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Letters of Intent for Special Needs Trusts

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I. Overview

Letters of intent are pivotal in future planning and are invaluable in administrating a trust. A Letter of Intent ensures the trustee knows the abilities, limitations, likes, dislikes, interests, routines, history, future, hopes and dreams of the beneficiary.

Planning for the future of your client's family can be arduous, overwhelming, exhausting and even terrifying for them. Some people believe that if they plan then something bad will happen. Other families are afraid of what their loved ones life will look like without them. Families have so many things to decide when they are planning for the long term. Thinking about what the future of their loved one with special needs may look like is often overwhelming. Completing the task of the planning is even harder. There are so many pieces that must come together for a good long term plan and empathic attorneys can make the difference between a good and a great plan.

The final planning documents such as a will or trust rightfully do not include all the information necessary to inform individuals or organizations who are or may become a part of the life of a person with a disability after your clients passing. A Letter of Intent provides those nuanced details not included in the legal documents. A Letter of Intent is not a legally binding document.

A Letter of Intent or a memorandum of intent should be a core tenant of special needs planning. Letters of intent can get pushed to the back burner when the planning is happening. They are a second thought to getting the will and the special needs trust established or are considered a nice thing to have, not a necessity. Understanding the details of the lives of people with disabilities is extremely beneficial to ensure that the person is getting the best quality of life while remaining safe in their chosen environment.

II. What is included in a good Letter of Intent

Every Letter of Intent is individualized. It should not only include what the parents want for their child, but also the needs and wishes of the individual. A good Letter of Intent should include strengths and not focus only on limitations. It is vital to include information on what brings joy to the individual while also informing others about what may trigger particular responses.

A good Letter of Intent to accompany a special needs trust is not one page and likely is not completed in one sitting. A Letter of Intent outlines not only the basic biographical information, but also gives the current or future trustee a small look into the life of the beneficiary.

A Letters of Intent for a special needs trust can look vastly different than an otherwise typical Letter of Intent. Often times a typical Letter of Intent focuses on how the funds should be spent. A Letter of Intent to accompany a special needs trust is much more complex and provides an insight into the life of a person with a disability. In this paper you will find an outline of information that should be included in a Letter of Intent that pairs with a special needs trust and how the information included can be useful as a Trustee.

Often times, families choose a family member or friend who may not be extremely familiar with the individual to serve as trustee, member of a trust committee or trust protector. The individual chosen to help the beneficiary may become a beneficiary's representative payee or even guardian. Families sometimes appoint relatives in other states who don't know the individual or understand their needs and a Letter of Intent can be a treasure trove of information that the person needs.

Letters of Intent for a special needs trust will have details of the individuals lives. They are all as unique as the individual for whom the special needs trust is

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