



Designing and Implementing Annual Meetings for an Effective Special Needs Estate Plan: Strengthening Family and Professional Collaboration

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If you're the parent or guardian of an individual with special needs, you know that planning for their future is not just a one-time event—it's a continuous process that adapts to ever-changing needs, laws, and family dynamics. Some families find that establishing an annual meeting to review and discuss their special needs estate plan is critical and necessary. This yearly ritual gathers everyone, from family members to financial advisors, to assess, adjust, and affirm the path paved for your loved one. Like a well-tended garden thrives with regular care, a compelling special needs plan flourishes with annual meetings.

Purpose of Annual Meetings

Annual meetings offer a structured opportunity to collaborate with all team members involved in your special needs estate plan, which may include family members, caregivers,



attorneys, financial advisors, healthcare professionals, and any other relevant individuals. The primary purpose of these meetings is to assess the effectiveness of your existing plan, identify any changes in the beneficiary's circumstances, and make necessary adjustments.

Creating a special needs estate plan is essential in ensuring the well-being of a family member with special needs. However, if the estate plan is never shared or discussed with other family members and professionals, several critical issues can arise:

- **Lack of Coordination:** Without communication, family members might not know about the existence of the estate plan or the specific responsibilities and roles assigned. This failure can result in duplication of efforts, misunderstandings, or even legal challenges at a later stage.
- **Emotional Strain:** Special needs planning often involves sensitive and emotional topics. Family members might have strong opinions about what's best for the individual with special needs. Not discussing the plan can result in emotional strain and could potentially damage family relationships when the plan is eventually revealed.
- **Unrealistic Expectations:** Professionals like doctors, therapists, and caregivers must be in sync with the estate plan to ensure it is practical and achievable. Without their input, the plan might not fully meet the individual's long-term needs.
- **Financial Missteps:** If financial advisors or accountants are unaware of the estate plan, they might give advice or take actions that conflict with the objectives set out in the plan, potentially affecting eligibility for government benefits or causing tax issues.
- **Reduced Effect:** Special needs laws and regulations are subject to change. Without regular consultation with professionals well-versed in current laws, the estate plan might become outdated and less effective over time.
- **Legal Challenges:** In the worst-case scenario, failure to communicate the plan could lead to legal challenges from family members who feel they have been unfairly excluded or disagree with the decisions made. This could put the individual with special needs at risk during a critical transitional period.

For these reasons, it's crucial not only to draft a comprehensive special needs estate plan but to communicate it clearly and openly with family members and relevant professionals



on a regular basis. Collaboration can help ensure the plan is robust, up-to-date, and in the best interests of the individual with special needs.

Establishing a Collaborative Framework

Creating a collaborative framework is crucial for successful annual meetings. Begin by appointing a facilitator responsible for coordinating the meeting logistics and guiding the discussions. This individual could be a family member, professional, or an uninvolved third party, if necessary. The facilitator should possess strong communication and leadership skills, ensuring everyone's voices are heard. It's important to establish clear meeting objectives and set an agenda in advance to keep the meeting focused and productive.

The process does not need to be complex or complicated. Though it sounds formal, an annual meeting is an opportunity to talk with the important people involved in the plan and revisit the support network of family, friends, and professionals you selected to help care for your loved one(s) with disabilities.

Involving Family Members

Family involvement is foremost in the special needs estate planning process. Annual meetings present an opportunity for all involved family members to discuss their evolving needs and concerns, along with those of the beneficiary. Encourage open and honest communication, allowing everyone to express their perspectives and ideas. Involved family members should be actively engaged in decision-making, as their insights into the beneficiary's preferences, aspirations, and needs are invaluable.

While parents are often the instigators of an annual meeting, siblings of individuals with special needs often find themselves uniquely positioned to share the planning. They are frequently emotionally invested in the well-being of their sibling, balancing the role of a family member with that of advocate and caregiver. This emotional tie can provide a sense of urgency to ensure that their parents have effective planning and make it a personal plan as well as a legal strategy.

Decisions regarding guardianship, special needs trusts, and long-term care arrangements are often filled with a profound sense of responsibility and concern for the sibling's quality of life. As they collaborate with their aging parents, estate planning, and financial professionals, these siblings may help provide insight and the peace of mind that comes with knowing their sibling will be well-cared for and able to lead a fulfilling life after their parents, or they, are gone.



Engaging Professional Advisors

The involvement of professional advisors, such as attorneys, financial planners, and healthcare professionals, is critical for comprehensive updates and planning. During the annual meetings, these professionals can provide updates on legal and financial matters, address any concerns, and propose necessary adjustments to an estate plan. Their input is instrumental in maximizing the plan's benefits and safeguarding the beneficiary's long-term well-being.

Using a family counselor during annual meetings can also be of value, especially if parents or siblings find the topics emotional. While legal professionals can provide critical guidance on wills, trusts, financial planning, and guardianships, a family counselor can help navigate the emotional terrain and interpersonal relationships involved. They can serve as a neutral mediator, facilitating dialogue among family members with differing perspectives on the best course of action for their loved one with special needs. A counselor can also provide emotional support and coping strategies, helping family members manage the stress and emotional weight that often accompanies such critical life planning. Including a family counselor in these discussions can lead to more effective communication, a clearer understanding of everyone's emotional stakes, and, ultimately, a more harmonious and successful annual meeting.

Evaluating and Adjusting the Special Needs Estate Plan

The effectiveness of a special needs estate plan should continually be reviewed and evaluated at annual meetings, which involve analyzing financial resources, evaluating investment strategies, assessing government benefit eligibility, and reviewing legal documents. Additionally, changes in the beneficiary's healthcare needs, living arrangements, or personal circumstances can be considered. Based on these evaluations, adjustments can be made to the estate plan to ensure it remains current and aligned with the beneficiary's changing needs. It is best to consult an experienced special needs planning attorney to make any necessary updates to your special needs estate plan.

Designing and implementing an effective special needs estate plan requires ongoing attention and collaboration. Annual meetings foster communication and shared decision-making among family members and professional advisors. By reviewing the plan's effectiveness, assessing changing circumstances, and making necessary adjustments, these meetings contribute significantly to safeguarding the long-term well-being of your loved one(s) with disabilities. Participating in these annual gatherings and nurturing strong



familial and professional relationships will ensure the continued success and relevance of your special needs estate plan in the future.

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