

## Special Needs Series #1: Will Your Special Needs Loved One Have Enough To Live On?

In my office, it's not uncommon to sit across the table from an aged parent who is still the primary caregiver for a child who is chronically disabled.

These parents live in dread of the day that they will die, but not for their own sakes. It's because they know that their children may survive them, facing a future without the loving protection of a parent.

In many cases, the adult child is being cared for by a loving parent who is greatly worried about both how care will be provided and who will care for that child after they are gone.

This is the first time in human history that millions of parents face the possibility that their chronically disabled children may actually outlive them. If you have a child with special needs, you've likely taken great pains to ensure that your child has the right kind of care, love, respect and comfort he or she deserves.

But what happens when you're gone?

As an elder law attorney, I often have to assist parents who have lived to an age where they become the "frail elderly" and are facing nursing home needs of their own - yet, these are the very people who are still required to be at home caring for their adult disabled child.

Millions of parents want to protect a child with a disability such as autism, cerebral palsy, hearing loss, vision impairment, muscular dystrophy, genetic and chromosomal disorders, Down's Syndrome, or one of a number of mental illnesses. (We'll also talk in a later email about how to protect a child who does not have a traditionally-defined disability, but will never be able to handle money and also needs love and protection).

It's my job to take the hands of parents and grandparents, helping to guide them to peace of mind as they put up safeguards and protections for their child that will be in place long after they're gone.

The scary thing is that many people (even attorneys!) recommend that a parent disinherit their special needs child in order to allow them to continue receiving benefits and so as not to create more problems. But I'm here to tell you that there is a better way – you can protect your child while making sure they will always have enough during their lifetime.

As we delve into the tools I use to help families like yours, you'll discover that you may want to make changes to better protect your loved ones. Or, you may not want to wait for my next few emails – if that's the case, simply call my office at the number below. Every family is different, and I want your family to have the best possible outcome. Let's sit down together and talk about how to protect and provide for those you love – while you're alive, and for the rest of their lifetimes.

Sincerely,

Anthony,

Anthony B. Ferraro, Partner,  
Robbins DiMonte – Attorneys at Law  
216 Higgins Road  
Park Ridge, IL, 60068  
Phone: (847) 221-0154

### Legal Disclaimer

This information has been provided for general informational purposes only by the attorney whose

signature appears above. It does not constitute specific legal advice. Do not take any action based on your understanding of the legal concepts presented in this letter except to call a qualified elder law attorney. The receipt of this information does not establish any attorney-client privilege. Proper legal advice can only be given upon consideration of all the relevant facts, circumstances, and laws. The actual content of the letter above was written by staff members of NBK marketing. Copyright 2009-2024 NBK Marketing.

## Special Needs Series #2: Are You Relying On Bad Advice?

If you have a special needs child in your life, you've inevitably considered what would become of him or her if you were no longer able to provide care. As with all estate planning, the earlier you prepare, the better! One couple I worked with decided it was time to get around to planning for their disabled son who lived with them, since they had birthdays coming up - she was turning 89 and he was turning 92!

Sometimes when families bring in a professional caregiver for the aging parents, those same caregivers begin providing necessary services to the child with a disability. This raises new challenges for those parents and their children.

Since these disabilities will last the lifetime of the affected individual, how can a parent be assured that a disabled child is going to be taken care of, after the parent is either gone or in a nursing home?

Some attorneys recommend that you leave all your assets to another, non-disabled child and make that child the caregiver for the disabled sibling. This passing of the torch is often unfair - and in many ways ill-advised. We do not believe disinheriting is the right choice.

Of course, disinheriting the child means that you make sure that you do not leave any money to the child directly. This is part of an overly-simplistic idea that one should just leave extra money to one of the other children to provide care for the disabled child. I've seen too many times that this rarely works, even in the best of situations and in the best of families.

Another consideration is Medicaid. If and when a senior citizen parent needs to apply for Medicaid, disinheriting becomes a disastrous idea! It is wrong for both the senior who needs to apply for Medicaid, and it would be wrong for accomplishing the goals of providing a lifetime of love and protection for the vulnerable adult child.

Instead, an elder law attorney like me can use special tools to help you care for your child the way *you* would care for them... which means more than just making sure they are fed and clothed.

A wonderful option is the creation of a Special Needs Trust (SNT). This is an irrevocable trust, specially designed for the benefit of the child with a disability. Amazingly, there is no penalty for a transfer of assets from a Medicaid applicant to a special needs trust for their legally disabled child or grandchild.

In my next email, we'll talk more about the specific benefits of a SNT, and why it may be a good fit for you and your family. It's more than meets the eye, and can provide more than just basic food and shelter.

