



PLAN SPECIAL NEEDS

Bring Comfort Security & Independence to Your Family

8 ACTIONABLES FOR YOUR SPECIAL NEEDS CHILD



**A SHORT
GUIDE TO
UNDERSTAND
WHAT YOU
NEED TO
PLAN**

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INTRODUCTION

Families with special needs children have a daunting task at their hand when they think of prioritizing action plan for the child future. All actionable at different life stage of the child looks to be the most important. Though there are more social issues to address the financial and legal aspects cannot be left for later years. But these have long list of what needs to be planned and you need professionals help to complete them.

There are also situations when you are an NRI/OCI and have lived out of India for long. You wish to settle in India but completely unknown of what is applicable here. The rules are different in different countries.

Lastly even being a resident Indian many families are not aware of complete list of benefits available to them and what is required to claim them.

So we have compiled a list of **8 ACTIONABLE** which a family having a special needs dependent should take on priority irrespective of what life stage they are. There can be others actionable too which may depend on your financial situation and which can be addressed once identified.

Happy Reading!!!

DISABILITY CERTIFICATE

A disability certificate is a document that certifies the nature of disability and to what extent. This is the basic document which any parent of a special needs child requires in order to avail any benefit in India. To start with In India 40% is the benchmark disability which means only individuals with above this threshold disability % are issued a disability certificate. For minors i.e. age 18 and below this certificate is valid for 5 years and for 18 years and above this is a lifelong certificate.

Content of a Disability Certificate

A disability certificate will mention the following:

1. **Type of Disability:** e.g. ADHD, Cerebral Palsy, Blindness, Low Vision etc..
2. **Extent of Disability:** This is mentioned in % and majority of government benefits rely on this number to decide what benefits one can avail and to what amount.
3. **Permanence of Disability:** This mentions whether disability is permanent or temporary in nature.
4. **Validity Period:** This will mention the validity period after which reanalysis will be required. It will mention lifelong if no analysis is required again.

ANIL Disability Certificate Form II
OFFICE OF THE CHIEF MEDICAL OFFICER-MATHURA (U.P.)
(In case of Amputation or complete permanent paralysis of limbs and in cases of blindness) See rule 4

Certificate No. 1871 Date 10/1/18

This is to certify that I have carefully examined -
Smt / Smt. / Kum. ...
Son / Wife / Daughter of Smt. ...
Date of Birth (DD / MM / YY) ... year: Male / Female
Registration No. ... permanent resident of House No. ...
Ward / Village / Street ... Post Office ...
District ... State U.P. whose photograph is affixed above and am satisfied that:

(i) He / She is a case of:
Locomotor disability
blindness
(Please tick as applicable)

(ii) The diagnosis in his/her case is ...
He/She has ... % (in figure) ...
percent (in words) permanent physical impairment/blindness in relation to his/her
(part of body) as per guidelines (to be specified)

2. The applicant has submitted the following document as proof of residence:

Nature of Document	Date of issue	Details of authority issuing certificate
...

Signature / Thumb impression of the person whose favour disability certificate is issued.

(Signature and ... of notified Medical Authority)

Image Source: Deccan Chronicle

The image above shows a disability certificate. The format can vary at some instances but will have the same content as displayed above.

How To Avail?

For obtaining the disability certificate one has to apply to the district or state government hospitals at the place of residence. For this you need to approach the hospital and seek an appointment. On the date of appointment the disabled child/adult is to be presented for analysis. After this analysis based on medical officer examination the disability certificate is issued. With Unique Disability ID in existence now you can also apply online through www.swavlambancard.gov.in for the disability certificate for your disabled child/adult.

Benefits of Disability Certificate

1. You need it to obtain the Unique Disability ID Card
2. For claiming income tax benefit under section 80DD and 80U
3. Concession in fare while travelling through railways
4. Reservation in government jobs
5. Free travel in state transport buses
6. Loans at cheaper rates for starting a business of your own
7. Subsidies on various assistive devices
8. Group insurance schemes from government or private insurers
9. Pension from state government below some income threshold
10. For obtaining legal guardianship of the disabled dependent once he/she turns 18

These are some general benefits available for which you need the disability certificate. Apart from these in many situations you may need to produce this certificate to verify the disability.

