2009

WHAT	Accessibility Aids	Bath & Toileting Aids	Communication & Writing Aids	Mobility Aids	Orthotics	Camp
	Porch Lifts Portable Ramps Building Materials for ramp ONLY Van/Scooter Lifts Ceiling Track Lift system for bedroom and bathroom ONLY Portable Lifts Used Van Lifts* Specialized Car Seats Van Tie Down System  <b>All accessibility aids must be for the primary access into the home or to access the client's primary bedroom or bathroom only</b>	Bath Bars & Grips Bath Chair & Seats Commode Chairs Shower Chairs Transfer Aids for the bathroom	Communication Board Computers Speech & Voice Aids Trays	Wheelchairs: Manual/Power Customized Seating Systems (for mobility aids only) Specialized Strollers (no back-up strollers or accessories) Walkers (excludes Hart or Smart Walkers) Batteries for new Electric Wheelchair Scooter Devices Back up Manual Wheelchairs to Power Chairs ONLY	Ankle-foot Orthosis Knee-ankle foot Orthosis TRAO's  Standers	Easter Seals Camp in Ontario  Family or Residential or Recreational Choices Funding Program
<b>Total Annual Max Funding/ client per yr.</b>	\$3000.00				\$3000.00	<b>Camp Funding Provided is not Part of Annual \$3000.00 maximum Limit</b>
<b>Minimum Parent Fee</b>	First \$50/ request to be paid to vendor directly on approval	First \$50/ request to be paid to vendor directly on approval	First \$50/ request to be paid to vendor directly on approval	First \$50/ request to be paid to vendor directly on approval	First \$50/ request to be paid to vendor directly on approval	\$100 for camp
<b>Other Criteria</b>	Authorized by a health prof. On rental properties: only portable ramps funded. TRACK LIFTS must have a letter from the Landlord stating that the client can install lift in rental unit. Two quotes preferred; exception if only one vendor.  Meets Ontario Building Codes Non-structural renovations.  *Used van lifts must be through a recognized vendor. We do not fund private sales. *All vans that are having a lift/ramp installed must be no older than 5 years.	Authorized by a health prof.  Two quotes preferred; exception if only one vendor available.	Must have ADP funding. Authorized by an authorized communication clinic and receiving funding from ADP.  Fund up to \$800/year for computer lease.	Authorized by a health prof. 1 quote for ADP funded items Scooters, Wheelchairs, Walkers & Strollers must be receiving funding from ADP. * A copy of the ADP application form or a letter of support from the prescribing therapist stating date submitted to ADP, and rational for any item on that device that is being prescribed that is not covered by ADP.  EXCEPTION back up manual wheelchair to a power chair  No back-up strollers funded.	Authorized by a health prof. All orthotics must be receiving ADP funding. Quote must include total cost and amount that will be funded by ADP. For Standers: One quote and a copy of the ADP application form or a letter of support from the prescribing therapist stating date submitted to ADP, and rational for any item on that device that is being prescribed that is not covered by ADP.	As per annual policy & guidelines

**NOTE: installation, labour, assessment, repairs, replacement parts (batteries, slings etc), accessories, additions to existing equipment or delivery costs are not funded.**  
 No home or vehicle modifications are funded. Funding and items are subject to change.  
 The level of funding assistance may vary based on the cost of the item and the availability of Easter Seals' funds at the time the request is received.  
 Should funds run out before the submission deadline, a waitlist will be started.  
 Funding application submission period January 1<sup>st</sup> to September 30<sup>th</sup> annually.  
 Revised January 2009

# OFCP OFCP ASSISTIVE DEVICES FUNDING PROGRAM APPROVED LIST OF EQUIPMENT FOR FUNDING

Category	Communication & Writing Aids	Enteral Feeding	Orthotic Devices	Respiratory Equipment	Wheelchairs, Positioning and Ambulation Aids	Home Accessibility Aids	Bathing & Washroom Aids	Electronic Aids to Daily Living
Item	<p>Communication Boards</p> <p>Mounting Systems</p> <p>Computerized Communication Devices</p> <p>Writing Aids</p> <p>Augmentative Communication Equipment - Leased</p>	<p>Feeding bags / containers / tubes</p> <p>Pumps</p>	<p>Custom Standers/ Standing frames</p> <p>Custom made leg and Spinal Braces (knee, ankle, foot orthosis)</p>	<p>Suction Machines</p>	<p>Manual wheelchairs, power wheelchairs and electric scooters</p> <p>Positioning Devices (cushions, back and head supports)</p> <p>Specialized canes (tripod, quad) and forearm crutches</p> <p>Wheeled walkers</p> <p>Specialized pediatric walkers, strollers, standers</p>	<p>Porch Lifts</p> <p>Ramps and building materials (lumber)</p> <p>Stair glides</p> <p>Track lift, ceiling lift</p> <p>Portable lifts</p> <p>Hospital Beds</p>	<p>Bath bars and grips</p> <p>Bath chairs and seats</p> <p>Commode Chairs</p> <p>Shower Chairs</p> <p>Transfer Aids in bathroom</p>	<p>Modifications to maximize the use of items such as:</p> <p>Lights</p> <p>Door Openers</p> <p>Cell Phones</p> <p>Home Entertainment Equipment</p> <p>Bed controls</p> <p>Telephones</p>
Other Criteria	<p>ADP, ODSP &amp; Ministry of Education/Health funding</p> <p>Authorized by an authorized communication clinic and receive ADP approval</p> <p>Two current quotes preferred</p>	<p>ADP approval</p> <p>Two current quotes preferred</p>	<p>ADP approval</p> <p>Two current quotes preferred</p>	<p>ADP approval</p> <p>Two current quotes preferred</p>	<p>ADP approval</p> <p>Two current quotes preferred</p>	<p>Authorized by Health Professional</p> <p>Two current quotes preferred (excluding labour/installation)</p> <p>For primary residence only</p>	<p>Authorized by Health Professional</p> <p>Two current quotes preferred (excluding labour/installation)</p> <p>For primary residence only</p>	<p>Assessment Report authorized by Health Professional</p> <p>Current quote</p> <p>For primary residence only</p>

**Purchased Items - Annual Maximum up to \$2,500 per year per person, not to exceed 25% of total cost per item.**  
**Leased Items - Annual Maximum up to \$200.00 per year per person not to exceed 25% of the leased item.**

Installation, labour assessment and delivery costs are not funded.  
 Home renovations and vehicle modifications are not funded.

Based on Availability of Funds - Funding and Items Funded Subject to Change - Application Period from September 1 to June 1