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LIFE PLANNING FOR FAMILIES OF SPECIAL NEEDS FACT FINDER

**Securities and Advisory Services offered through NFP Securities, Inc.
a Broker/Dealer, Member NASD/SIPC and Federally Registered Investment Advisor**

1250 Capital of Texas Highway S. Bldg 2, Ste 125, Austin TX 78746 · 512-697-6000

NFP Securities, Inc. is not affiliated with Life Planning for Families of Special Needs

2005

**TO BE COMPLETED BY CLIENT [AS MUCH AS POSSIBLE]
PRIOR TO THE INITIAL INTERVIEW WITH THOMAS KROEHLE**

PLANNING FOR FAMILIES OF SPECIAL NEEDS

GENERAL INFORMATION

[PLEASE PRINT OR TYPE]

ITEM	FATHER	MOTHER
Full Legal Name		
Date of Birth & Birth Place		
Social Security number		
Drivers License #		
Address		
City, State, Zip		
County/Parish		
Home Phone		
Occupation		
Employer		
Employer Address City, State Zip		
Work Phone		
Annual Income		
Smoker	Yes No	Yes No
Do you have a will? Dated?		
Do you have a Family Living Trust?		
Do you have a Special Needs Trust?		
If the person with a disability is over 18 years of age, are you the legal guardian or conservator?		
If you are the guardian or conservator, when did the court make the appointment?		
Have you made arrangements for your own Long Term Nursing Care?		
Have you written a Letter of Intent?		

IN THIS SECTION, YOU SHOULD LIST ALL CHILDREN OF ALL MARRIAGES, PLEASE WRITE DISABLED NEXT TO THE PERSON{S} WITH THE DISABILITY. IF ANY CHILDREN ARE ADOPTED, PLEASE WRITE ADOPTED NEXT TO THEIR NAME.

CHILDREN OF THIS CURRENT MARRIAGE

FULL LEGAL NAME	SEX	DATE OF BIRTH	SOCIAL SECURITY NUMBER

FORMER MARRIAGE OF FATHER

Full Legal Name of Former Spouse

Have you told your former Spouse that you are preparing a special estate plan?
 * Please Bring Copies of any Divorce decrees or Separation Agreements*

CHILDREN OF THIS [former] MARRIAGE

FULL LEGAL NAME	SEX	DATE OF BIRTH	SOCIAL SECURITY NUMBER

FORMER MARRIAGE OF MOTHER

Full Legal Name of Former Spouse			
Have you told your former Spouse that you are preparing a special estate plan?			
CHILDREN OF THIS [former] MARRIAGE			
FULL LEGAL NAME	SEX	DATE OF BIRTH	SOCIAL SECURITY NUMBER

IT IS VERY IMPORTANT THAT WE GATHER EXTENSIVE DATA CONCERNING THE PERSON{S} WITH THE DISABILITY. PLEASE COMPLETE THE NEXT SECTION VERY CAREFULLY. THERE IS ALSO SPACE WHERE YOU CAN PROVIDE ADDITIONAL INFORMATION.

PERSON{S} WITH DISABILITIES		
[In some cases, there are two persons]		
ITEM	FIRST	SECOND
Full Legal Name		
Date of Birth		
Social Security Number		
Address		
City, State, Zip		
Home Telephone Number		
Occupation		
Employer		
Is this a sheltered workshop program?		
If so, who operates program?		
Is this person enrolled in a PASS program?		

PERSON{S} WITH DISABILITIES
[CONTINUED]

ITEM	FIRST	SECOND
Average Monthly Income from employment?		
Type of Disability		
If this individual lives with you, do you charge room and board? How much per month?		
Does this individual qualify for the following government benefits ? If so, how much per month?		
Supplemental Security Income {SSI}		
Social Security Disability Income [SSDI]		
Social Security		
Medicaid		
Medicare		
State Assistance Program		
Total Government Check Per Month		
Does the individual have a personal health insurance policy or is he or she carried on family=s plan?		
Does the individual have a trust account? How much money does the person receive each month from this trust?		
Does the individual receive a military pension? Will they receive in the future? {SBO}		
How much money does the individual save each month? Current savings?		
How much money does the family save each month for the future of this individual?		
Does the individual have a burial life insurance policy or burial fund? Amount; Cost per month, Company.		
Will the individual receive an inheritance or other gifts? Amounts and from whom?		
Please list any other major assets that have been declared to SSI.		

