

Lack of planning can jeopardize a disabled child's benefits

If you die without doing estate planning, the state of Utah has a will for you called "Intestacy." If your disabled child inherits through your will or trust or intestacy, he, she may lose government aid.

Years ago, parents of special needs children gave extra shares to their non-disabled children. This arrangement is problematic because there is no legally enforceable way of making sure the sibling makes monies available for the disabled child for things that Social Security and Medicaid do not cover, such as dental work, rehabilitation, schooling, travel, etc.

If your non-disabled child dies or became disabled with the money in their names, it may never be made available for your disabled child's needs.

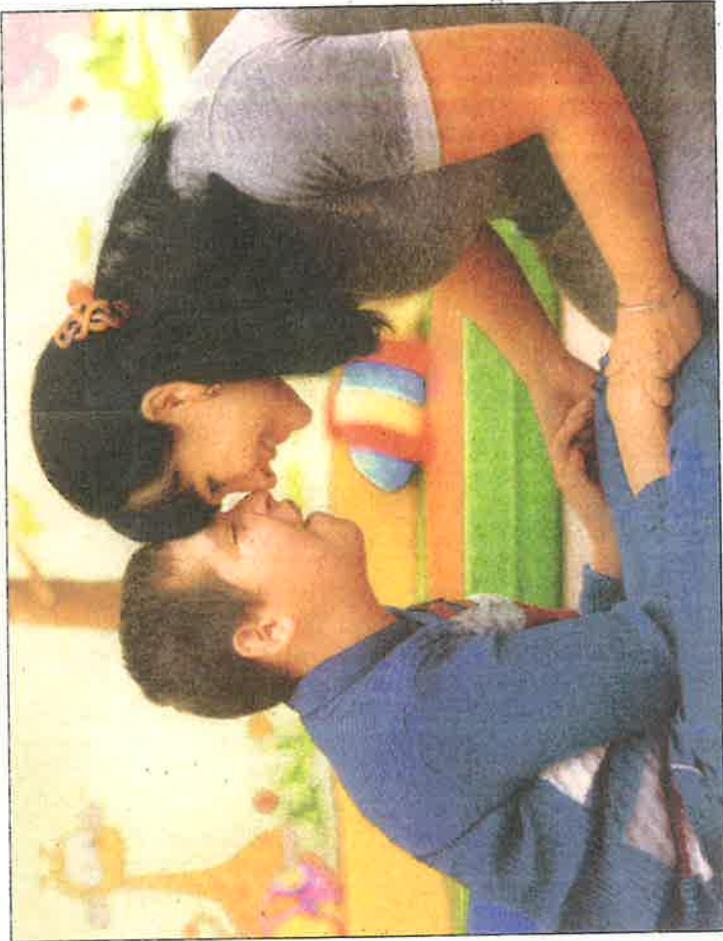
It is no longer necessary to try to "disinherit" your disabled child if



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you have conforming "supplemental needs trust" language drafted within your existing will or trust.

So long as your will or trust has the correct provisions, you may leave your disabled child funds for their expenses (not food and shelter) in a "Supplemental" or "Special" needs trust that conforms to current disability laws.

Contact a local elder law attorney for the best advice to make sure your existing wills or trusts conform to current rules.

Have YOU protected YOUR disabled loved one?

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