

About the Firm

Gary B. Garland, Esq. has been practicing law for nearly 15 years, handling complex litigation and Estate Planning, Estate Administration, and Elder Law issues.

As part of our Estate Planning practice we offer specialized planning, including guardianships and trusts, for families with special needs children or dependents.

We maintain three offices for your convenience, located in Freehold and Manchester, New Jersey, as well as in New York City.

Member, New Jersey and New York Bar Associations.

Member, National Academy of Elder Law Attorneys

Board of Directors, Society for Financial Service Professionals

Member, Estate and Financial Planning Council of Central New Jersey



Plan now for a secure financial future for your special needs dependent

We invite you to visit our website:
www.estateattorney.info

SERVICES WE OFFER:

Wills
Powers of Attorney
Living Wills
Health Care Directives
Estate Documents
Guardianships
Revocable Trusts
Irrevocable Trusts
Special Needs Trusts
Charitable Trusts
Dynasty Trusts
Life Insurance Trusts
Asset Protection Trusts
Marital Trusts / Loving Trusts
Family Trusts
Pet Trusts
I Love You Trusts
Creditor Protection Trusts
Tax Planning and Reduction
Business Succession Planning
Business Exit Strategies
Planned Giving / Philanthropy

Compliments of:
Gary B. Garland, Esq.

Please be advised that the information contained in this brochure does not constitute legal or other professional advice. Please consult a professional advisor.

Estate Planning Strategies for those with Special Needs Dependents



Gary B. Garland, Esq.
Attorney and Counselor at Law

*45 East Main Street
Suite 102
Freehold, New Jersey 07728*

www.estateattorney.info

*Additional offices in
Manchester, New Jersey
and New York City*

**Tel: 732-308-9888
Fax: 732-762-0226**

Special People, Special Planning



Planning provides
peace of mind

If you have a family member who has a mental or physical impairment that interferes with his or her ability to manage financial matters or necessitates reliance on government programs, it is important to address their lifetime financial needs through careful planning.

Failure to plan, or plan correctly, can result in disastrous consequences for a Special Needs dependent who receives SSI Disability or Medicaid benefits. Leaving or giving money outright to a SSI or Medicaid beneficiary can immediately render them ineligible for these programs.

Several estate planning techniques such as Special Needs Trusts, including (d)(4)(A) Trusts, Payback Trusts, and Pooled Trusts, for example, exist to help families provide for a disabled member's needs while avoiding the loss of eligibility for government benefits.

Which is right for you? Many factors need to be taken into consideration in order to select an appropriate Trust for your family, including the nature and severity of the disability, the type of government benefits being received by the beneficiary, and the source of the assets being used to fund the Trust(s).

Choose an experienced estate planning attorney, such as Gary B. Garland, Esq., to help you make the best choice for your family.

Call for a consultation appointment TODAY!

What type of people might use a Special Needs Trust?

A Special Needs Trust is generally used by persons who are looking to provide financially for a child or family member in such a way that does not cause them to be disqualified from receiving need-based government benefits.

How does a Special Needs Trust work?

Medicaid benefits are based on the applicant's total assets and income. The typical special needs trust provides that the trustee has total discretion as to the making of distributions that benefit the special needs beneficiary. What this means, is that neither the assets of the trust or the income of the trust are treated as "owned" by the special needs beneficiary.

Medicaid will pay for the medical expenses and basic living costs, but the assets in the special needs trust can be used to provide the beneficiary with dignity and some of the nicer benefits of life. An example of this might be dental care (a benefit not covered by Medicaid) or a more expensive, upgraded model of wheelchair than the government will provide.

How do I benefit from a Special Needs Trust?

You benefit by gaining peace of mind, knowing that a properly prepared estate plan will protect your child's inheritance from being consumed by medical expenses. This provides a great sense of relief for many of our clients who are concerned about their children's future, when they are no longer there to protect and care for them.

What are my responsibilities in the process?

You, as a client, need to give the estate planning attorney a clear and accurate picture of the beneficiary's needs, both present and projected. You should also give serious thought to the naming of the trustee of the Special Needs trust, and should consider naming a back-up corporate trustee.

How do I get started?

Estate planning, especially when it concerns Special Needs dependents, Trusts, and government entitlement programs, can seem overwhelming at first. Making the decision to take action and calling an Estate Planning attorney for a consultation is a smart first step.

Why should I see an estate planning attorney for Special Needs Trusts?

Planning for the long-term security of a family member with special needs is a complex process. The laws and regulations governing eligibility for government assistance are extremely complex and may vary in their application by jurisdiction. It is crucial that you choose a legal advisor well-versed in this field of law, who keeps up-to-date on the latest developments and legislation.

Why Gary B. Garland, Esq.?

The Law Office of Gary B. Garland is uniquely qualified to help you craft a plan that fits your family's unique situation. We utilize state-of-the-art technology and cutting edge strategies along with careful attention and assessment of your unique needs to custom-tailor a plan for you.

Call our office today at (732) 308-9888 to arrange for a consultation to discuss your family's situation and the estate planning options available to you.



The Law Offices of Gary B. Garland, Esq.

45 East Main Street—Suite 102—Freehold, NJ 07728

Phone: 732-308-9888 Fax: 732-761-0226

E-mail: garland@estateattorney.info

Manchester Office

Hudson City Plaza

2100 Route 70

Manchester, NJ 08759

New York Office

425 Madison Avenue

Suite 902

New York, NY 10017