

**Richard A. Courtney, CELA**  
**Certified Elder Law Attorney**  
**4400 Old Canton Road, Suite 220**  
**Jackson, Mississippi 39211**  
**601-987-3000 or 1-866-ELDERLAW**  
**For more Articles, go to: [www.elderlawms.com](http://www.elderlawms.com)**

## **Writing a Letter of Intent for a Special Needs Child**

How can you ensure that your special needs child will remain well cared for and secure once others assume the role of guardian or caregiver? While creating a financial plan and establishing a specialized trust are central to preparing for your child's future, families of children with special needs should write down their intentions and expectations, as well as the child's medical, physical, mental, emotional, family and religious history, in a document referred to as a Memorandum of Intent, also known as a "Letter of Intent."

The Memorandum is not legally binding and, when directions conflict, those in wills, trusts and other legal documents take precedence. But for "non-legal" matters, it will serve as the primary source of information about your child, providing a roadmap for the courts, guardians, caregivers and others involved in your child's life. That can be critical in easing your child's transition, ensuring continuity of care and treatment, as well as appropriate decision making regarding living arrangements and other lifestyle choices.

Topics that should be included in a Letter of Intent include the following:

- Individuals and organizations that should be contacted upon your death or incapacity
- Your child's health care and therapeutic needs
- Your preferences for education, religion, and childrearing practices
- Contact information for doctors, therapists and teachers
- Your child's personal history, degree of independence or mobility, behavioral issues, and need for assistive technologies
- Your child's interests and personality traits
- The location of medical records and other important documents
- Guidance about your child's interactions with friends and family.

While writing a Letter of Intent can be time-consuming and emotionally taxing, it's very important not to postpone this task. Once the Memorandum is complete, place the original in a secure location and distribute copies to others involved in your child's life. Then, mark your calendar, setting aside time to revise the Memorandum at least once a year so it will continue to reflect your child's current life stage and situation.

If you have a child with special needs, contact us about including a Letter of Intent in your child's care plan. We have a comprehensive form for such a Letter of Intent that can guide you through the process and help secure your child's future.