GENERAL COMMENTS: _____

IN ORDER TO PLAN FOR THE FUTURE, THE FINANCIAL PLANNER AND ATTORNEY WILL LOOK AT THE FAMILY'S RESOURCES AND THEN LOOK FOR WAYS TO HELP REALLOCATE THEM, SO THAT THE PERSON WITH THE DISABILITY WILL ALWAYS HAVE ADEQUATE FUNDS. IT IS ALSO IMPORTANT TO INSURE THAT OTHER FAMILY MEMBERS WILL RECEIVE A FAIR IHERITANCE.

FAMILY BALANCE SHEET

ASSETS:	FATHER	MOTHER	JOINT	LIABILITIES
Residence				
Checking Account				
Savings Account				
IRA's & TSA's Lump Sum Amount				
Business Interest				
401k's & 403b's				
401k Co. Matching	%	%		
CD's*				
Annuities				
Other Real Estate				
Stocks & Securities*				
Life Insurance				
Work				
Personal				
Potential Inheritances				
General Power of Appointment for Other Trusts				
Other				
TOTAL				

* Please list the individual CD's And Securities on the back of this page

LIFE INSURANCE

INSURED	AMOUNT	COMPANY	BENEFICIARY	DATE ISSUED	OWNER	PREMIUM	CASH VALUE

IMPORTANT PAPERS

Where do you keep the following items?

Wills, Family Living Trusts, Living Wills, Durable Power of Attorney, etc: _____

Safe Deposit Box: _____

Life Insurance Policies: _____

Burial Papers: _____

Health Insurance: _____

Employee Savings Plans: _____

Income Tax Records: _____

Real Estate Papers: _____

Trusts: _____

Others: _____

LAST WILL AND TESTAMENT

EXECUTOR, EXECUTRIX OR PERSONAL REPRESENTATIVE

An Executor (Executrix/Personal Representative) is a person and/or institution named in a valid Last Will and Testament who will serve as your personal representative in the probate of your final estate.

At your death, the executor must act as your agent in the disposition of your estate. The surviving spouse usually acts in this capability, but when the surviving spouse dies, someone else must settle the estate. Typically, the job lasts from six (6) months to three (3) years. The main job of the executor is to prove your Will was your last Will, collect your property, pay any outstanding debts, taxes, and other expenses and distribute the remaining assets to the beneficiaries as specified in your Will. Some considerations in the selection of your executor are:

- Sensitive to family needs.

- Competence

- Knowledge of the nature, value, and extent of the assets of your estate

- Ability to serve

- Willingness to serve

- Geographic proximity to the locale where the estate will be probated

- Lack of any conflict of interest

- Integrity, honesty, and loyalty

Please list in priority order your proposed Executors:

1. _____
2. _____
3. _____
4. _____
5. _____

SPECIAL NEEDS TRUSTS

TRUSTEE[S] - SUCCESSOR TRUSTEE[S]

WHO WILL MANAGE THE RESOURCES IN THE FUTURE?

A good synonym for Trustee would be agent, or better yet, superagent. Our law refers to superagents as Fiduciary. The trustee is responsible for managing the Special Needs Trusts on behalf of the person with the disability. When a trustee is named, the trustee is given, both by the maker and by operation of the law, massive rights and powers to be exercised on behalf of the trust or beneficiaries.

Becoming or naming a trustee is serious business for both the beneficiary [person with the disability] and the trustee. The quality of the person with the disability's future is dependent of the integrity and ability of your choice. On the other hand, the trustee is suppressible for their actions and failures to actions when they are not beneficial to the beneficiary. For a long time, trustee's actions have been measured by what the courts have referred to as the Prudent Man Theory. This rule asks the question, would a similar, reasonable prudent person acting in the same capacity, in the same or similar circumstances, have made the same judgement? If the answer is no, the trustee will be held liable for the consequences of their actions.

It is very wise to appoint a trustee who is not the guardian/advocate of the person with the disability. The trustee should manage the trust and the finances while the guardian/advocate should look after the welfare of the person. In this way, there is a checks and balances system whereby these two individuals will work together to look after the best interests of the person.

Some families prefer to choose siblings or relatives to manage the trust while others prefer a bank or trust company to do so. In either situation, the trustees receive a fee. Many financial institutions may not accept trusts less than \$150,000. There are non-profit Master Trusts run by charities that may allow smaller amounts,

You may wish to consider the following when selecting trustees.