Until next time,

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### Special Needs Series #3: Is a Special Needs Trust Exactly What You Need?

Just about any institution could make sure your special needs child has a bed, basic care, and three square meals a day.

But that's not what life is all about, is it?

A special needs trust is more than just making sure your child has the barest of bare necessities taken care of. It's about providing kindness, love, and even fun events for your child with special needs - even after you're no longer there to provide it.

You see, a Special Needs Trust (SNT) is a way for parents to leave money for the needs of their child beyond what public benefits would pay. A SNT can provide supplemental funds for recreation, social activities, pets, special therapies, entertainment, and even vacation opportunities for the disabled child. A SNT can also purchase professional care management, which can enhance not only the dignity, but also the quality of life of a disabled child.

In addition, it's designed to work in partnership with any public benefits that a child may be receiving, such as Supplemental Security Income or Medicaid so that it doesn't jeopardize those helpful tools.

The purpose of a SNT is that it allows a senior citizen parent who cannot give the money directly to his or her disabled child to create a trust that can be used to provide for tender-loving-care "extras" of life. This trust can allow you to continue to provide love and protection for your child while simultaneously preserving his or her eligibility for public health and Medicaid benefits.

It's important to work with a qualified special needs attorney to put together a Special Needs Trust – it can help make the process much less complicated. It's no small feat to put together the appropriate plan to provide ongoing protection and care while avoiding putting public benefits at risk. The results are well worth the effort to provide for someone you love, who desperately needs your lifelong care and protection. Call my office at the number below to schedule a consultation to talk about your special needs child or grandchild.

Sincerely,

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Special Needs Series #4: Are You Ready For Answers NOW?

Dear [fname],

About a week ago, you signed up for my Free Special Report series on special needs planning.

So far, you've received several reports to help you understand that the steps you need to take to plan for your child's future could mean the difference between a comfortable life and leaving your child with few options (I've seen it too many times). You'll continue to receive those Special Reports... they're chock full of great information.

Now I've found, over time, that a lot of my clients get impatient... they want to get right to the heart of the matter. They want to know if they're future is protected or not... right now. Others simply want to know the steps to take when they do decide to take action...

If that's you, if you NEED ANSWERS NOW, click on the link below for a special offer.

<https://abferrarolaw.com/contact/>

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Special Needs Series #5: Will Your Child Be Protected When The Time Comes? Get Answers Now.

In the last few letters, you've learned about some options for your child with a disability.

But what if your child or grandchild doesn't have a clearly defined disability, but a pattern of poor choices or simply a vulnerability to predators?

A number of times I have had clients tell me that they love their vulnerable adult children, but they have a child who has chosen a destructive lifestyle. Sometimes it's a mental health issue, a drug problem, a controlling partner, or simply a matter of making very bad choices.

These parents do not want to abandon any of their children -- but they also don't want the money they provide to fuel the fire that is consuming their child. They come to me and ask me what to do.

Since this child is not someone with a legally defined disability -- but the parents know the child will squander all of their inheritance... unless they find a way to provide "lifetime love and protection" using their estate's assets. The answer is what I call the Lifetime Love and Protection Trust (LPT).

A Love and Protection Trust is designed to be a legal tool that can provide protection, motivation, and encouragement for an adult child who is unable to make careful and supportive decisions with his or her money. The LPT works to make certain that your investment in your adult child is used to further your caring purposes, positive values, and enduring concerns for his or her well-being.

The way this works is that a trustee will use your written trust instructions to help safeguard your property in order to benefit your child. Trained investment professionals will defend the money and work to maximize a reasonable and profitable return on the assets that you have left. By law and by the trust document itself, the trustee must make wise and intelligent decisions to protect your child and your trust.

Unfortunately, it happens all too often that adult children squander their entire inheritance - unless you take control by making a gift of love and protection by using a lifetime trust. The LPT prevents an adult child from foolishly spending, wasting, and losing your hard-earned estate. Your investment in your child is protected from creditors, failed marriages, and other predators.

Some adult children are extremely vulnerable to creditor lawsuits and many other types of legal claims. An LPT can be designed to discourage substance abuse and to provide for the special needs of your adult child. You can and should build protective walls around the legacy that you have chosen to leave your loved one.

You can truly build a fortress with this trust. At its most basic, a love and protection trust will be there for your child long after you are no longer able to be directly involved. Your legacy of love, protection, and sound investments will give your adult child the best chance to have money still available if and when he or she eventually chooses to seek help to make a positive life transformation.

Call our office to discover more about how you can help rescue your vulnerable child for their whole lifetime.

Sincerely,

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