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Call 9077 7731

ESTATE PLANNING FOR FAMILIES WITH DISABILITY

Families with disability in the mix need more than a simple Will. Their needs are complex and their Wills need to be also. To adequately provide for disabled children (especially intellectually disabled), protective trusts should be built into their Wills. Parents can protect these children from their inability to manage large sums of money, and also from unscrupulous persons that may take advantage of that child's vulnerability.

Ask yourself these questions:

- If your child came into say \$200,000 would they know what to do with it?
- Would they spend it wisely?
- Would it disappear on trivial items?
- Would they 'loan' some/all of it to anyone on the promise it would be repaid?

If the answers to these questions alarm you, it's time to do something about it. It's time to revisit your Will with protective trusts in mind.

Q: What types of protective trusts should I consider?

There are 2 main protective trusts that parents of special needs children can build into their Wills. A Special Disability Trust and an All Needs Protective Trust. Each trust has a different function and different limitations. One provides for accommodation only and must meet the criteria of Centrelink guidelines. The other is more flexible covering other aspects of support such as provision for entertainment, travel and education. It is wise to incorporate both protective trusts in your Will so as to provide maximum flexibility/options for your child during their adult life.

Q: Who should I appoint as trustees for a protective trust?

Protective trusts are managed by Trustee(s). This can be a natural person or a trustee company that you appoint in your Will.



**LAW
INSTITUTE
VICTORIA**

LIV MEMBER 2017/18

“It is wise to incorporate both protective trusts in your Will”



Art by Andale School

ANDALE SCHOOL

We recently visited Andale School in Kew to talk to the parents and staff about the importance of thorough Estate Planning when the family has special needs children. As a thank you, Andale School sent us a gift of greeting cards designed by the children of Andale.

So thrilled were we to receive this beautiful gift, we had them framed and they now sit proudly in our conference room for all our visitors to admire.

2018 FEDERAL BUDGET

In the Federal budget handed down on May 8, the Treasurer Mr Scott Morrison has foreshadowed some new initiatives in relation to Elder Abuse and the abuse of Financial Powers of Attorney.

“...we will stand up for older Australians to keep them safe and prevent elder abuse, with new support services and a national online register for enduring powers of attorney.”

Duncan.Legal welcomes these measures to protect our vulnerable family members.

DUNCAN.LEGAL in the community

We are looking forward to attending the 2018 Special Olympics Melbourne Inner East Fundraising Dinner.

The dinner will be held at Fountains Restaurant in Box Hill on June 15. There will be loads of silent auctions and we will be welcoming back the National Games Athletes.

Our tickets are booked & the table organised ☺

Special Olympics
Australia
Melbourne Inner East



ABOUT US

Duncan.Legal is a small boutique law firm based in Surrey Hills. We offer personalised, caring service with an interest in assisting families with disability. Each of us are parents of children with autism and bring our life experience to our work.

We operate from a home office in the eastern suburbs in a quiet back street. There is easy access with all day parking (no permits or tickets required), or we are a short walk from Tram Route 109, stop 50. Our meeting room can seat up to 12 people, so family conferences can be accommodated.

We invite you to consider Duncan.Legal when you need advice with your Estate Planning.

Contact Us

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