PERSONAL TRUSTEES	
PROS	CONS
FAMILY MEMBERS	
Family Knowledge Personal Investment Business	Indecisive and Insecure No track record or experience Too emotionally involved Unskilled at business People prejudiced Uncollectible as to mistakes
Empathy, loving	
Bright	
Good common sense	
Personally involved	
FRIEND OR BUSINESS ASSOCIATE	
Family Knowledge Personal Investment Business	Human May embezzle Speculate Die
	Not enough time-burden
	May play favorites
	Probably not collectible

**PROFESSIONAL ADVISERS
[ATTORNEY, CPA, INVESTMENT ADVISER]**

Family Knowledge Personal Investment Business	Human May embezzle Speculate Be too conservative
Tough, honest, hardworking	Die
Trained Professional	Not enough time
	May not be collectible
	Conflicts of interest
	Limited investment knowledge

THE INSTITUTIONAL TRUSTEE

Professional	Dispassionate
Experiences	Ignorant of family affairs Poor investment performance High turnover among staff Hard to reach
Established track record	Too conservative Slow to act
Collectible	
Will always be there	
Not emotionally involved	
Objective	

Please list in priority order your proposed Successor Trustees. We realize most of your successors will be human beings subject to death so unless the first Successor Trustee is a financial institution, please list one as your last choice.

1. _____
2. _____
3. _____
4. _____
5. _____

Financial Institution

GUARDIANSHIP VS ADVOCACY

GUARDIANSHIP OR ADVOCACY -- WHO WILL ASSIST THE PERSON WITH THE DISABILITY IN THE FUTURE?

One of the key concerns of most families is who will look after my child or sibling when I am no longer able to do so. The vast majority of persons with disabilities can function quite well in society and make their own legal decisions. For these individuals, the family may want to provide funds, so that there will always be an advocate to serve as a friend and confidante. The court does not legally appoint the advocate; however, the trustee may be instructed in the trust agreement to hire one to visit the person with the disability on a regular basis to make sure his or her basic needs are being met. The advocate can advise the trustee on how to disburse the trust funds.

For some families with children or siblings who have very severe disabilities which render them unable to make decisions for themselves, they may wish to seek court appointment of a guardian to provide the same type of basic services as the advocate; however, they can also make legal decisions on behalf of the person. In some states, the courts may even grant partial/limited guardianship so that the person with the disability can make some decisions. Few courts will grant guardianship for a person with mild or moderate disability or one who has mental illness. In these cases, the use of an advocate is the best alternative.

What is Guardianship? Guardianship is a court-approved legal relationship between a competent adult [known as a guardian, limited guardian, conservator] and a minor child or an adult who has been declared legally incompetent, which gives the guardian a defined degree of authority and duty to act on behalf of the person in making decisions affecting the person's life. Law in each state establishes the concept and function of a guardian. Currently, there is no uniform national guardianship law. It is important for families to understand that they are the legal guardians of their children until they turn 18 years of age at which time they become their own persons, whether or not they have a disability. It takes a formal court proceeding to change this status.

When considering guardianship, parents should ask themselves and others the following questions:

Why guardianship?

Is it really necessary now is it being suggested only for the convenience of a service provider?

Is there some other alternative to a court-appointed and court-supervised guardianship?

How can parents during their lives or how can their children without disabilities, other relatives or interested individuals after the death of the parents, best continue to help make decisions on behalf of the child who, by virtue of some degree of functional disability, is unable to make or implement those decisions for himself or herself?

Is there some compelling reason for guardianship and will guardianship solve an apparent problem? For example: How much risk is there that the adult child will leave home without knowing how to obtain food, clothing or shelter? Inflict injury or death on him or on others? Become involved in ongoing criminal activity? Be subject to the exploitation of others in a sexual, personal, or financial situation? Be subject to arbitrary action by state or federal funding, benefit or service providers?

Under the laws and practices in the state regulating the provision of health care, by hospitals or physicians, will the person be able to obtain routine or emergency services, treatment or therapy if outside providers doubt that this adult is capable of giving consent for such services?

Under the laws of the state, can an adult who is perceived to be mentally retarded and who expresses a desire to be sterilized secure this operation without the appointment of a guardian and/or a court order?

