



CREATING A WILL

SHOULD I PLAN DIFFERENTLY FOR AN INDIVIDUAL WITH A DISABILITY ?

THIS DEPENDS ON:

the abilities of
the person
with disability

the resources
available

your wishes for
the future

HOW IMPORTANT IS IT TO HAVE A WILL

It is **very important** to have a will in place and to get assistance **from a lawyer who understands the law and the rights individuals with disabilities** (not all lawyers equally will)

DON'T DIE INTESTATE !

If you do not have a will, when you die your assets will be given out in the way that the law says in the place you live (NL) or where your assets are

These are called laws of **intestacy** and they don't consider the needs of a person with disability. This may leave your loved one **not enough to provide for their future.**

There may be **laws to fight the decision** but it:

- It would be stressful
- Would they be able?
- Would you want them to have to?

The Laws regarding what happens when you die intestate are outlined in:

AN ACT RESPECTING THE DISTRIBUTION OF ESTATES OF INTESTATES (1990)

OTHER REASONS TO MAKE A WILL

If a court decides that a person with disability is not able to make decisions by themselves, **action could be taken by a public trustee** appointed by the court

Your loved one may not only **not be able to get** the amount of what you left (your estate) that you **intended** for their future



By having a will you have the security of knowing that you have set in place your hopes and wishes for the future support and care of your loved one.

They may also get their portion of your estate all at once which **could affect their ability to get disability supports.**

YOU SHOULD SEE A LAWYER TO DRAW UP A WILL.

WHY?



To make sure that you

- include all the things you want in the will
- understand the consequences of what you have written
- wrote it in the correct way.

Find a lawyer who has **experience** in providing advise people who have a family member with high support needs (not all do)

The will **should be updated regularly** to allow for changes in your circumstances.

Can I give assets directly to the person with disability?

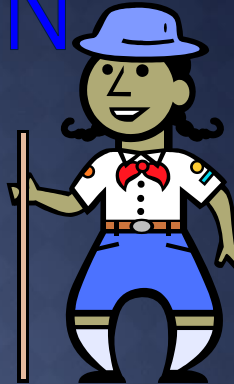
Yes but you may want to consider

If you are thinking of giving away money while you are alive, **do you have enough saved for your own needs**, especially as you get older?

Will your loved one with a disability **need help** to look after their assets?

Is it fair, balancing their needs and the needs of others?

BE PREPARED WHEN YOU GO TO THE LAWYER



You will save a great deal of money if you first buy and use a kit or know all the Information they want and bring it all at once!

Check out the handout in your package-What to bring with you to the lawyer

20 THINGS TO BRING TO THE LAWYER

This is in your handouts as a Worksheet

Your Information:

Full name, address and occupation

Full names and ages of children

What is the situation in life (marriage, children, work status and occupations, housing) of your children without disability

Sin Number

Your assets (cash, house or other property, stocks, bonds, life insurance and other assets (things worth money)

how you would like to split your assets among the potential people you are leaving something to (beneficiaries)

20 THINGS TO BRING TO THE LAWYER

If you are setting up a trust to operate while you are alive, how much assets do you want to put into the trust?

Will your house need to be kept for the person with disability?

Who would you like to appoint as trustees?

Do you want to provide for pay for the trustees?

Are there any particular things you want to give to anyone?

Do you want to nominate who should be appointed as guardian or financial manager for your son or daughter with disability, if he or she ever needs one?

20 THINGS TO BRING TO THE LAWYER

Type and degree of disability, care and accommodation arrangements: at home, within a system, other service providers?

How secure are these arrangements, how long are they likely to last?

What degree of support is required and where do you expect that will come from?

Income Assistance and disability supports – how much is that relied upon? Will the person lose these by inheriting from you?

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What assets owned by the person with disability are in his or her own name?