



**Newfoundland and Labrador  
Association for Community Living**

## The Importance of Creating a Will

# Should I Plan Differently for an Individual with a Disability?

This depends on:

The abilities of  
the individual  
with a disability

The resources  
currently  
available to you

Your wishes for  
the future

# Is it Important to have a Will?

It is very important to have a will in place. Get assistance from a lawyer who understands the law and more specifically, understands the rights of individuals with disabilities (not all lawyers will equally understand these rights).

# The Importance of Having a Will

No one should die intestate. Intestate means not having a will before you die.

If you die intestate, your assets will be distributed in the way the law states in the place you live (NL) or where your assets are

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

The Laws regarding what happens when you die intestate are outlined in:  
**AN ACT RESPECTING THE DISTRIBUTION OF ESTATES OF INTESTATES (1990)**

# The Importance of Having a Will

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

Without a will, your loved one may not be able to get the amount you left (your estate) that you intended for their future.

Without a will, your loved one may receive their portion of the estate all at once, which could influence their ability to receive disability supports.

By having a will, you have the security of knowing that your loved one will receive support in the future.

# Personal Information your Lawyer will need

You full name, address,  
and occupation

SIN number

Full names and ages of  
your children

Status (i.e., marriage,  
children, work status,  
occupations, and  
housing) of your children  
without a disability

Your assets (i.e., cash,  
property, stocks,  
insurance, and anything  
else worth money)

How you would like your  
assets divided among  
the people you're leaving  
somethings to  
(beneficiaries)

# Questions your Lawyer will need Answered

If you are setting up a trust to operate while you're alive, what assets do you want put into the trust?

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

Who would you like to appoint as trustees?

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

Would you like to nominate someone to be appointed as a guardian or financial manager for your child with a disability, if they ever need one?

# Questions your Lawyer will need Answered

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

How secure are these arrangements? How long will they last?

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

How much do you rely on income assistance and/or disability supports?

Will your child lose these supports by inheriting from you?

What assets owned by the person with a disability are in their name?

If you require more  
information please  
email us at  
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us at (709) 722-0790