Service

Special Needs and Disability Planning

Moving Forward with a Personalized Plan

For families with children with developmental or other special needs, planning for the uncertain future is paramount. Once parents are no longer able to be caretakers, who will ensure that the child lives in safe and appropriate housing where all the child's needs will be met? Who will make the child's medical decisions? How will housing and medical care be funded? Will the child have an advocate if one is needed? Most importantly, will the child have a network of support for the remainder of the child's life?

The Importance of a Flexible Plan

At Mirick, our experienced team of attorneys and paralegals works closely with individuals with special needs and their families to develop a personalized, flexible plan to accommodate the individual's changing needs. Such a plan may include:

Special Needs Trusts

Amending the parents' estate plan to include a third-party supplemental needs trust so that any future inheritance to a child with special needs will pass to the trust rather than to the children directly, thereby protecting any public needs-based benefits the child may be receiving at that time.

- Amending the parents' estate plan to include a third-party supplemental needs trust so that any fuuture inheritance to a child with special needs will pass to the trust rather than to the children

CHAIR

Christine Boutin

Of Counsel

508.929.1679

cboutin@mirickla w.com

Related People

Arthur P. Bergeron

Christine M. Boutin

Robert P. Mascali

Janet Wilson Moore

Elizabeth V. Newton

Maureen Zucco

Related Services

Elder Law

Estate Planning

Probate and Trust Administration

Probate, Trust and Fiduciary Litigation

Trusts and Estates

©2026 Mirick, O'Connell, DeMallie & Lougee, LLP. All Rights Reserved.

directly, thereby protecting any public needs-based benefits the child may be receiving at that time.

- Preparation of a first-party special needs trust for a disabled individual under age 65 who, for example:
  - receives settlement proceeds from a personal injury lawsuit or an unexpected inheritance, and these funds will cause them to lose public benfits if received directly; or
  - has an elderly parent in a nursing home with too many assets to qualify for MassHealth beefits. The parent can transfer the excess funds to the chid's first-party special needs trust to qulify the parent financially for MassHealth benefits to pay for nursing home care and simultaneously preserve those assets for the future benefit of the child.
- Advising family members serving as the trustees of these trusts on properly making distributions so as to not affect the beneficiary's eligibility for public benefits and preparing yearly trust accounts; at times, also serving as trustee for these trusts
- Drafting of a Letter of Intent/Letter of Wishes for families to document a comprehensive vision of the future care and support of the child.

Financial Planning

- Funding an ABLE account to be used alone or in conjunction with trust planning to provide the individual with special needs the maximum amount of flexibility in being able to access funds for their own personal needs;
- Working with financial advisors experienced in planning for the specific and unique needs of individuals with disabilities and their families.

Public Benefits Planning

- Provide advice and guidance to special needs individuals and families seeking assistance with qualifying for:
  - Community MassHealth (community benefit programs, such as GAFC, AFC, Frail Elder Waiver, and the PCA program)
  - Long-term care MassHealth benefits to pay for nursing home care

©2026 Mirick, O'Connell, DeMallie & Lougee, LLP. All Rights Reserved.

  - Program for All Inclusive Care for the Elderly (PACE)
  - SSI/SSDI
  - EAEDC
- Provide referrals to and work closely with qualified care managers who can assist families with referrals to home care providers, day programs, transportation, support groups and other community resources.

Guardianship/Conservatorship/ Family Law Proceedings

- Represent family members in Probate Court seeking guardianship of a special needs child or individual
- Represent families in conservatorship proceedings to manage assets on behalf of a special needs child or individual
- Prepare inventory and yearly accountings to Probate Court
- Represent and advise individuals concerning the implications of divorce such as ongoing visitation and child support for a special needs child

Estate Planning for Special Needs Individuals

- Assist special needs individuals to establish appropriate estate plans to encourage their independence and autonomy
- Includes self-funded first-party trusts, wills, health care proxies with advanced directives, and powers of attorney

Affiliations

- National Academy of Elder Law Attorneys
- Better Day
- Dementia Friendly Communities Sub-Committee
- Honoring Choices, Community Partner
- The American College of Trust and Estate Counsel
- Estate and Business Planning Council of Worcester

©2026 Mirick, O'Connell, DeMallie & Lougee, LLP. All Rights Reserved. | Worcester | Westborough | Boston | 800.922.8337