

TRUTHS EVERY FAMILY WITH SPECIAL NEEDS CHILDREN NEED TO KNOW

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Did you know that there are six million children in the United States who are disabled? That equates to a 16 percent increase from just ten years ago. Most of these disabilities are not physical, but in fact, are neuro developmental or other mental disabilities. In fact, in a study found in the Journal of Pediatrics, other disabilities such as asthma, are actually decreasing, even as disabilities such as Autism, are rising fast and now affect one in fifty children. The problem is: no one seems to know why these trends are occurring.

This can prove challenging for parents who want to ensure their child is protected for the rest of their lives. The best way to accomplish this is through estate planning. While it may seem daunting, it's like most everything else: once you take that first step, you'll find that it's not as overwhelming as you anticipated.

Because just 38 percent of parents with special needs children have a will, it's crucial to not understate the potential problems. If you don't have a plan for the future, it can leave your children vulnerable – regardless of whether or not there's a disability.

This seems obvious, but it truly is the foundation of a solid plan: organize! Many are taking their documents to the cloud, but don't fall under the assumption that it's mandatory. Many clients prefer to keep the physical documents they collect over the years in a file cabinet or even a safety deposit box. Still others like the idea of



combining digital and hard copies. The point is to ensure it is complete and organized in such a way that it serves its purpose and easy to access when needed.

Consider creating a master document with all of the important information that

would be needed should something happen to you and your spouse. Social Security numbers, insurance policy numbers (and contact information), Medicaid information, doctors names and numbers, a list of any medications your child requires and where you typically have those prescriptions filled. Also, be sure to have a central location for other important documents – birth certificates, other insurance policies (such as life insurance), marriage licenses, divorce decrees, custody documents if there is a divorce, your deed and/or mortgage information, any military records and social security information. Another great document to have filed away safely is a list of user names

and passwords, especially if you do use the cloud for your child's medical information or if your doctor uses the cloud and allow his patients access. Again, your attorney can help ensure you have a thorough collection of important documents and data.

Next, think about the important legal decisions. Who would you trust to care for your special needs child if you were no longer there? You'll need to consider naming powers of attorney, health care proxies and guardians. Remember, too, that the person you select to care for your special needs child may not be the best choice for seeing to his needs once he's older. Parents whose children with physical disabilities must take into consideration the physical limitations of caretakers.

Remember: these are plans you make not only to care for your child if you're no longer here, but also, to care for your child if you become unable to do so, due to your own illness or limited physical abilities.



You'll want to protect them from the things you wish to not put on their shoulders, such as making decisions associated with whether or not to remove you from life support.

This is why it's important to have your own healthcare proxies and powers of attorney in place.

Your estate planning attorney does far more than ensure your documents are properly prepared. He will also be able to point out any vulnerabilities in your plans. He can explain the difference in a medical power of attorney and a living will. He can show you ways to financially care for your disabled child if you're no longer here. He can provide insight as to why it's not a good idea (or why it is) to do certain things. You may have heard that it's not wise to



leave cash for your special needs child, but do you know why? It can affect any government benefits your child receives. It's often the little details that can wreak havoc, despite a parent's best intentions. Once those dynamics are in place, you can rest easy knowing your child will be well cared for should the day come that you are unable to do so.

To learn more, contact our offices today. We stand ready to provide that guidance so that you – and your family – will be protected legally, financially and medically.

About the Author



Barry Zimmer

Barry H. Zimmer founded THE ZIMMER LAW FIRM in June 1993, to practice in the areas of estate planning, estate administration, and business succession planning. His goal was and continues to be helping clients understand and de-mystify the often confusing world of estate planning in an ever-changing society, and to implement effective estate planning with minimal effort and time investment. The firm works from the belief that planning should always be driven by purpose. As a result, there are no "canned" or pre-set planning solutions. Instead, Zimmer helps clients identify their goals first and then builds estate and business plans based on that understanding.

Barry has been in private practice since receiving his law degree from the University of Cincinnati College of Law in 1979. He earned his Bachelor of Arts Degree from U.C. with Honors, Magna Cum Laude and Phi Beta Kappa, in 1976. He was profiled in the 1990-1991 edition of Who's Who in American Law for contribution to the betterment of contemporary society, and has lectured numerous times on legal topics, and authored several articles and Special Reports on estate planning. He is a former guest columnist on Simply Money, on 91.7 FM, WVXU. He makes occasional guest appearances on radio about estate planning topics, and has been quoted in newspaper articles and columns on estate planning matters.

In Mr. Zimmer's perspective, excellence in implementing trust-based estate plans is but one aspect of his responsibility to clients. Providing reliable guidance and service to families of clients who pass away is just as critical as sound planning at the front end. The firm is very active in settling trusts of all complexity and sizes, and handling probate cases and guardianship proceedings. Zimmer and his staff have successfully handled hundreds of trust estate cases, and are experienced in settling and distributing a wide variety of estate assets to heirs.

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