



Tri-Counties Regional Center

Estate Planning

Commonly asked questions about planning for your child's future

Services

What is estate planning?

Estate planning refers to the steps you should take to provide a more meaningful and productive life for a child with a disability after your death. It involves completing a life plan, writing a letter of intent, addressing the need for advocacy or guardianship/conservatorship, and planning for your child's financial future. A life plan is important information about your child's current and future needs in such areas as residence, education, employment, social life, religious practice, medical care, and behavior management. The letter of intent communicates these needs and desires to future caregivers. If your child is a minor, one important purpose of a will is to name the child's guardian in the event of your death. Whatever the age of your child, it is a good idea to have several people, who know and care for your child, willing to act as advocates. You should also weigh the need for, as well as advantages and disadvantages of, a court appointed conservator of your adult child's person or estate. "Full or Limited Conservatorship of the Person" places restrictions on your child's ability to make some or all of his/her important life decisions and should not be obtained without careful consideration. "Conservatorship of the Estate" names a person or organization to manage your adult child's financial affairs.

What is a Special Needs Trust?

Among the alternatives to "Conservatorship of the Estate" is setting up a trust fund designating a person (typically a family member) or an organization to manage your child's assets after your death to insure that funds are invested and spent wisely. A trust is the most useful estate planning tool available; but, the trust fund must be properly set up to protect your child's assets. A Special Needs Trust can be designed by law to allow your child with disabilities to remain eligible for SSI and MediCal while being the beneficiary of the Special Needs Trust.

Where can I go for help?

Planning for the future of a child with a disability is important for every family, no matter how large an estate. The time to start is now. Of course, every family's situation is different and there is a great deal of planning to be done. That is why it is crucial to seek professional help. There are attorneys and advisors who specialize in estate planning on behalf of children and adults with developmental disabilities. Check with your service coordinator or local parent association for names. Ask specialists you contact for references of other parents they have helped so you can get independent knowledge of how skilled the specialist is.