UNIQUE DISABILITY ID CARD

This is an initiative by the central government. Much like Aadhaar a Unique Disability ID has come in existence for all persons with disabilities (PWDs). This unique ID card replaces even the disability certificate and on basis of this card only you will be able to avail all benefits. This ID card will carry the details such as name, unique number, disability type, % Of disability, date of issue and whether temporary or permanent. Hereon no more you will have to carry any other certificate wherever you are travelling in India. Below is a sample of what the card will cover:



How to Apply?

For Unique Disability ID card one has to apply at the website www.swavlambancard.gov.in. You need a disability certificate to obtain this card. If you do not have the disability certificate yet you can apply the same also through this website. On the website you will have to search for hospital in your city of residence and seek an appointment. Then on the day of appointment along with your disabled child you will have to visit the hospital. After examination the disability certificate will be issued. Post that you can apply for the UDID card online and no physical visit is required. In of a month or two you will receive the unique disability ID Card.

Benefits of UDID Card

1. No separate records will be required across different states
2. Much like Aadhaar the information of your child/adult disability will be known through this unique number
3. For PWDs the benefits from the government will be availed more easily now and with more transparency
4. Parents will have to no more maintain multiple documents for their disabled child. Through this card a UDID card reader will be able to access all the information.

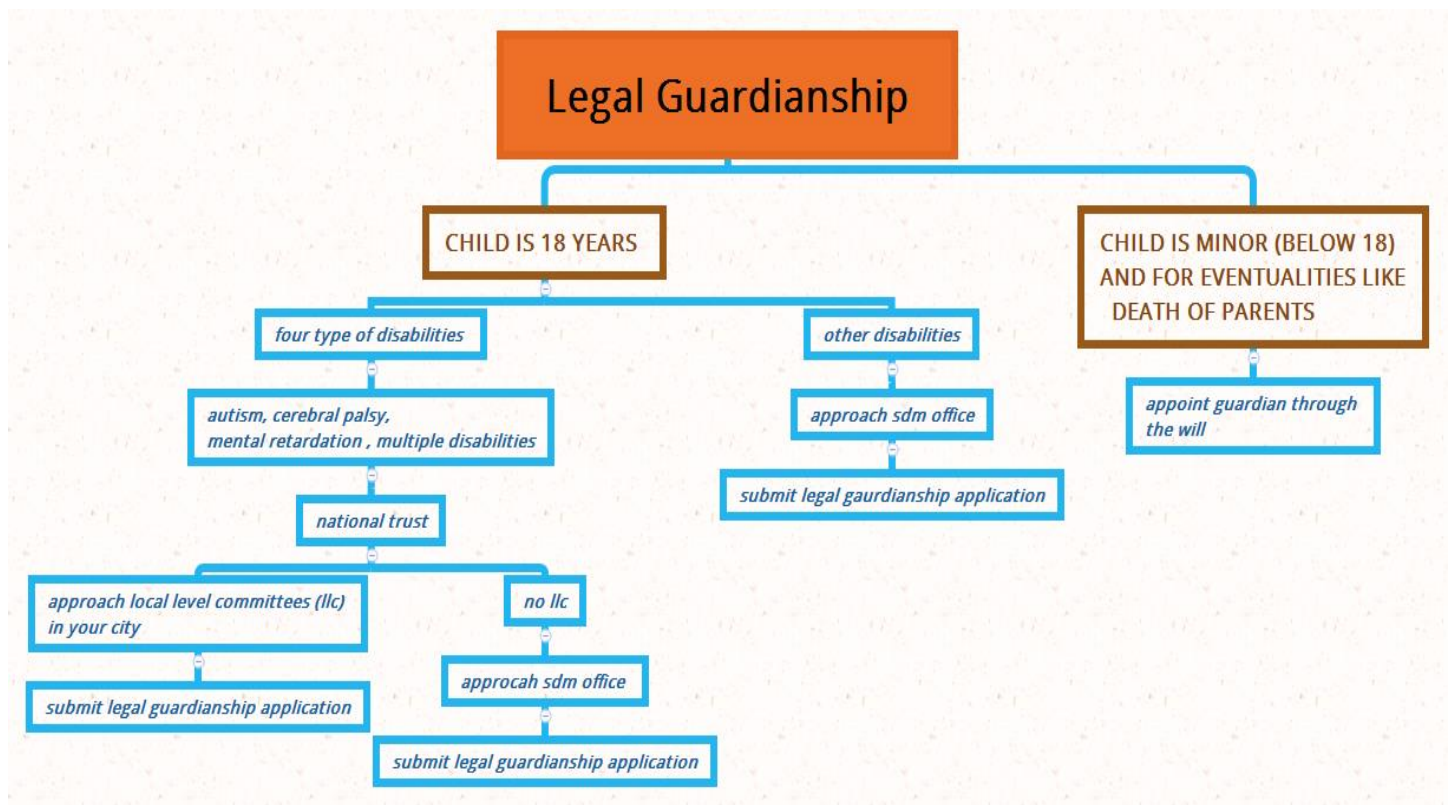
Note: This being a very large initiative you may find some lag in the processes for some cities.

