

1 like the particular way it was handled.

2 The Social Security itself, I got many calls from  
3 them and it started out in Concord. And every time I got a  
4 call I said -- I'd explain to them as much as I know how John  
5 was coming and suffering, it went from Concord to Manchester  
6 for a decision. And the decisions were changed twice, I  
7 believe, on what was going to receive for the rest of his  
8 life. And the money that is ahead on that is the money that  
9 was due him for so many months before, you know, he was -- it  
10 was declared.

11 THE COURT: Right. He got a retroactive benefit.

12 MR. J: Right. And I might be the one  
13 that was in the middle of it being changed and maybe it's a  
14 decision I shouldn't have made. But I explained that it was,  
15 you know, that's where it was going to be handled and I thought  
16 that was the best way about it at the time and I guess that's  
17 what they did. And at the time, I think Ms. Marino was trying  
18 to receive this money so she could take whatever fee she wanted  
19 out of the money and then give the rest. That's what I assume.

20 THE COURT: Well --so what was the breakdown for the  
21 6700? We know 4800 went to the guardian. We know none of it  
22 went to John.

23 MS. MARINO: 2500 of it stayed with that was the  
24 Medicaid allowable.

25 THE COURT: Well, 2500 and 4800 is 7,300.

1 MS. MARINO: There was an additional check that came  
2 in during that period of time. They received the retroactive  
3 check and then immediately received the next month.

4 (Pause)

5 MS. MARINO: I'm looking at all my notes and stuff  
6 here that went to the Moore Center. And the last one I had  
7 sent them was I sent them the legal bill and guardianship  
8 invoices asking to please pay Attorney Bruce first and then  
9 apply any remaining funds to guardianship invoices. And this  
10 was to get it down to \$2500, and then whatever the balance on  
11 guardianship invoices can be applied to his cost of care going  
12 forward.

13 THE COURT: And how much was the legal bill?

14 MS. MARINO: \$1980.

15 THE COURT: And that's nothing the Court had any  
16 chance to look at or decide whether it was reasonable or  
17 necessary.

18 MS. MARINO: You know, again, Your Honor, I'm not  
19 sure how these -- what was the practice. No, it wasn't. I  
20 know that there was -- he was denied indigent counsel so the  
21 bills are typically just sent directly to the guardian for  
22 payment.

23 THE COURT: And there's no other way, under any  
24 scenario, where retroactive Social Security benefits can be  
25 preserved for the benefit of the recipient?

1 MS. MARINO: Not without disqualifying them from  
2 Medicaid unless it goes into a special needs trust, directly  
3 into a special needs trust.

4 THE COURT: Was that considered?

5 MS. MARINO: Not in a situation like there because he  
6 had -- you can't establish a special needs trust for the  
7 purpose of avoiding paying outstanding medical bills. That's  
8 never going to be accepted by the State.

9 Mr. was at Catholic Medical Center, I believe,  
10 from February of 2013 until March of 2014. So there was this  
11 significant bill which was eventually covered by Medicaid and  
12 they would not have allowed those retroactive funds that I had  
13 a -- you know, I had an obligation to obtain those benefits for  
14 him and they would have never allowed me to just put them in a  
15 special needs trust and say, tough luck, you're not going to  
16 get anything.

17 THE COURT: But in reality, you didn't get if for him  
18 because he didn't get any of it?

19 MS. MARINO: But he -- I understand the Court's  
20 perspective on that. Even if I said I'm going to do all this  
21 work for free, he still can't get that money. It gets paid to  
22 Medicaid. He's only allowed to have \$2500 in the bank at any  
23 one time and all of his income that comes in every month has to  
24 be paid to Medicaid except for, I believe, either 65 or \$90  
25 he's allowed to keep in spending money.

1           So when -- you know, when guardian fees in a matter  
2 like this are paid, they do not impact the health, wellbeing,  
3 and needs of the ward at all because he would not be able to  
4 keep those funds. They would have to be turned over to  
5 Medicaid by law.

6           THE COURT: Anything else you folks want to add to  
7 the conversation?

8           MR.                   : Well, some of that was kind of  
9 rushed along in some areas. But when it came to all the work  
10 necessary to get all these things done, like the -- at the time  
11 we didn't even have his Social Security cards. I got the  
12 cards. I went and got Social Security started, before she even  
13 took over, through the social workers at the hospital. All  
14 these different things were started. And it seems like it  
15 takes months to get anything done, you know, to get any of the  
16 acceptance of these forms or anything done. And when I saw all  
17 this happening, that's when I asked if I could get some help.

18           THE COURT: Okay. Anything further, Mr. Stewart?

19           MR. STEWART: Nothing further, Your Honor.

20           THE COURT: Okay. All right. Well, I'll --

21           MR. STEWART: I was hoping to simplify things, but I  
22 don't think I did.

23           THE COURT: I think the case is taken on another  
24 level of complexity, but I will certainly look through all the  
25 pile of bills that you have given, compare them to what's in