

Choosing an Attorney

Families of children and adults talk about planning for the future. This is an area that requires special assistance.

Some people do not get started on their futures planning because they do not know where to begin. A good first step is to consult with an attorney who is knowledgeable about estate planning for adults and children with disabilities. It is important to work with a Maryland attorney, since much of the law that must be considered is state specific. It is also important to work with an attorney who concentrates in special needs planning, since the laws in this area are complex and details change frequently.

But how do you find an attorney? Here are some suggestions.

- Talk with other families who have children with disabilities.
- Contact local advocacy groups (including your local Arc).
- Talk with local attorneys who practice in other areas of law, but may know of attorneys who concentrate in this area.
- Consider attorneys who are members of organizations concentrating in this area. A surprising fact is that many of the rules for elder law planning and special needs planning are similar: they both must be very knowledgeable about Medicaid law and implications.

For more information on topics discussed in this fact sheet, contact

The Arc of Frederick County.

Phone: 301-663-0909

www.arcfc.org

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The following attorneys have expressed interest in being included in an attorney resource list for individuals and families in the areas of wills, trusts and estate planning with families of children and adults with disabilities. This is not intended to be a complete list of attorneys who practice in this area. The Arc of Frederick County does not endorse any attorney whether or not his or her name appears on this list.

Other sources that may help you identify an attorney in this area include:

- Disability Rights Maryland 410-727-6352 or disabilityrightsmd.org
- The Lawyer Referral and Information Services of your local Bar Association.
- You may also find it helpful to contact friends, colleagues or advocacy groups who have had some experience in planning for children with disabilities. Also, attorneys who represent children and adults in related areas (i.e. special education) may have contact with attorneys who practice in the area of special needs planning.
- The National Academy of Elder Law Attorneys is a non-profit association which assists lawyers, bar organizations and others who work with older clients and their families. They have a searchable directory of their members on their website: www.naela.org.

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These Fact Sheets are designed to provide general information only and are not designed to provide legal advice. Families and individuals are strongly urged to consult with an attorney and other appropriate professionals regarding their individual situation before taking action.

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Questions to Ask an Attorney

- How often do you work with families planning for a child with disabilities?
- About how many special needs trusts have you drafted?
- Are you familiar with alternatives to guardianship, including surrogate decision making?
- How familiar are you with public benefits, especially those that may be important to my child?
- Depending on the size of your estate, you may also want to know the attorney's background in general estate planning and tax law.
- What are your fees?

Your Notes:

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