LEGAL GUARDIANSHIP

The law assumes that parents are the natural guardians till the child is a minor and after a child attains majority at 18 years, no guardian is required. However, with a special needs child, there is always the need of another person to support the child. Hence, parents need to apply to the court for obtaining legal guardianship of the child to continue supporting the special needs child. The process is not cumbersome and parents can do it themselves. Once legal guardianship is obtained, parents are legally authorized to make legal, financial and any other decision on the child's behalf. However, in the absence of parents, or after their death, another person needs to take over guardianship of the child. Primarily he can be a relative or a family member.

How To Apply?

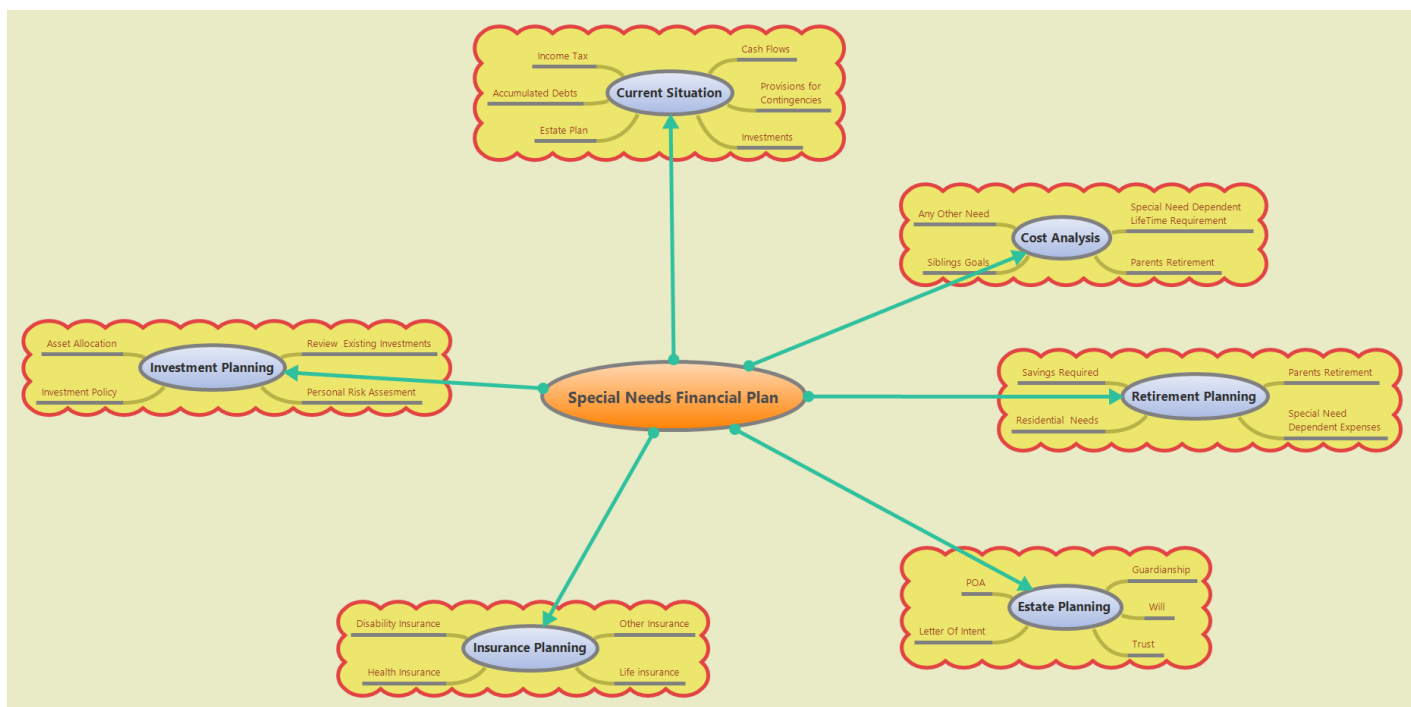
1. The National Trust is a statutory body of Ministry Of Social Empowerment and Justice, which works for the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. The organization has a mechanism for parents of children with these four types of disabilities, and allows them to apply for legal guardianship through the Ministry. The organization has set up Local Level Committees (LLC) in cities and one can approach the same for applying for the legal guardianship. You can get the list of LLC in your city, understand the process and download the specific application form at www.thenationaltrust.gov.in
2. Parents with other disabilities or where National Trust does not have LLC presence legal guardianship has to be applied at SDM (Sub Divisional Magistrate) office in your city of residence. After filling up the specific format and submitting necessary documents the legal guardianship certificate is issued.



