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LETTERS

Estate planning is essential for kids with special needs

To the Editor:

Referring to the article "Lack of estate planning can lead to family blowups" (LIBN, July 13), the Baby Boomer population is aging, but failing to create estate plans – and it can be a big problem, especially for families with special-needs children.

We know for a fact that the incidence of developmental disabilities, including autism, is growing exponentially. However, we continue to overlook the critical impact lack of planning has on individuals with disabilities.

This higher incidence of families with a special-needs child increases the need for estate planning to ensure a smooth transfer of any assets.

Failure to provide such a plan puts the child with a disability at risk of not only losing valuable government benefits, but also prevents the preservation of funds to provide quality-of-life necessities after the parents are deceased.

Parents of special-needs children can provide for their child's future via a Supplemental Needs Trust, created either during their lifetime or in a will. An SNT permits a parent, grandparent or other person to create a fund to "supplement but not supplant" the basic necessities of life – food and shelter – provided by government programs such

as Supplemental Security Income and Medicaid.

Any amount of assets can be placed in a properly drafted SNT without affecting the child's eligibility for Supplemental Security Income and Medicaid.

Having a will is imperative, as without one New York State law provides for the distribution of assets to a surviving spouse and children. If a child with a disability has more than \$2,000 in assets, his eligibility for Supplemental Security Income and Medicaid is placed in jeopardy.

Thus, a properly drafted estate plan will state that any inheritance left to a person with a disability is placed in a SNT.

Medicaid is the funding mechanism for many of the adult programs for individuals with disabilities, and ineligibility due to improper planning can disrupt the child's life by causing ineligibility for day programs, recreation and residential placement.

This situation is similar to the concept of "spend down" faced by the elderly when qualifying for Medicaid until their assets fall below \$2,000. Any funds over \$2,000 must be spent before benefits will be reinstated – all of which wastes time and money and is totally unnecessary if appropriate estate planning is in effect.

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