PRACTICE

Special Needs Planning

PARTNERS

Katherine R. Dorval

Nina T. Dow

John F. Shoro

OF COUNSEL

Samuel C. Sichko

ASSOCIATES

Jeniffer Bispo

Dajana Stajko

PARALEGALS

Victoria J. Taylor

OVERVIEW

Clients rely on the Bowditch estate planning team to assist them with the complexities of special needs and disability planning for adults and minor children. Our lawyers help craft solutions that give you financial security and peace of mind, for present day needs and for those that are anticipated for the future.

How we can help

- Guidance and advice for estate planning, trust planning and planning for public assistance benefits (such as Medicaid or SSI)
- Trust preparation and drafting, including third party-type special needs trusts and first party (D4A)-type special needs trusts
- Trust implementation and administration services
- Protection of inherited assets, including those via estates, other trusts, life insurance policies and/or retirement accounts
- Protection of assets acquired because of accident or injury, such as assets obtained via settlement, structured settlement or judgment
- Probate Court representation, including in guardianships, conservatorships, estate planning petitions and other proceedings
- Counseling trustees concerning their roles, duties, authorities and legal obligations
- Coordination with other members of the client's advisory team, including medical professionals, care managers, government agencies, financial planners, accountants and others
- Serving as trustee of special needs trusts (we often serve as trustee or as co-trustee of special needs trusts and other types of trusts)

EXPERIENCE

A trust for a disabled daughter

Our client wanted an estate plan containing a trust rather than having his substantial assets go directly

©2026 Bowditch & Dewey LLP. All Rights Reserved.

to his daughter. She had had a stroke and, with few family members living nearby, our client wanted to make sure the trust took care of her. In addition to setting up the man's trust, we helped make the woman's house more accessible and signed her up with a meal-delivery service.

Updating an estate plan with a special needs trust

A married couple in their 50s wanted to update their estate plan for their three children, one of whom had developmental disabilities. They were both well-to-do professionals working in the Boston area with children in middle school and high school, but their plan was outdated, without tax planning and, perhaps more importantly, did not properly provide for the special-needs situation. We met face-to-face with the couple to find out about the family and to learn about each child. As a result, we recommended creating a lifetime special needs trust share to receive the child's inheritance. This meant that the drafting had to be done in way as to provide flexibility while not interfering with that child's eligibility for government benefits. We also worked with the couple's financial advisor to ensure that additional life insurance was obtained to support the special needs child after they pass.

Addressing changing estate planning and tax needs

A client was concerned about estate taxes and the impact of a trust set up for her disabled child. The client asked about a Special Needs Trust set up by the child's aunt and what to do when her daughter reaches age 18 and becomes eligible for SSI benefits. We provided a copy of the trust and gave the client the exact explanation to give to Social Security officials to guard her child's SSI benefits.

Managing an inheritance as a special needs trust

A disabled woman received a small inheritance from a loved one, but unfortunately the inheritance disqualified the woman from benefits. Our team developed a strategy where the woman could maintain the benefits she required by funding a (d)(4)(A) special needs trust with the inheritance. In addition we serve as trustee, so we can properly administer the trust with minimum interference with her MassHealth, Supplemental Security Income and Section 8 housing benefits.

Helping parents understand public entitlements after age 18

Parents knew that their daughter would need a trust to protect her inheritance, but didn't understand how public entitlements would also support their daughter once she became an adult. We advised on what Social Security benefits their daughter would be eligible for at age 18 and what to expect upon their own retirement. We also discussed at what point their daughter would be eligible for Medicare and how MassHealth could fill the gaps before Medicare coverage begins.

©2026 Bowditch & Dewey LLP. All Rights Reserved.