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Important Questions to Answer Before your Special Needs Child Turns 18

Parents of special needs children need to plan ahead for this event. In Pennsylvania and New Jersey, ***when a child's turns 18 they are legally presumed to be an adult***. Therefore they are competent to make their own financial and medical decisions without the parents input, choice, or control. Parents usually forget about this legal presumption, and after the child turns 18 it is too late.

Two Important Questions to Answer

#1. Who is going to take care of my child?

There are two choices that will both work depending on the level of self-sufficiency your now adult child possesses:

- ☀ **Powers of Attorneys:** Agents are assigned the power to make financial and/or health care decisions for the now adult special needs child.
- ☀ **Guardianship or Conservatorship:** A court order would assign a guardian to make personal and healthcare decisions and a conservator to make financial decisions for the now adult special needs child.

#2. How is my child going to afford to live?

Again there are two choices that can work independently of each other or in concert with each other, depending on the means of the parents and level of care needed:

- ☀ **Special Needs Trusts:** Trusts allow parents or other interested parties to provide additional financial means to a special needs child that, if prepared properly, will not interfere with any government benefits that the child is already receiving.
- ☀ **Government Benefits:** Upon reaching age 18, a child with special needs might be eligible for certain public benefits including Supplemental Security Income or Social Security Disability Income.



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