In short, is it really in the best interest of a son or daughter to have a guardian? If so, who should carry out this responsibility now and in the future?

Parents need to be aware that guardianship is not a total solution to a managing the problems faced by a person with severe disabilities. Guardianship is a tool that can be used to provide differing degrees of assistance and protection. Like any tool, it can be measured.

Guardianship varies both in kind and degree, determining the need for guardianship and its scope in a particular case involves court procedures that are designed to protect the interests of the person. A Due Process takes time.

In most states, the family can nominate or recommend guardians in their Last Will and Testaments. The executor will then approach the courts for approval. Some parents have already obtained guardianship of the adult person and in some states; they can receive approval for successor guardians as part of the approval process. In this way, the person will automatically have a court-appointed guardian (pre-approved) if something should happen to the parent.

We would like a Guardian/Conservator _____ or and Advocate _____

Please list in priority order your proposed Successor Guardians/Conservator/Advocate. We realize most of your successors will be human beings subject to death so unless the first Successor Guardians/Conservators/Advocates is a charitable organization, please list one as your last choice.

1. _____
2. _____
3. _____
4. _____
5. _____ Charitable Organization

SUPPLEMENTARY EXPENSES WORKSHEET

TOTAL EXPENSES THAT ARE INCURRED EACH MONTH BY OR FOR THE PERSON WITH THE DISABILITY

GOVERNMENT BENEFITS \$ _____ [Total income from all government resources excluding family assistance. Do not include basic medical/dental care that is paid by Medicaid, Medicare, Medical or private medical/dental insurance.]

\$ _____ **HOUSING**

- _____ Description
- _____ Rent/Month
- _____ Utilities
- _____ Maintenance
- _____ Cleaning Items
- _____ Laundry Costs
- _____ Other

\$ _____ **CARE ASSISTANCE**

- _____ Live-in
- _____ Respite
- _____ Custodial
- _____ Other

\$ _____ **PERSONAL NEEDS**

- _____ Haircuts, Beauty Shops
- _____ Telephone (Basic TTD, etc)
- _____ Cigarettes
- _____ Books, Magazines, etc.
- _____ Allowance
- _____ Other

\$ _____ **EMPLOYMENT**

- _____ Transportation
- _____ Workshop Fees
- _____ Attendant
- _____ Training
- _____ Other

_____ **EDUCATION**

- _____ Fees
- _____ Books
- _____ Other

\$ _____ **SPECIAL EQUIPMENT**

- _____ Environmental Control
- _____ Elevator
- _____ Repair of Equipment
- _____ Computer
- _____ Audio Books
- _____ Ramp
- _____ Guide/Hearing Dog
- _____ Technical Instruction
- _____ Hearing Aids, Batteries
- _____ Wheelchair
- _____ Other
- _____ Other

\$ _____ **MEDICAL – DENTAL CARE**

- _____ General Medical
- _____ Dental Visits
- _____ Therapy
- _____ Nursing Services
- _____ Meals of Attendants

- _____ Evaluation
- _____ Transportation
- _____ Other

\$ _____ **SOCIAL - RECREATIONAL**

- _____ Sports
- _____ Special Olympics
- _____ Spectator Sports
- _____ Vacations / Family / Friends
- _____ Camps
- _____ Transportation Costs
- _____ Other

SUPPLEMENTARY EXPENSE WORKSHEET

[continued]

\$ _____ **CLOTHING - EXTRA**

\$ _____ **FOOD**

_____ Meals, Snacks
_____ Outside of Home
_____ Special Foods/Gastric Tube
_____ Other

\$ _____ **AUTOMOBILE - VAN**

_____ Payments
_____ Gas - Oil & Maintenance
_____ Other

\$ _____ **INSURANCE**

_____ Medical - Dental
_____ Burial
_____ Van - Automobile
_____ Housing - Rental
_____ Other

\$ _____ **RECREATION/GAMES/FUN STUFF**

_____ DVD's, VCR's and CD Purchases
_____ Movie Rentals
_____ Computer Programs (Games)
_____ CD's Music
_____ DVD Player
_____ Radio
_____ TV and TV Cable/ Satelite
_____ CD Player

TOTAL EXPENSES \$ _____

GOVERNMENT BENEFITS \$ _____

SUPPLEMENTARY EXPENSES \$ _____

TOP 10 CRITICAL ITEMS TO REMEMBER

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.
