

DTS Disability Tax Services Ltd. Creates Special Division for Children With Learning Disabilities

October 1, 2007 It is with great pride that DTS announces the creation of a special division related to serving the needs of families with a child with a learning disability and/or other non-visible disability (such as autism, ADHD, ADD and other developmental disorders).

DTS Disability Tax Services Ltd. was formed to be the premier provider of specialized expertise to assist eligible adult persons with disabilities, and families with a child with a disability, in assessing and accessing potential eligibility for benefits within tax system.

In 2007 the company maintained a concentrated focus on what most consider the most difficult area to achieve successful applications for the Disability Tax Credit Certificate, that of non-visible disabilities, most notably learning disabilities. With specialized expertise and founded on extensive research, DTS is creating a track record of successful applications that are securing or recovering tax system based resources, past, present, and future, for families with children with learning disabilities, and other non-visible disabilities. Until recently, the landscape for successful applications in this area was bleak, at best.

In 2003/4, a Technical Advisory Committee (TAC) on Tax Measures for Persons With Disabilities made extensive recommendations to government that would lead to a multitude of rule changes/interpretations that came into place with the 2005 tax year. Here are a few excerpts from the TAC finding regarding the Disability Tax Credit Certificate (DTC): "the Committee believes that the provisions of the Act were drafted at a time when the emphasis in respect of disabilities focused primarily upon physical disabilities, and impairments in mental functions were not as well recognized or understood. In its submission to us, for example, the Coalition for Disability Tax Credit Reform quoted from testimony at the hearings held by the Sub-Committee on the Status of Persons with Disabilities: "From our experience, 100 percent of the new applications for [the disability tax credit] with people with schizophrenia have been rejected. Similar inconsistencies have been noted with respect to individuals with intellectual impairments." We were told that persons with intellectual impairments, learning disabilities and mood disorders generally have found it difficult in the past to qualify for the disability tax credit, even when their impairments have markedly restricted their activities of daily living.

A careful review of the disability tax landscape, with what statistics we can review, demonstrate that only a tiny fraction of families with a child with a learning disability or non-visible disability (NVD) successfully navigate the complex and stringent criteria to receive the Disability Tax Credit Certificate (DTC), and thereby receive valuable tax credits and tax benefit programs on requiring the DTC.

Based on an extrapolation of the estimates on the number of Canadian children living with a learning disability or an NVD, as provided by fine organizations like Learning Disabilities Association of Canada (LDAC) and its various chapters (www.ldac.ca), and comparing with DTC recipient statistics provided in the Technical Advisory Committee on Tax Measures for Persons With Disabilities report, it is unlikely even 5% of such children received the DTC, and it may be less than 1%. While the criteria for approval for the DTC is very stringent, for every child who has acquired approval for the DTC, there may be 10 or 20 children with a learning disability/NVD that could acquire the DTC certificate with the assistance of a disability tax consultant specializing in this very complicated area of tax rules and regulations. At DTS we have created this learning disabilities division to serve these children, and their families. Not everyone agrees that there are so many children that could be eligible, but are not approved, for the DTC. In a government study by the Department of Finance, and referenced in the Technical Advisory Committee (TAC) on Tax Measures for Persons With Disabilities report, it was estimated most Canadians that could qualify and benefit from the were actually receiving the DTC. From the TAC:

In its evaluation of the disability tax credit, the Department of Finance determined that the disability tax credit appears to be reaching its target population.

I won't go into the statistical basis for this conclusion by the Department of Finance (federal), but suffice it to say, I strongly disagree with this conclusion!

Clearly, I believe numerous children who could be found eligible for the DTC do not have it. And that means their families may be missing vital tax based resources.

The financial resources that may be gained through a successful DTC application, when allocated to the range of support programs and aids can change a life, perhaps save a life. The recent Learning Disabilities Association of Canada (LDAC) study - Putting a Canadian Face on Learning Disabilities (PACFOLD) is an eye opener. This report may be accessed in full at www.pacfold.ca. PACFOLD makes clear the costs of not addressing the real life tragedies related to lack of help for the learning disabled.

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Parents are trying to provide the aids, tutors, and programs that can maximize the potential for a child with a learning disability.

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The PACFOLD study found that many Canadian children with learning disabilities need such aids and programs but their families cannot afford them.

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Quotes from parents of children with learning disabilities in the PACFOLD summary:

^ I paid a tutor to do extra work with my daughter, but I had to stop because I couldn't afford it. If you don't have the financial resources, your child has to do without. ^ Winnipeg focus group participant ^ I've had to pay for additional services for 10 years. We have to pay the equivalent of a year of university education each year our children are in school. ^ Halifax focus group participant

^ It costs \$500 per month for tutors for my two boys. Without tutoring, they would be struggling in school, so I work two jobs to make it happen. ^

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Are we to stand by and watch a generation of children lose their chance for a fair shot at the Canadian dream, simply because it isn't affordable?

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From PACFOLD, it is made clear that Canadians with learning disabilities are less likely to succeed in school, have lower incomes, higher unemployment, lower literacy and poorer mental and physical health, when compared to the general population. ^

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Is that a fair future for the child trying his best?

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Again, from the PACFOLD report.

^ Canadians with learning disabilities were found to be 2 to 3 times more likely to report fair to poor physical, general, and mental health than the total population. ^

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This was further validated by the BC Human Rights Tribunal Chair, Heather MacNaughton when she stated in her ruling of December 2005, in regard to children with learning disabilities and directed to the BC Minister of Education:

^ those whose learning disabilities are not remediated risk serious long-term consequences. ^ They face significantly lessened opportunities, diminished self-esteem, increased unemployment, increased juvenile delinquency, increased rates of incarceration, and an increased risk of suicide. ^

^

Previous studies found that over a third of students with learning disabilities dropped out of school, and nearly 60% of adolescents in treatment for substance abuse had learning disabilities. ^ There was also reports that over 50% of females with learning disabilities would become mothers within 3 to 5 years of leaving school. ^ Perhaps most tragic in the statistics is that over 50% of adolescent suicides had previously been diagnosed with as having learning disabilities. ^ It has been commonly reported that over 50% of the prison population in Canada have learning disabilities.

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The definitions vary, but the consensus is somewhere between 5% and 15% of children are battling learning disabilities and other NVDs.

Financial resources can help provide early intervention to alleviate the impact of learning disabilities, and reduce the social and economic cost to Canadian society. In providing expertise in the applications for tax credits and tax benefit programs, DTS can play a significant role.

There are several tax measures aimed at assisting families with a child with a disability, and more scheduled to come on board in 2008. The most valuable require the Disability Tax Credit Certificate (DTC), determined by the Canada Customs and Revenue Agency.

Each child's DTC application must be addressed individually as the criteria for approval is complicated and specific. This is not a one size fits all, or "template" style of approach to the application "each one, like the child it relates to, is built on unique circumstances and life experience, and as such, every application be given focused consideration. Reviewing the massive array of details to be considered in each application is beyond the scope of this article. The arena is extremely complicated. Call or email and arrange for a free consultation, by appointment only. You only pay us if we succeed in seeing your child secure approval for the Disability Tax Credit Certificate and its related benefits. Sincerely,

Mike Campagne
President
DTS Disability Tax Services Ltd.

*** A detailed and lengthy confidential review is required to ascertain potential eligibility for disability tax credits and or benefits. As such, the preceding article is provided as general information only and should not be used as the basis for any financial decisions. Detailed information on disability tax rules and regulations can be found at the Canada Revenue Agency Website at <http://www.cra-arc.gc.ca/disability>

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