FINANCIAL PLAN

Financial Planning for a special needs child family means planning for two generations. The crux of the planning is providing financially for the child for the time when you are not there. But even within your life time, meeting the child's needs is a complex exercise due to several factors and there is no choice of which factor to consider first and where delays are possible. So parents need to take a financial planning approach while planning the child's future.

A financial planning process starts with your cash flows. So what you are earning and what you are spending needs to be analyzed to know how much you can generate for your future goals. Also include insurance, debt management and investment planning to have a quality life which you can enjoy now and in the future. A financial plan is a roadmap which tells the family where they stand today, what is their destination and what are the gaps to be filled to reach there. In most cases it will priorities what to look for, what to address first and issues which may be addressed later, as the situation improves.

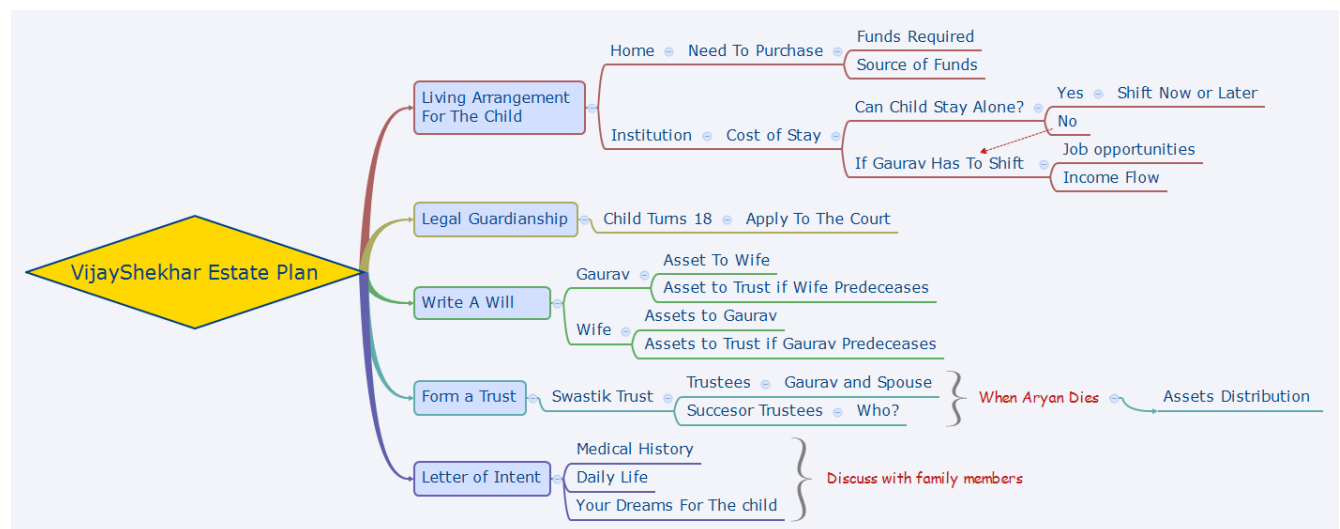


ESTATE PLAN

A secure future for your loved ones is the primary objective of any estate plan. However, this objective hinges on implementing the right strategy. The purpose of any estate plan is to protect one's wealth and transfer it to the legal heir as desired. This can happen during your lifetime or later. This estate plan is critical as it lays down clear wishes as to who receives how much money, property and any other inheritance.

