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## WHAT IS SPECIAL NEEDS PLANNING?

It's important that all families have a sound estate plan in place. But when your family includes someone with special needs, the answer to the question "What will happen when I am gone or unable to help?" takes on an added level of importance.

In many ways, estate planning when a family member has special needs is like any other type of estate planning. For instance, your plan should provide for the appointment of a substitute decision maker for both financial and medical decisions in the event the primary decision maker becomes ill or unable to fulfill the duty. The plan should also describe how you would like your assets distributed upon your death.

For families that include an individual with special needs, there are additional considerations. Your plan should ensure that in the event of your disability or upon your death, your family member will have the protection of a friend and advocate that they know and trust. If your family member receives needs-based public benefits, then your plan needs to allow your loved one to inherit from your estate without damaging his or her eligibility for these benefits. In addition to estate planning documents like Powers of Attorney, Medical Directives, Wills, and Revocable Living Trusts, your estate plan may also need to include a Special Needs Trust and/or an ABLE Account.

Special Needs Planning may include:

- Assisting special needs families with healthcare and public benefits
- Providing counsel on Estate Planning for the family members of an individual with special needs
- Counsel and planning for transitional services for special needs children approaching adulthood, including Estate Planning and the possible need for Guardianship and Conservatorship

If you are thinking about preparing or updating your estate plan, and you have a family member with special needs, it is important that you talk with a special needs planning attorney who can ensure that your plan addresses these concerns.

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