

Legal Resources

You and your family may need an attorney's help navigating life after a brain injury. For most of the issues listed here, **it is very important to act early**. If you wait too long to take action, evidence can be harder to find and you may lose out on compensation, benefits, and appropriate care.

Common post-injury legal issues:

- Civil Rights
 - Federal and state law protects the rights of people who have a disability. These rights include housing, employment, education, voting, community integration, and more.
- Estate Planning/ Special Needs Trust
 - Family caregivers may want to plan ahead for their loved ones financial future including setting up a special needs trust which allows a person with a disability to receive income without reducing their eligibility for certain benefits like Social Security, Supplemental Security Income, Medicare or Medicaid.
- Guardianship/Guardianship Alternatives/Power of Attorney
 - Because guardianship may remove important rights from a person, families may want to first consider alternatives to guardianship. These alternatives include representative payee relationships, conservatorship, durable powers of attorney, living wills, and health care surrogacy.
- Personal Injury
 - In some cases, compensation for a person's traumatic brain injury can be awarded in court. These cases can involve car accidents, sports-related incidents, neglect/abuse in residential settings, etc. Legal counsel is essential to navigating personal injury claims.
- Protective Orders
 - Domestic violence is a widespread cause of traumatic brain injury. People who experience domestic violence may need formal protection via the justice system.

- Workers' Compensation
 - For injuries occurring at the workplace, Workers' Compensation can cover things like medical bills, lost wages, future medical needs, and death benefits. Having an attorney looking out for your best interests can be especially helpful if your employer's insurance company is reluctant to recognize your medical needs or approve payments.

Key Resources:

- Searchable directory of attorneys who have specialized experience with brain injury on all of the issues discussed above. <https://www.biav.net/resource-directory/business-category/attorney/> (Brain Injury Association of Virginia)
- Traumatic Brain Injury legal advocacy. <https://www.dlcv.org/tbi> (Disability Law Center of Virginia)
- Advocacy, equal access and legal protections related to the abuse of people with disabilities. <https://partnership.vcu.edu/programs/health/i-can/> (I-CAN! Accessibility Project)
- Protective Orders in Virginia. https://vsdvalliance.org/wp-content/uploads/2020/09/PO_Booklet-English_2011.pdf (Virginia Sexual and Domestic Violence Action Alliance)
- U.S Equal Employment Opportunity Commission <https://www.eeoc.gov/how-file-charge-employment-discrimination>
- Virginia's Workers' Compensation Commission: <https://workcomp.virginia.gov/content/injured-workers>

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