For families with special needs children, estate planning is much more than just penning down bequests for transfer of assets. It is meant to create a secure future for the child. Considering that the child will not be able to take financial decisions, leaving any legacy in his/her name may prove fatal. So forming a private trust to receive any gift, funds, etc. may be a wiser choice.

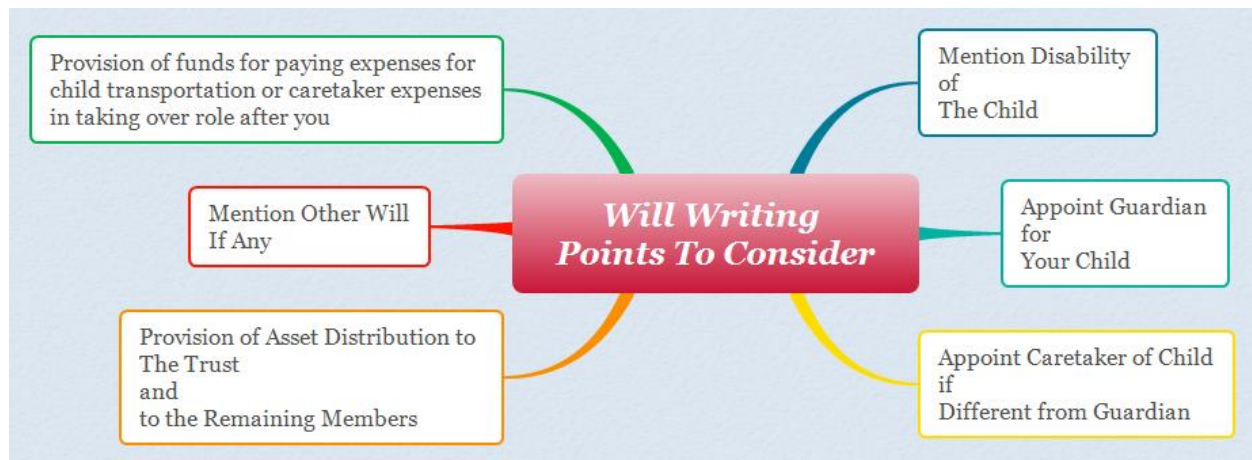
One of the biggest hurdles in estate planning is dying intestate i.e. without a proper Will. In such cases, the country's succession laws decide the distribution of your wealth. This may not be what you would have wished. But the larger issue here is that part of the wealth will go to the special needs child. The other issue is of probate. Although a Will is a good tool for effective estate planning, there is the probability of probate due to litigation or mandatory requirements in some states, which could delay the final distribution of wealth by months. Till then the child will be left without any support. That's when the trust comes in. With a trust structure a probate can be avoided and child care can be smoothly taken over by the trust at the parent's death.



WILL

A well written Will can resolve many issues of wealth distribution. Without a will there is a higher probability of disputes with legacy distribution not happening as per your wishes. A Will should clearly specify what assets you own, how you wish to distribute them and why there is exclusion, if any. A Will should be simple enough to understand your intentions.

For families with special needs children, Will writing is more than just a distribution of assets. There is a desire to treat all children fairly and equally. But considering that one of the children will need lifetime support, there is a wish to allocate a higher share to him/her simply because these children cannot manage their own affairs. But this is easier said than done. There are chances of disputes if clear reasons are not spelled out in the Will or if siblings do not agree. Similarly, there are other issues, which parents of a special needs child have to address while writing a Will.



