

# Long-term Planning for Families with a Special Needs Child



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Parents or grandparents of a special needs child (such as autism, cerebral palsy, Downs Syndrome or mental impairment) understand the important role they play caring for their children. Planning for the time when you will no longer be able to care for your special needs child is crucial for ensuring their long-term care. Proper estate planning is imperative, in these instances, in order to enhance your child's quality of life, while not endangering his or her eligibility for government benefits.

## Proper Planning with a Special Needs Trust

Any inheritance such as investments, life insurance benefits, retirement accounts, and real and personal property, left outright to your special needs child at your death, may disqualify your child from much needed government benefits, particularly Medicaid. With proper planning and the use of a Special Needs Trust, you can preserve your money, assets, and life insurance proceeds to be used for the benefit of your child, while maintaining their eligibility for government benefit programs. With a Special Needs Trust, you appoint a person or financial institution to act as Trustee of the Special Needs Trust to manage your assets for the benefit of your child at your death.

## Benefits of a Special Needs Trust

Although there are certain restrictions on the use of the funds in order to maintain eligibility for government benefits, the Trustee can generally use your money and assets left in the Special Needs Trust to provide your child with the extras that government benefits do not cover. Things such as uncovered therapy, medical, dental and mental health expenses, travel, entertainment, books, computers and other digital devices, electronics, cable TV, internet service, transportation and hobbies - those extras that will greatly enhance your child's quality of life when you are not here to provide them yourself.

Special Needs Trusts must be carefully drafted. If you have a special needs child, the estate planning and probate attorneys at Jennings, Haug & Cunningham are available to discuss the benefits and requirements of a Special Needs Trust and to determine if a Special Needs Trust is right for you and your child.

**About the author: Hillary P. Gagnon** is a partner with Jennings, Haug & Cunningham, LLP. Her law practice is focused in estate planning and probate law where she assists clients with developing and preparing a personalized estate plan appropriate for their individual and family needs and also assists families and individuals with guardianships, conservatorships and post death administration of trusts and estates in both contested and uncontested matters.

*The information provided in this article is offered for informational purposes and does not offer legal advice to readers about specific situations. You should consult an attorney for advice regarding your individual situation.*



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