

Legal Planning

The first step to any Special Needs Plan is to meet with an attorney who is knowledgeable about planning for children and adults with disabilities. Even if you don't have answers to all the questions you think a lawyer might ask, schedule the appointment. The lawyer can help you by framing the issues and helping you to evaluate your options to make the best decisions possible.

The attorney should collect information and address a number of legal issues. The attorney should also discuss any concerns you have and answer any questions.

A lawyer should request specific information and discuss some of the following areas:

- Your general vision for your child with disabilities, as well as any other children and family members, now and in the future
- Your child's current and potential future needs
- Your current financial assets and resources
- Your child's current financial assets and resources, if any
- Options for distribution of your assets upon death
 - Assets that pass through your will
 - Assets like life insurance, pensions or other resources that pass through beneficiary designations
 - How to coordinate the distribution of all of these assets to achieve your goals

For more information on topics discussed in this fact sheet, contact
The Arc of Frederick County.
Phone: 301-663-0909
www.arfc.org

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- Personal and Medical Decision Making
 - How another person can make personal and health care decisions for you and/or your spouse if you were unable to do so, the type of direction you can provide to that person or your doctor, and how to appropriately document your choices
 - Current and future decision making options for your child, the benefits of alternatives to guardianship, and how to document your choices

- Financial Decision Making
 - How another person can make financial decisions for you and/or your spouse if you were unable to do so and how to appropriately document your choices
 - Discuss ways in which your child can be as independent as possible, but make sure any funds you set aside for his or her benefit are used as you envision.
 - Discuss options for preserving current or potential eligibility for public benefits
 - Identify a trustee or person you want to be involved in your child's financial future, and the level of knowledge and responsibility that is required for different roles
 - Discuss ways to balance safeguards for the resources left to your child, while maximizing discretion to spend on things your child may want or need

- Other Issues
 - Consider whether there are other people who may intend to leave money to your child and you might address that issue so that it will coordinate with your plan
 - Consider options for you and your spouse should you need long term care in the future? Discuss ways to coordinate planning for your potential needs and you child's needs.

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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.