

## additional considerations

### health care power of attorney

The Health Care Power of Attorney allows you to designate a person to make medical decisions for you in the event of your disability. If the nature of your child's special needs includes frequent medical treatment, we may recommend that you legally empower others to make decisions for your child in the event you are unable.

### property power of attorney

Much like the Health Care Power of Attorney, the Property Power of Attorney allows another person to make decisions regarding your property in the event you are unable. Without such a designation, your closest living relatives will likely be the only individuals with the power to make these decisions.

### other children

Your Will and Trust contain provisions that provide for children's care, both with guardians and a family trust that will provide directions and limitations on everything from basic care to college tuition and wedding expenses.



attorney



Katie Clancy, J.D.  
Katie@ClancyAssociates.com

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To learn more about the issues discussed in this brochure, and what kind of estate or special needs plan is right for you, please call our offices at 773-929-9000, or visit our website at [www.ClancyAssociates.com](http://www.ClancyAssociates.com).

This is advertising material. This brochure is not intended as legal advice, which may often depend on specific facts. Readers should seek specific legal advice before acting with regard to the subjects mentioned here.

special needs  
planning



Clancy | Associates  
a t t o r n e y s

1001 Warrenville Road, Suite 500  
Lisle, Illinois 60532  
773-929-9000

[www.ClancyAssociates.com](http://www.ClancyAssociates.com)



## how do I plan for my child's future?

Parents of special needs children must constantly navigate multiple complex and confusing systems. You must spend your time and attention on the issues of today -- whether it be your child's health, school, support services, or legal protections. No doubt you are also thinking of your child's financial future and how to secure the best benefits and financial support system available -- but lack the luxury of time to devote to this process.

### we can help

After learning your child's story and diagnosis, your family's concerns, financial picture and your goals, the attorneys at Clancy & Associates, Ltd. will recommend a customized legal plan to protect, support and optimize financial resources for your child. We will follow through and help you implement the plan annually to ensure your family and child's ongoing or changing needs are addressed.

If you wish to make a gift or bequest to a special needs child, we can help you structure the gift so it does not inadvertently disqualify the child for benefits.

## the Clancy & Associates difference

**Our planning team understands what it is like to be overwhelmed -- we, too, are parents of special needs children.** Though our children's challenges are all different, we share the common goals of thoroughly preparing legally and financially for their future and any contingencies that may arise. Our mission is to help relieve your stress and anxiety relating to your child's financial future with specialized planning, encouragement, and reliable follow-up and implementation.

## special needs planning

### special needs trust

It is very important to establish a "Special Needs" or "Supplemental Needs" Trust ("SNT") for your child as soon as possible, even if he or she is too young to qualify for governmental benefits, and even if your child's challenges may not be a lifelong disability. An SNT can accept gifts and inheritances from family and friends without interfering with your child's governmental benefits qualification. Well-intended gifts or inheritances transferred directly to the child, outside the SNT arrangement, can cause the child to be disqualified for other benefits or require the child to reimburse the state for services received. You may designate alternative beneficiaries in an SNT (such as your other children or family members) to avoid having to reimburse the government for services provided to your child. Assets of SNTs are also protected in a parents' divorce, and can serve as a safe vehicle for divorced spouse's contributions.

The goal of an SNT is to provide anything and everything for your child that governmental benefits do not -- such as medical, dental and therapeutic treatments otherwise not covered; recreational activities; travel and related assistance; or additional support services and respite care to assist your child's providers. Remember, even children that live entirely independently may still need a variety of supplemental supports.

### will

Your Will names the guardian(s) you have chosen for your child(ren), along with any specialized professional(s) you designate to advise on your child's care, education and services. Families often direct that the primary guardian consult with therapists, doctors, advocates, or others familiar with your child and his or her care, therapies and services. For divorced parents of children with special needs, it is critical to be sure your former spouse and in-laws understand how to properly provide for your special needs child in their estate planning documents.

In your Will, you also confirm your own burial wishes and the distribution of your property. In Illinois, if you die without a Will, state laws will govern the distribution of your estate. A Will is often drafted together with a Revocable Trust or an SNT Trust, depending on your family structure, financial scenario and other children. Trusts can accomplish many purposes: avoid the time-consuming, expensive and very public probate process; allow you to take advantage of estate tax laws; provide for your dependents' or children's well being in detail; and, help avoid disputes over the assets in your estate. Placing your assets in a Trust can also make the transition of ownership go much more smoothly for your heirs. Not every individual needs or should have a Revocable or SNT Trust; we can help you decide whether a Revocable Trust, SNT Trust, or a combination of the two is right for you.