

## Special Needs Planning

### *If your child...*

- receives SSI or Medicaid or both
- may need to receive SSI or Medicaid in the future
- is easily influenced by others
- cannot effectively advocate for themselves
- has complex care needs
- does not understand money
- cannot care for themselves
- has a known condition which may progress to a point they may need assistance
- would benefit from a framework of care and management
- has a mental illness
- has a mental disability
- has a receptive or expressive communication deficit
- is in special education
- is in supported employment
- is unable to maintain employment
- lives in a group home or other supported environment

*...then special needs  
planning is for you.*

Six locations to serve you :

*Alpharetta*

*Kennesaw*

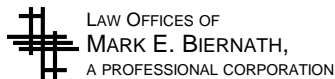
*Buckhead*

*Cumberland/Smarna*

*Dunwoody*

*Duluth*

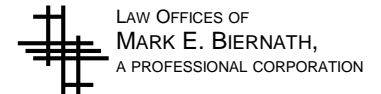
*Chamblee/Doraville—Main Office*



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Special Needs  
Planning



*Comprehensive Estate  
Planning*

TEL. 770-455-0535

# Special Needs Planning



## Benefits of Special Needs Planning

Individuals with special needs require specific planning tools. If any of your heirs or beneficiaries have special needs due to a disability, without careful planning any gift or inheritance left to them can cause them to lose important government benefits, or leave them exposed to people who will take their assets.

Without proper advanced planning, even a small inheritance (anything over \$2000) left to your child can have dire consequences. Your child can be disqualified for SSI or Medicaid until they have spent all the money and may have to wait to re-qualify. Thus, the inheritance you intended to benefit your child may actually hurt them. With proper advanced planning you can prevent this outcome, as well as designate someone to watch over your child's best interests. For more information please call, or visit us on the web at:

[www.biernathlaw.com](http://www.biernathlaw.com).

In Georgia, the law allows you to protect assets while providing for an individual with special needs. You can create a Special Needs Trust, also known as a Supplemental Needs Trust. This third party settled trust must contain specific language to protect the assets in the Trust from the claims of creditors and government agencies, while protecting the individual's entitlement to public benefits.

Public benefits only provide a subsistence level of care, special needs planning allows you to provide additional life enhancing benefits which would otherwise disqualify an individual from public benefits. Through special needs planning you can provide for:

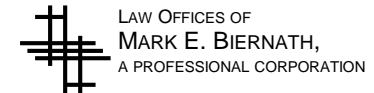
- ★ Housing
- ★ Advocacy
- ★ Social Activities
- ★ Supervision
- ★ Protection
- ★ Care Management
- ★ Travel
- ★ Recreation
- ★ Entertainment
- ★ Family Contact
- ★ Hopes, Dreams, and Aspirations
- ★ Quality of Life

Call today to schedule a free initial consultation to discuss how we can help you protect your loved one and provide life enhancing benefits.



**MARK E. BIERNATH** is a lawyer practicing primarily in estate planning; trust and will design. Mr. Biernath earned his B.S. Mgt. from the Georgia Institute of Technology, his Th.M. from the Dallas

Theological Seminary in Dallas, Texas, and his J.D. from Georgia State University College of Law. He is admitted to the bars of the courts of Georgia as well as the United States District Court, Northern District of Georgia. He is a charter member of the Academy of Special Needs Planners, a national organization of attorneys dedicated to excellence in special needs planning. He is also a member of Wealth-Counsel LLC, the premiere national organization of Estate Planning Attorneys. Mr. Biernath is a member of the State Bar of Georgia, the American Bar Association, the Atlanta Bar Association and their corresponding Estate Planning and Probate Sections. Mr. Biernath is a lifetime fellow of the Atlanta Bar Foundation. Mr. Biernath is a frequent speaker on estate planning topics for family support groups, as well as local, and regional conferences for parents and professionals. Mr. Biernath is also the author of a guide for parents in Georgia seeking guardianship for their adult children.



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