

Planning for Family Members with Special Needs

Hearing about families with loved ones who have special needs is becoming more commonplace due to a greater awareness and social understanding. The special needs of physically, mentally, and emotionally disabled family members present unique planning circumstances, yet the goal for these families is the same...

Create and provide a more certain future for those with special needs, as well as, for the rest of the family.

With this goal in mind, special needs planning can help address these unique planning challenges. For example, parents facing the possibility of providing continued care for the rest of their child's life now have better options. Or in the case of entire families taking on the responsibility of care, proper estate planning would help gather the financial means to facilitate a quality of living. But what exactly is proper estate planning?

Estate planning may bring to mind families with great wealth, but that is not true. It simply means organizing your estate, whatever its size, to meet the needs of the entire family as efficiently and economically as possible. The three primary sources of support available to a person with special needs are family, charity and government. Proper estate planning goals would seek to maximize each of these sources by:

- ❑ Organizing the estate to minimize taxes and costs
- ❑ Maintaining eligibility for government programs
- ❑ Assuring continued availability of charitable programs
- ❑ Providing family members the financial ability to handle ongoing needs



Special Needs Planning

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Estate Planning

Proper estate planning would help gather the financial means to facilitate a quality of living.

Without an estate plan in place, families are left with few choices. Bestowing assets directly may eliminate eligibility for any governmental or charitable assistance. However, leaving them completely dependent on government programs and charity is not always the best option.

One possible solution is to create and fund a Special Needs Trust. A Special Needs Trust is a carefully structured trust that provides financial security for the special needs child or family member while allowing that person to qualify for government benefits. The plan provides the family with flexibility, allowing new caregivers to meet the social, emotional, physical and financial needs of their loved one.

We understand the concerns and challenges of special needs planning and can help guide you through the process, while helping ensure that your financial goals are being met.



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Please call or email today to learn more about Special Needs Trusts and other estate planning options.



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Considerations for Special Needs Planning

There are many concerns when you have a special needs child or family member. Ask yourself these vital questions to help you on the road to uncovering your and your family's unique planning needs.



Physical and Emotional Care of the Child:

Guardianship Issues

- Who should assume my role as the primary caregiver after my death or disability?
- Could it be my other children or another family member?
- Would the designated guardian of my child also control the assets and property left to, or for the benefit of, that child?

Financial Considerations:

Government Programs

- Are government programs being used to assist in the care of my child?
- Will government programs be used to assist in the care of my child after my death?
- If government programs are used, will my child continue to meet the “means” tests (i.e., eligibility based upon income and net worth) used to qualify for these programs?
- Is the level of care provided under government programs sufficient for the financial and physical well-being of my child?

Other Family Issues

- Are there other children in the family? Are they minors?
- What level of support will they need?
- Are there any special concerns to address with the other children?
- How do I avoid the possible perception of preferential treatment towards a child?

Estate Tax Issues

- What is the expected size of my gross estate?
- What impact, if any, will potential estate taxes have on my estate and what I leave to my children?
- Is there sufficient liquidity to meet this estate tax liability and still meet the needs of my family?

Planning Considerations

- How important will it be to qualify for public assistance for the benefit of my child?
- Will what is known as a “special needs trust” be appropriate for the current situation?
- Have the needs of the rest of the family been accounted for in the planning process?
- Am I treating everyone fairly?

We understand your concerns and can help you to create a plan that helps meet the financial needs of the child or family member with special needs, allowing him or her to maintain a high quality of life in your absence. The plan will also help ensure that the needs of the rest of your family are met.

Call or email today to schedule a confidential appointment.