



Accessing Disability-Related Services in New Brunswick

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Disability-Related Services for Adults

Disability-related services for adults (people aged 19 and over) are provided mainly by the New Brunswick Department of Social Development under the authority of the *Family Services Act* and through the Disability Support Program (for people ages 19 to 64) and the Long-Term Care Program (for people 65 and over).

Under these government programs, disability-related services are divided into two main categories:

- Home and community disability supports (sometimes referred to as “in-home services”)
- Residential care services provided through community residences, special care homes, and nursing homes

How are People with Disabilities Eligible for Disability Related Services?

There are two aspects to determining a person’s eligibility to receive government funding for disability-related services:

- A person must demonstrate sufficient need for disability supports and services. This need is related to a person’s ability to do regular activities of daily living, make decisions, and to look after themselves.
- A person must also demonstrate that they have a financial need for government assistance. A person who applies for government-funded disability supports and services must go through a financial assessment process that looks at their net income. This process is governed by the ***Standard Family Contribution Policy*** (Department of Social Development). The amount that the government will pay is determined by means of an income scale. The income scale is adjusted every year and varies according to a person’s situation (if they are single, married, and with or without dependents).

What are the Types of Disability-Related Services Available?

There are a variety of types of disability-related services that may be available through government programs. Personal care supports may include help with dressing, bathing, grooming, and toileting. Home supports may include help with activities such as cleaning, laundry, meal preparation, and other household tasks. Disability supports may include

assistance with transportation and for involvement in the community. Respite or relief may also be available.

These supports and services may be provided through community agencies or through private individuals. Generally, government will not pay for immediate family members to provide disability supports and services.

How are Disability-Related Services Funded?

As noted above, the government may provide funding to assist with the cost of disability-related services when the person is financially unable to pay the full cost. The financial assessment will determine what the person is required to contribute to the cost of their approved services. For example, if the total cost of disability supports and services is \$800.00 per month and a person's financial contribution is determined to be \$200.00 per month, the government will pay \$600.00 towards the cost of supports and services. If a person's only source of income is provincial government income support benefits, then they will not have to contribute towards the cost of disability supports.

As a general rule, a person may be eligible to receive up to 215 hours of disability supports and services per month that will be provided in the person's home or community. In justifiable circumstances, the government can approve up to 336 hours of support per month in a person's home or community when this can be justified based on a person's disability-related needs. Higher-cost support plans (in excess of 336 hours) can be approved in exceptional circumstances.

Issues Affecting Estate Planning for Families

Assets are not considered when determining the amount that a person may have to pay towards the cost of their disability services under the Department of Social Development's Disability Support Program. Only net income is considered. Net income is income net of all statutory and other employer deductions (including CPP premiums, EI premiums, and income tax), and net of any health insurance premiums.

For individuals receiving disability supports and services in their home/community (that is, outside of a residential facility) a "net income scale for in-home services" is used to determine the financial contribution. The income scale takes into consideration whether the person applying for or receiving services is single or married, or if they have dependents. For a **single** person who is receiving in-home services and who has no dependents, the scale (as of January 2024) is as follows:

- 0% of yearly income between \$0 and \$9,432 (the maximum provincial income support allowance for individuals who are single)
- 5% of yearly income between \$9,432 and \$21,345.72 (the maximum amount of OAS/GIS benefits for individuals who are single)
- Plus, 30% of yearly income between \$21,345.72 and \$25,000
- Plus, 100 % of yearly income over \$25,000

The income scale figures are adjusted annually to reflect provincial income assistance rates and quarterly to reflect OAS/GIS increases. Some individuals can apply to have their financial contribution reduced or eliminated if they are able demonstrate that their personal expenses are too high.

For people with disabilities living in approved **residential facilities**, the income rules are different. For a **single** person with no dependents, almost all of the person's net income will be considered when determining the amount of government subsidy for residential care services. The only exception is income from employment – a single person is allowed to keep up to \$500 per month from employment. For people residing in a residential facility who still have a spouse or dependents living at home, a “net income scale for residential services” is used to determine the financial contribution.

The impact of these rules on income from a trust fund will depend on the type and size of the fund and the person's or family's other sources of income. For example, a single person (with no dependents) receiving disability services in their home who has a **support trust** could have a portion of the income from the trust included in the financial calculation. If the person's only other source of income is provincial income support benefits (Extended Benefits), then a portion of annual trust net income may be included in the financial contribution. If this same person lived in a residential facility, then 100% of the net income from the trust could be included in the financial contribution.

Income earned on an **absolute discretionary trust** should arguably be treated differently. Given the nature of such trusts, any income that is earned but not paid to the beneficiary should not be considered income of the beneficiary. This is because the beneficiary of the trust has no vested interest in the trust asset, including accumulating income. It is possible that income that is actually paid from the trust to the beneficiary, or used on their behalf, would be included in the financial contribution.

For further information on these policies and issues, contact the New Brunswick Department of Social Development.