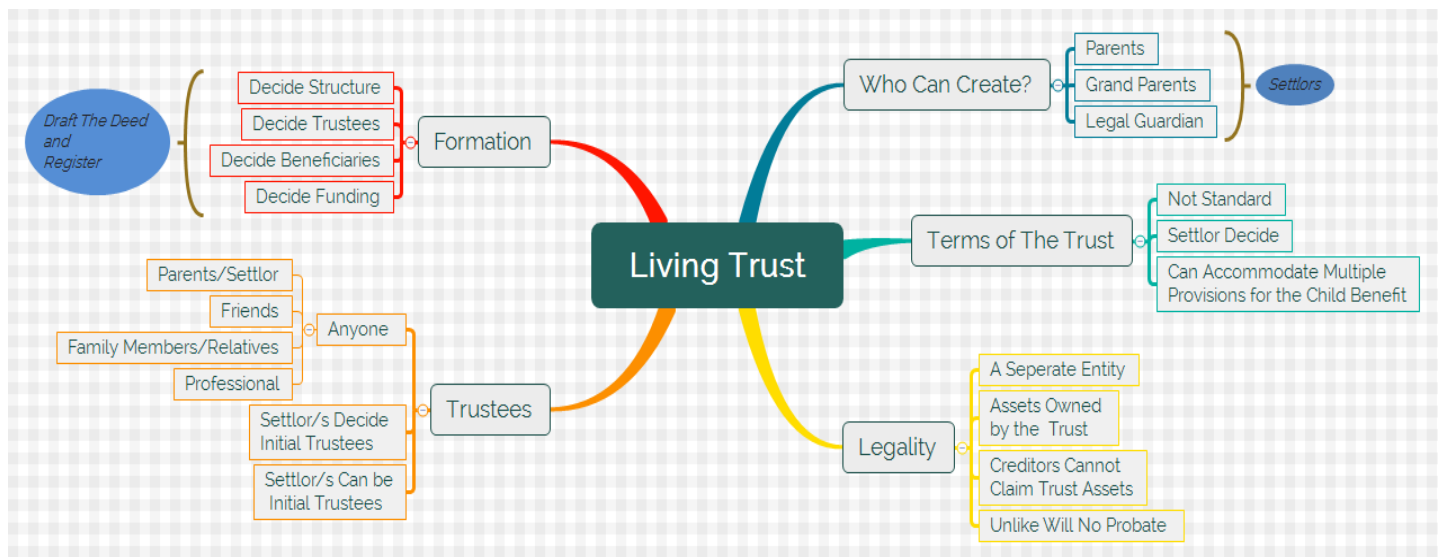
LIVING TRUST

Conceptually a living trust is a method of succession planning wherein the assets are transferred before one's death to chosen legal heirs in the name of the trust created for their families. When assets are transferred to the trust before death then they are in control of the trust. Once the trust is created during the lifetime of the testator, it becomes immediately operation for the benefit of the beneficiaries. Thus one can implement complete succession planning in his/her lifetime and avoid any financial loss.

Advantages of Living Trust

The primary advantage of creating a Living Trust is that the assets get transferred to the benefit of legal heirs as per your wish during your lifetime. The second bigger advantage is that the chances of challenging a living trust is minimal as you are alive, unlike a Will which can be challenged after your death.

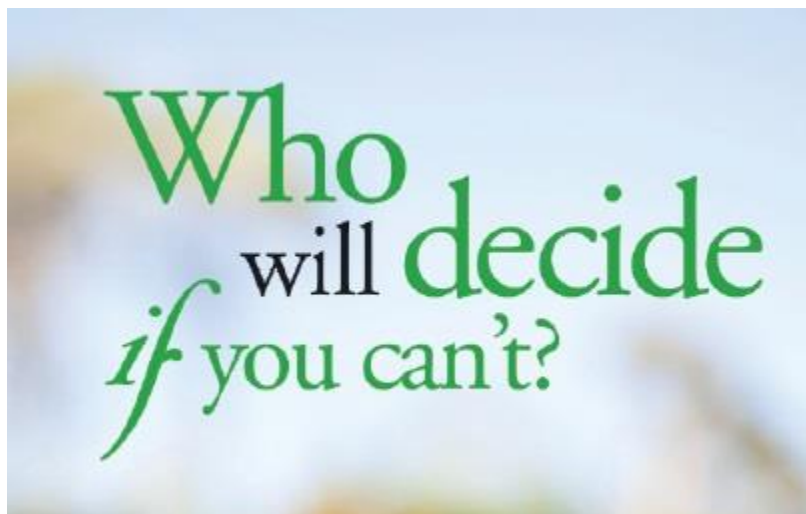
A living trust is the solution for special needs children families. It can grant them complete peace of mind over management of their wealth and how legal heirs can manage it efficiently. The larger benefit of a living trust is that the assets gets disposed of and given away to the trust immediately for the benefit of the child thus implementing the parent's wishes instantly and not after their demise



DURABLE POWER OF ATTORNEY

A durable power of attorney is an option where the person called the principal appoints an agent who can be a trusted relative or friend to handle specific responsibilities, if the principal becomes incapacitated. In a general power of attorney, the POA ends when the principal becomes incapacitated. But a durable POA will continue to hold even if the principal becomes incapacitated, as per the terms of the document. In general a Durable POA is created with limited powers to the agent primarily for financial or legal decisions.

