



The Future Begins Now

Presented by:

Frederick M. Misilo, Jr., Esq. *Chair, Trust and Estate Department*

> FletcherTilton RC Attorneys at law

Boston | Framingham | Providence | Worcester | Cape Cod

FletcherTilton.com



Disclaimer

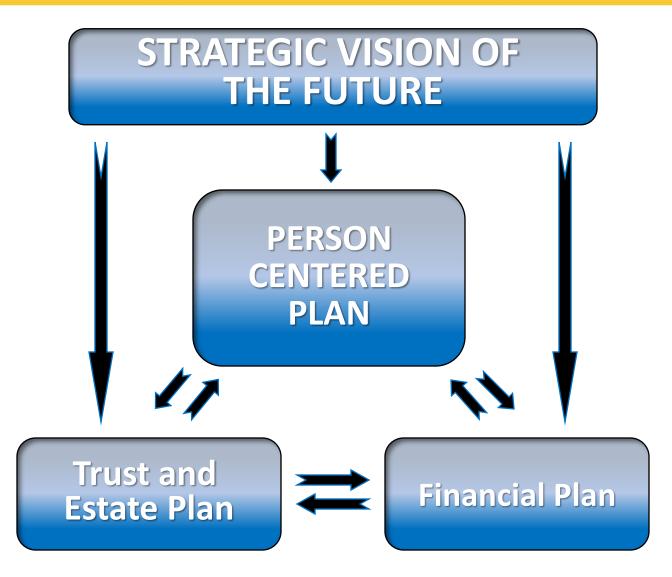
- The content in this presentation was prepared for educational purposes only and is of a general nature. The materials provided do not constitute legal advice and are not intended to serve as a substitute for obtaining counsel.
- Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received by you or that it will continue to be accurate in the future.
- Attorney-Client Relationship: Participation in this educational seminar does not create an attorneyclient relationship with Fletcher Tilton PC or any of the firm's attorneys. An invitation to contact the firm is not a solicitation to provide professional services and should not be construed as a statement as to the availability of any of our attorneys to perform legal services in any jurisdiction in which such attorney is not permitted to practice.
- Fletcher Tilton PC is Massachusetts professional corporation. All rights are reserved. Protected by copyright and not for distribution.



Agenda

- Creating a Strategic Vision for the Future
- General Assumptions: Special Needs Planning and Legacy Planning
- Integrating Essential Elements of Both Approaches
- Examples





Comparative Assumptions About Planning

Special Needs Planning General Assumptions

- Focuses on distributions of property upon death
- Centered on development of supplemental needs trusts
- Heavy emphasis on maximizing receipt of government benefits
- Plan is dormant until passing of both parents

Legacy Planning General Assumptions

- Focuses on creating a vision during your life
- Values, lessons learned, vision is evolving and documented for future use
- Starts with a personal centered plan
- Self-determination is essential
- Building and implementing the plan begins NOW



Special Needs Planning + Legacy Planning = BUILDING A LIFE PLAN

- Planning starts with a single step
- If you don't know where you're going, any road will take you there
- Don't try to figure it out all by yourself

 use others who can help
- Embrace the concept that change is inevitable and unknowable assume the plan will change over time

- Use your network of family, supporters and friends in the development and implementation of the plan
- Clear expectations are important
- Integration of subject matter experts is great approach team effort



Essential Elements Special Needs Plan

- A third party "inheritance" trust to fund the legacy plan upon the passing of parent(s) as part of an overall estate plan of the parent(s).
- Identification of key persons to serve in important roles:
 - Trustee
 - Members of Trust Advisory Committee
 - Trust Protector
 - Representative Payee
 - Person centered planner
 - Investment advisor
 - Guardian or decision-making supporters



Essential Features of Legacy Planning

- Starts during the lifetime of the parents
- Person-centered approach which honors and supports self-determination
- Highly collaborative
- Constantly evolving
- Anticipates challenges and builds capacity to weather the unexpected
- Financial planning is key to success



Bob's Story

- Regular social gatherings with family, friends and supporters
- Diverse experience and skills
- Grows over time
- No written plan, developed incrementally, informal understandings
- Incorporated into Bob's special needs trust
- Upon Bob's passing, group continues mostly for social engagement, advocacy and monitoring



Building Clara's Home

- Clara wanted a home to live with friends from her network (i.e. Special Olympics, local arts/cultural activities, and school friends)
- Parents built a home adjacent to their home
- Combination of AFC, Section 8 housing voucher, SSA income, SNAP and fuel assistance supports
- 4 friends common interests, age and abilities
- Strong presence of involved families
- Home is integrated into the estate plan of Clara's parents.



Thank You



Frederick M. Misilo, Jr., Esq.

Chair, Trust & Estate Department 508.459.8059 fmisilo@fletchertilton.com