

Planning For Your Loved One with Special Needs

What Every Caregiver Needs to Know

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What is important to you as a caregiver?

- ▶ Maintaining lifetime care and quality of life.
- ▶ *Peace of mind* when I am no longer able, or around, to provide care for my loved one.
- ▶ Protecting and maximizing government benefits.
- ▶ Planning for a “three-person retirement.”
- ▶ Providing equitably for all my heirs
- ▶ Minimizing the impact of Uncle Sam.

The majority of caregivers of dependents with special needs have not planned sufficiently...*why not?*

- ▶ Lack of coordination among advisors: legal, tax, financial, insurance, community/government, etc.
- ▶ Current advisors not experts in special needs planning
- ▶ Absence of a “plan” to address the future of dependent(s).
- ▶ Outdated or inefficient estate plans.
- ▶ Procrastination: “My child is young/higher functioning” “Other priorities” “I don’t have the time...”

Have I planned effectively for my dependent with special needs?

Special Needs Planning Pop Quiz:

Are you planning to leave more than \$2,000 to your dependent with special needs?

- Yes
- No

Have you formulated a Plan of Care for your loved one with special needs?

- Yes
- No

Is your dependent with special needs listed as a *direct* beneficiary of a life insurance or retirement plan?

- Yes
- No

How did you answer?

If you replied, “yes,” to any of these questions, you may need more planning to truly secure the future of your dependent with special needs.

Special needs planning is very different from general financial & estate planning...

Legal



Government Benefits
& Care Management



Financial



Legal Planning: working with the *right* attorney

Basic Estate Planning Documents:

- ▶ Wills
- ▶ Financial Powers of Attorney
- ▶ Medical Power of Attorney & Health Care Proxy
- ▶ Trusts

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What do I need to know about my Will?

- ▶ Why do I need one?
- ▶ What if I don't have one?
 - ▶ Intestate vs Probate
- ▶ What types of assets might *avoid* my Will?



Should I have a trust?



- ▶ The benefits of trusts
- ▶ Many types of trusts
- ▶ The role of the trustee

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Yes, I have arranged to leave more than \$2,000 to my dependent with special needs...

Federal law says...

If you leave **over \$2,000** to a person with a disability, he/she automatically loses eligibility for most government benefits & services.

Government Benefits

- Entitlement vs. eligibility/needs-based benefits
- Countable vs. non-countable assets/resources
- Important ages: 18, 21, 22, 26 years old
- Resources to help navigate

What are my options?

First, some Common Planning Mistakes:

- Disinheriting your loved one
- “Morally-obligated” gifts
- Well-intentioned family members

What’s a better solution?

A Special Needs Trust

- How does it protect my loved one’s eligibility for government benefits
- What can it provide for?
- Are there restrictions?

A Special Needs Trust (cont.)

- 3rd Party vs 1st Party vs Pooled SNTs
- Living vs. testamentary SNTs
- Who should be the trustee?
- When should it be funded?

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What I should know about Guardianship & Alternatives to Guardianship

- ▶ If my dependent is under 18
- ▶ If my dependent is over 18
- ▶ Depending upon where my dependent lives
- ▶ Guardianship vs Powers of Attorney (POAs)

Identifying a Care Provider

- ▶ How do I help assure the kind of care I would personally give my dependent?
- ▶ I don't want to place any burden on my other family members...
- ▶ What if I don't have someone?

The Memorandum of Intent

- ▶ What is it?
- ▶ Why does my dependent need one?
- ▶ How do I create one?
- ▶ Important of Care Management

Financial Planning

- ▶ Tax planning considerations
- ▶ Planning for a “three-person retirement”
- ▶ Approaching investing differently
- ▶ Insurance planning approaches

What is your funding strategy?

Funding strategies for your dependent's special needs trust:

- ▶ Property/Real Estate
- ▶ Investments
- ▶ Retirement Accounts
 - ▶ Pre-Tax/"Traditional"
 - ▶ Roth
- ▶ Life Insurance

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Yes, someone with special needs is the *direct* beneficiary of my life insurance or retirement account...



Looking at life insurance differently with special needs planning...

What is the most appropriate type of life insurance to fund your dependent's Special Needs Trust?

Consider:

- ▶ Your goals
- ▶ Your dependent with special needs
- ▶ Your family

Why Use Life Insurance?

- ▶ Potentially free of inheritance and estate taxes
- ▶ Use of leverage to create a larger estate
- ▶ Preserves other estate assets for other family members
- ▶ Can help meet the financial needs for lifetime care and quality of life issues for your dependent

How much does my loved one need?

- ▶ Calculate comprehensive expenses for a lifetime of care by projecting monthly income needs.
- ▶ Take into account the impact of inflation
- ▶ No “one size fits all”
- ▶ Don’t forget about taxes!

What about *your* lifetime care needs?

- ▶ Disability Insurance - protects the caregivers *income*
- ▶ Long Term Care insurance (LTC) planning options - get educated!
- ▶ LTC protects the *care-giver's* assets from being depleted due to unanticipated long-term health costs
- ▶ How are you currently addressing these risks?

OK, so where should I start?

Financial Planner with Special Needs Expertise

- ▶ Is my current advisor experienced with special needs planning?
- ▶ Did I discover gaps in my plan?
- ▶ When did I last hear from them?
- ▶ Could a 2nd opinion hurt?

Qualified Special Needs Estate Planning Attorney

- ▶ Is my attorney a specialist or a “dabbler”?
- ▶ When did I last meet with my attorney?
- ▶ Am I confident my plan is “done right” vs “done”?

How we can help...

- ▶ Complimentary first meeting - 30,000 foot overview
- ▶ Introduce you to qualified special needs estate planning attorneys**
- ▶ Connect you to additional resources within the community
- ▶ Educate you on variety of special needs trust funding options
- ▶ Comprehensive, objective & fiduciary-bound approach

**If you do not have your own qualified special needs attorney, our firm can introduce you to a few qualified attorneys specializing in special needs for your own choosing.

In Summary...

Surround yourself with experienced, qualified advisors to assist you & your entire family.

Remember that *YOU* are the expert about your dependent.

Think “lifetime care” and “quality of life” - We will help you get there.

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