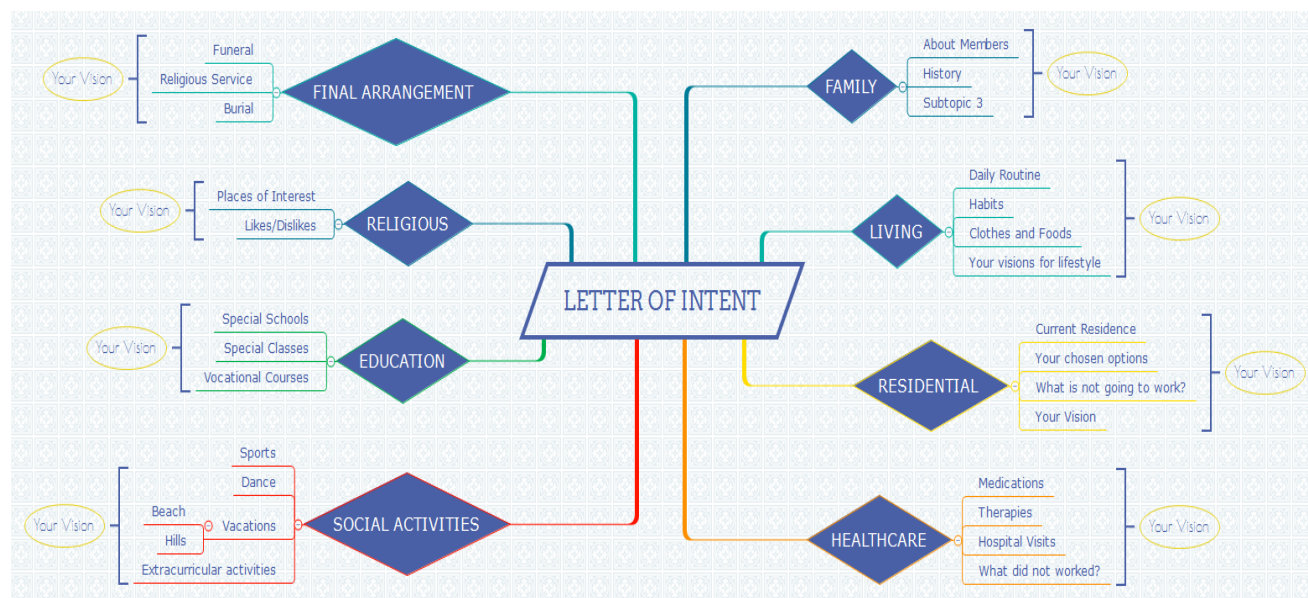
When you have a special needs child, then one of the contingencies to be planned for is your temporarily inability to perform duties. As a legal guardian, you cannot stay away from responsibilities and so you need to make a provision. That's where a Durable Power of attorney can help. You appoint someone who will take decisions on your behalf when the situation arises. There may be legal restrictions on what can be included i.e. financial, health, etc. but it provides an alternative in such situations. So you may be able to give powers related to financial decisions but not on medical conditions, for which a POA may be required.



LETTER OF INTENT

A letter of Intent, although not a legal document, is widely used by special children families in developed countries like USA. It not only creates a reference source for future care takers, but also for family members including parents. This document is meant to provide extensive details about the care of the special needs child, including general information like contact numbers of persons associated with child care i.e. doctors, lawyers, NGOs etc. to specific preferences like the child's favourite clothes color, of which only parents or caretakers are usually aware. The objective is to ensure that whosoever takes care of the child after the parents can minutely understand the child's needs. This document is like a living guide, which is updated annually to accommodate changes in the needs of the growing child.

Most parents of special needs children in India are unable to plan for their child due to lack of information and resources. But by writing this document they can lay the foundation for a comprehensive planning of the child's future. The letter may be typed or even hand written, although changes are easy to accommodate in digital format.



Let's Start!!!!

With team of experts in special needs planning we can proudly say that we are pioneer in starting this specialized practice for families with special needs children. Financial Plan, Estate Plan, Will, Living Trust, Durable POA, LOI and on many other aspects we assist our clients. How you can benefit, what are the elements of planning we will cover, what are the areas we can assist you - all we can discuss with you. There are offers also for you to take the benefit of early starters.

What you have to do is just-



Schedule My Appointment

OR

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