



SPECIAL NEEDS PLANNING: ANNUAL REVIEW CHECKLIST 2023

A CLANCY & ASSOCIATES GUIDE

As you reach milestones in your family's special needs journey, it's important to review your Special Needs Plan each year. A "Special Needs Plan" is different for each family, but generally includes a Special Needs Trust, education / transition plan, life care plan, benefits (or benefit eligibility assessment), education planning and living arrangements.

By proactively monitoring and updating your Plan and task list, you won't miss important deadlines or benefit windows. You will also avoid common asset titling mistakes or omissions before they interrupt your loved one's benefit eligibility and have the peace of mind that comes with sound planning.

Please use the following checklist to identify areas that require your attention. If you have checked any of the boxes below, please contact our office to discuss how to update your Special Needs Plan. Each family's planning strategy is unique and Special Needs Plans can differ widely. This checklist is a guide and not a substitute for a detailed consultation. Please do not hesitate to contact our office for help.

PARENT PLANNING

Thorough planning for a child with a disability must start with the parents' estate plan. This is because funding for the child's Special Needs Trust almost always originates from parents' assets.

- I am ready to establish a Special Needs Trust and/or my own Estate Plan. Or, I have these documents in place, but need to update them.

TRANSITION PLANNING

Is your child between the ages of 14-22? If so, you are officially in the "Transition" period for education, government benefit, evaluations, and legal planning. Schools must legally begin this important planning by age 14 ½. Starting on time provides your child with the widest range of opportunities and training possible.

Will your child enter a transition program after high school? If so, is the program structured around his or her interests and strengths? Do you know if he or she is eligible for SSI, Medicaid, or DAC benefits? What support will your child need when making medical or other legal decisions? Are you ready to learn more about Powers of Attorney and Guardianship? There is so much to consider, but we will help you by preparing a concise roadmap that focuses on the issues unique to your family.

- I would like to schedule a Transition Plan Consultation to address planning for government benefits, guardianship, education planning and review of my legal documents.



DIVORCE

For parents who are going through a divorce, there are many important considerations to evaluate. Child support, for example, must be paid into a different type of trust so it does not jeopardize a child's government benefit eligibility. Parents must also determine how to co-manage (or manage individually) Guardianship, negotiate the length of child support, and maintain previously established Special Needs Trusts post-divorce. We often consult with our clients' divorce attorneys to ensure these issues are properly addressed in marital settlement agreements.

- I am contemplating divorce / am in the process of divorce and want to understand how to ensure my attorney considers special needs issues.

KEY PEOPLE IN MY LOVED ONE'S LIFE

Guardians, Trustees, Trust Advisory Committee Members and Successors

Is everyone you have chosen for your child's long-term plan or Special Needs Trust still able and willing to act? Do these individuals share your values and judgment and do they have current knowledge of the person with special needs' life? Do you have other children who are now adults and can take on any of these roles?

- I need to update the choices I have made for Guardian, Trustee, Trust Advisory Committee, Successor, Powers of Attorney, Executor.

ASSET UPDATES

Do your financial accounts, life insurance policies, property deeds and other assets properly designate beneficiaries? Is your loved one's Special Needs Trust named as beneficiary (instead of personally)? Have you completed an "Asset Inventory" to ensure you have captured all accounts, assets, and other financial interests? Confirm that your loved one's assets (in his or her name) do not exceed \$2,000 from all sources.

- I need to complete an Asset Audit to ensure that beneficiaries are updated and that my loved one's assets do not exceed \$2,000.

LIFE PLANNING

What does "Special Needs Planning" entail, beyond a special needs trust? Often, the Special Needs Trust is just the first of many layers of planning. Consider care planning, government benefits, education planning, group living, waiver benefits, the PUNS list, guardianship, letters of intent and financial planning. We recommend a plan review every 3 years (or more frequently, if you desire) to assess whether your plan addresses your child's needs.

- I want to review / design a Life Plan.

If you have checked any of the boxes listed above, please arrange a consultation with our office to determine how to establish or update your Special Needs Plan.