

Brendan J. King | founding partner at Estate Preservation Law Office

Brendan J. King, 44, a lawyer from Princeton is a founding partner at Estate Preservation Law Offices. A practicing attorney for close to 20 years, Mr. King's expertise lies in integrating asset and wealth preservation with estate planning. Mr. King owns the Worcester-based firm with partner and co-founder, Linda Cammuso. The firm has eight employees and satellite locations in Leominster, Braintree and Hyannis. Mr. King says his clients are "truly any individuals of any age or asset amount" ranging from clients who have assets of less than \$2,000 because they are on Medicaid to wealthy clients doing sophisticated tax and charitable planning. He is specialist in estate planning for individuals with special needs and their families, which Mr. King says, drawing from experience in his own family, brings a unique set of challenges.

Why is estate planning for individuals with special needs and their families important? "Although estate planning, usually consisting of a will, trust, durable power of attorney and health care proxy, is important for everyone, individuals with special needs are particularly vulnerable. Their financial and physical care needs tend to be greater, but at the same time they often receive program benefits such as MassHealth or SSI that could be jeopardized by an improperly structured inheritance. In addition to making the appropriate financial arrangements for the future, such as a special needs trust, parents, grandparents and other guardians must consider who would step in as a caregiver, both physically and financially, when they are no



[T&G STAFF / STEVE LANAVA]

longer able to fulfill that role."

What unique challenges do they face?

"Families affected by special needs grapple daily with added financial and logistical stress. With their time and resources often strained as it is, undertaking the task of estate planning can seem daunting. In addition to the decisions they must make, they may worry that the estate planning process will be cost prohibitive."

What advice would you give people in these situations?

"In terms of approaching the planning itself, we always stress to prospective clients the importance of education. An educated consumer will usually make wise choices. Caregivers of special needs individuals are no stranger to this concept: Their whole existence revolves around educating themselves in order to be an effective advocate. In our consultation meetings with special needs families we focus on educating them on their options so they can make informed decisions that best suit their unique needs. I would also urge these families

not to avoid the process because of concerns about fees. Although there is cost to any estate plan, many firms, including ours, will often work with special needs clients on flexible fee structures such as payment plans. Finally, a good special needs law firm will make the process manageable for even the busiest clients."

Why is helping families and caregivers of people with special needs important to you?

"I deal with special needs issues in my own family as well as daily with my clients. Educating and supporting these families is something that is important to me both personally and professionally. I have seen firsthand how difficult it can be for families to cope with the daily challenges of special needs caregiving, and these issues are only compounded by a lack of legal planning. At the same time, we as a society have so much to learn from the special needs members of our communities, whose bravery in getting through the challenges of each day is nothing short of inspiring. I'm grateful to be in a profession where I can give

back by helping other families secure their loved ones' futures."

Why do people put off estate planning?

"Usually for two main reasons: People are short on time, and they do not find it particularly pleasant to contemplate their death or disability. But almost every day I find myself telling new clients that no one has ever completed the estate planning process with me and felt worse about it at the end — and it's true. It feels really good to put these issues to bed and be able to move on with your life."

What issues could they face if they are not prepared?

"Anyone without an estate plan faces the same risks: having assets pass to the 'wrong' beneficiaries, failing to designate trusted individuals to manage your healthcare and finances, losing assets to the nursing home, or paying unnecessary taxes, to name a few. In the case of special needs loved ones, add to that list the risk of the person being kicked off their benefits because of an inheritance, not having a designated caregiver or decision-maker for

personal and financial needs, and having inadequate financial resources to meet their needs. The good news is these issues are all avoidable with everyday legal tools that anyone can put into place."

Compiled by correspondent Paula J. Owen

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