



SIVIA Business & Legal Services, P.C.
Checklist: Planning for a Special Needs Child

Step 1:

Assess your child's abilities and development potential.

Life Skills_____

Social Skills_____

Financial Skills_____

Step 2:

Create a life plan for your child.

Create a Letter of Intent.

- Provide guidance to the court, guardian, trustee (not legally binding).
- Include your child's history, current status, hope for child's future.
- Explain what housing options and career/education opportunities you want for your child.

Step 3:

Determine the cost if implementing your child's life plan.

Consider professional help or do it yourself.

- Life Planning Services
- On-line calculators (MetLife, Hartford)

Step 4:

Take inventory of your financial status.



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Step 5:

Decide how to finance your child's life plan.

Consider the availability of personal and family resources.

- Your personal assets
- Your child's assets (personal injury settlement proceeds)
- Life insurance
- Gifts from grandparents or other family members

Consider the availability of government benefits.

- Need-based: Social Security Income (SSI), Medicaid, Section 8
- Non needs-based: Social Security Disability (SSD), Medicare
- Other benefits: CBA Resource Guide for Persons with Disabilities

Consider different approaches to financing your child's life plan

- Special Needs Trust (Self-Settled, Third-Party, Pooled)
- Support Trust
- Moral obligation
- Outright gifts
- Disinherit

Step 6:

Implement your child's life plan with appropriate legal documents.

Last will and testament

- Choose a guardian of the person and estate.
- Direct your assets.

Alternatives to guardianship

- Medical: Power of Attorney for healthcare, health care surrogate
- Financial: Power of Attorney for property, representative payee

Special Needs Trust

- Written instructions for managing assets (grantor, trustee, beneficiary)
- Trust holds title to assets, not disabled beneficiary
- Self-Settled, Third-Party. Pooled
- Testamentary Trust or Living Trust (Revocable or Irrevocable)
- Supplements but does not take the place of government benefits (food, shelter, clothing and medical)
- Use trust funds for goods & services that enrich your child's life



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Notes: _____

NOTE: This inventory is based on state and federal law and it does not constitute legal advice or an attorney/client relationship. Since laws frequently change, SBL S is not responsible for any errors, omissions or consequences. Please seek legal counsel prior to acting upon the information above.