
Planning For A Special Needs Child

As the Wall Street Journal has previously reported, more than 41 million Americans, or roughly 15% of the U.S. population, age 5 and older, have some kind of disability. The U.S. Census in 2007 reported that approximately 6.2% of children between the ages of 5 to 15, or about 2.8 million children, have some kind of disability. And with the advancements in medicine and treatment, these facts mean that many of these children may outlive the parents who support them. So what should these impacted parents do?

Michelle Harrell authored an informative companion article in this edition of our eNews, emphasizing the importance of considering the creation of a special needs trust. This article will briefly address other practical considerations for those parents who have a special needs child.

1. Meet with a financial planner and insurance agent to plan for the funding of future medical, educational and housing needs for your special needs child.
2. Meet with your extended family, siblings, uncles and aunts, grandparents and older children to discuss your concerns and your family member(s) concerns about caring for your special needs child, just in case.
3. Research and contact local organizations, both profit and non-profit, to assemble an inventory of available resources that may be able to supplement those benefits obtained by governmental agencies.
4. Apply for and obtain all of the governmental benefits your special needs child is entitled to.
5. Consider petitioning for a guardianship and/or conservatorship for your special needs child to maintain legal control once the child is over the age of 18. Once a child turns 18, the parent no longer has the legal authority to control financial and health, safety and welfare decisions, so a guardianship and/or a conservatorship can maintain the parents' control, if necessary.
6. Prepare a detailed letter for the benefit of the caregiver and the family setting forth the parents' expectations and desires for the care of your special needs child. This letter should be extraordinarily detailed, with names of physicians, medications, treatments, special care requirements and so forth covered. Although the letter is not a legally binding document, it will be very helpful for the caregiver in the event the parent(s) are no

longer living or are incapacitated.

7. Set up a special needs trust. Michelle Harrell has addressed this issue in her article, *What's so Special About a Special Needs Trust? A Lot*, but succinctly stated, the special needs trust will provide for the necessary funding to pay for various expenses not covered and ancillary to governmental benefits received for your special needs' child. The lawyer preparing the special needs trust should be thoroughly familiar with the various special rules governing definitions and limitations of assets together with those benefits the government will pay.

I have encountered a number of these issues and situations when dealing with family law and trust litigation matters.

These matters are sensitive, complex and require long term planning. We are here to help you navigate the process and provide results that will ensure that your special needs child is cared for and protected.

If you have any questions or would like to discuss any concerns, please contact Stewart Weiner at 248-827-1890 or sweiner@maddinhauser.com