

# Special Needs Planning

**Did you know once a person turns 18 under U.S. law they are considered competent and independent?**

Parents of children with special needs often forget that their parental rights end when their child turns 18. There are different considerations for planning around benefits and care when a child is a minor and when they are an adult. Here is some information that might be helpful as you plan for the care and inheritance of your loved ones:



**If there is a need for someone to be involved in assisting your loved ones in making decisions once older than age 18, either a court order or legal documents are necessary to authorize them to assist in making medical or financial decisions. The best option depends greatly on your circumstances and your loved one's needs for assistance. The following should be carefully weighed and considered with legal counsel before deciding what will work best for your loved one's needs:**

- Complete or Limited Guardianship or Conservatorship
- Supported Decision Making
- Financial and Medical Powers of Attorney

## Government Benefits Come in Different Forms

	Needs Based- Before 18	Entitlement Based- After 18
Cash Assistance	Supplemental Security Income (SSI)	Social Security- Disability Income (SSDI)
Medical Assistance	Medicaid/ Medi-Cal	Medicare

When a child is under 18 years old their parent's assets and income are considered for purposes of receiving government benefits. Once they turn 18, they qualify for benefits based on their own financial situation. In most states, the total value of assets a person is able to own and still receive benefits is quite limited. This can greatly limit their ability to save money, receive gifts, and receive an inheritance without affecting current benefits. Therefore, it is important to plan your estate so as to not affect their eligibility for benefits.

The most common tools to use for preserving benefits while allowing for money to be set aside for your loved ones include:

- Revocable Living Trusts with Supplemental/ Special Needs Provisions
- Standalone Supplemental/ Special Needs Trusts
- Pooled Special Needs Trusts
- ABLE Accounts

You should consult with competent legal counsel to assist you in determining which options will best fit your family's needs and craft your plan based on their recommendations.

## Also consider:

- Who else would have an interest in providing for or leaving assets to your loved ones?
- Has your loved one ever been the victim of financial manipulation or exploitation?
- In an emergency, who could make medical or financial decisions on behalf of your loved one?
- Would your loved one's benefits be affected under your current estate plan?
- Would your family be prepared if you were absent for an extended period of time?

If you have questions or are interested in a consultation, feel free to contact our professional network through your LSPN advisor/ representative or visit our website at [www.lspnpro.com](http://www.lspnpro.com)

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