

SPECIAL NEEDS ATTORNEY VETTING TOOLKIT

Complete Evaluation & Decision System

Memorial Merits
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SPECIAL NEEDS ATTORNEY VETTING TOOLKIT

Complete Evaluation & Decision System

Your child's future depends on finding an attorney with real special needs expertise.

This toolkit helps you identify genuine knowledge, avoid predatory practices,
and make a confident decision about who will protect your child's benefits.

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This toolkit is provided for educational purposes. Always consult with qualified estate planning attorneys before making decisions.

How to Use This Toolkit

This toolkit guides you through the complete process of finding, evaluating, and selecting a special needs estate planning attorney. Use it systematically:

- **Read Section 1** to understand what real expertise looks like
- **Use Section 2** to identify and research attorney candidates
- **Complete Section 3** before each consultation to prepare effectively
- **Fill out Section 4** during or immediately after each consultation
- **Use Section 5** to compare attorneys and make your final decision

Bring this toolkit to every consultation. Take notes. Trust your instincts. The right attorney will welcome your thorough evaluation process.

SECTION 1: Understanding Real Expertise

What Real Special Needs Expertise Looks Like

Attorneys with genuine special needs expertise demonstrate these characteristics:

- **They ask detailed questions about your child's specific benefits** before discussing trusts
- **They understand SSI/Medicaid rules deeply** and can explain the \$2,000 asset limit without hesitation
- **They immediately address family coordination** as essential, not optional
- **They explain first-party vs. third-party trusts clearly** including Medicaid payback differences
- **They focus on benefit protection over tax minimization**
- **They're members of the Special Needs Alliance or hold CELA certification**
- **They spend 30%+ of their practice on special needs cases**

RED FLAGS: Warning Signs to Watch For

These warning signs indicate an attorney lacks real special needs expertise:

- **Doesn't ask about your child's specific benefits**
- **Focuses primarily on taxes rather than benefit protection**
- **Offers unusually low fees (\$500-\$800)**
- **Never mentions family coordination importance**
- **Can't explain SSI asset limits when asked**
- **Quickly pivots to selling insurance products**
- **Claims 'all special needs trusts are basically the same'**
- **Seems annoyed by your questions**
- **Pressures immediate decisions**

Credentials That Matter

Credential	What It Means
Special Needs Alliance	GOLD STANDARD - National organization focused specifically on disability and public benefits law
CELA Certification	STRONG INDICATOR - Board certified in elder law including special needs planning
NAELA Membership	GOOD SIGN - Member of elder law attorney association with special needs focus

Most Important: What percentage of their practice is devoted to special needs work? This matters more than credentials alone.

SECTION 2: Finding Attorney Candidates

Special Needs Alliance Directory Search

Start your search at specialneedsalliance.org - this is your best source for legitimate expertise.

Search Results:

Attorney Name:

Firm:

Phone:

Email:

Website:

Notes:

Attorney Name:

Firm:

Phone:

Email:

Website:

Notes:

Attorney Name:

Firm:

Phone:

Email:

Website:

Notes:

Alternative Sources (If No SNA Members Nearby)

- ☐ CELA-certified attorneys with special needs focus
- ☐ State disability advocacy organization referrals
- ☐ Local Arc chapter recommendations
- ☐ Special needs parent support group referrals

Schedule Consultations

Schedule consultations with your top 2-3 candidates. Most offer free initial consultations.

Attorney #1:

Date:

Time:

Attorney #2:

Date:

Time:

Attorney #3:

Date:

Time:

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Read the full guide on [Special Needs Attorney Vetting](https://memorialmerits.com/find-special-needs-estate-planning-attorney/): <https://memorialmerits.com/find-special-needs-estate-planning-attorney/>

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SECTION 3: Consultation Preparation

Information to Bring

Gather this information before your consultation:

- ☐ Your child's diagnosis and functional limitations
- ☐ List of all current benefits (SSI, SSDI, Medicaid, Medicare, state programs)
- ☐ Monthly benefit amounts
- ☐ Your financial situation overview (assets, income, life insurance)
- ☐ Information about extended family (who might leave inheritance)
- ☐ Any existing estate planning documents
- ☐ This toolkit

Essential Questions to Ask

Ask these questions during every consultation. Their answers reveal real expertise:

Question	What a Strong Answer Includes
What percentage of your practice is special needs planning?	30-50%+ of practice. This isn't occasional work.
Are you a member of the Special Needs Alliance or CELA certified?	Yes to either, ideally Special Needs Alliance.
Explain the difference between first-party and third-party special needs trusts.	Clear explanation of funding sources, Medicaid payback, age restrictions.
How do you handle family coordination?	Provides info sheets, speaks with family attorneys, systematic process.
What happens if my child receives unexpected inheritance?	Emergency first-party trust protocol, court petition, speed is critical.
How do you charge and what's included?	Transparent fee structure. Typical: \$2,500-\$5,000+ for comprehensive planning.
Can you provide references?	Can connect with parent groups, has families willing to serve as references.

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SECTION 4: Consultation Evaluation Forms

Complete one evaluation form for each attorney consultation. Fill this out during or immediately after the meeting.

Attorney #1 Evaluation

Attorney Name: _____

Firm: _____

Date: _____

Duration: _____

Format: ☐ In-Person ☐
Phone ☐ Video

EXPERTISE ASSESSMENT

- ☐ Asked detailed questions about my child's specific benefits
- ☐ Understood SSI/Medicaid rules without hesitation
- ☐ Explained first-party vs third-party trusts clearly
- ☐ Immediately addressed family coordination importance
- ☐ Focused on benefit protection over tax minimization
- ☐ Special Needs Alliance member or CELA certified
- ☐ 30%+ of practice devoted to special needs cases

RED FLAGS OBSERVED

- ☐ Didn't ask about child's benefits
- ☐ Focused on taxes over benefits
- ☐ Unusually low fees quoted
- ☐ Never mentioned family coordination
- ☐ Couldn't explain SSI limits
- ☐ Pushed insurance products
- ☐ Seemed annoyed by questions
- ☐ Pressured immediate decision

FEE STRUCTURE

Total quoted fee: \$ _____

What's included: _____

Payment structure: ☐ Flat fee ☐ Hourly (\$ _____ /hr, estimated _____ hours)

Ongoing support included: ☐ Yes (describe) _____ ☐ No

COMMUNICATION & RAPPORT

Did they explain concepts clearly? ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Did they listen to my concerns? ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Did I feel comfortable with them? ☐ Very ☐ Somewhat ☐ Not really ☐ No

Responsiveness before meeting? ☐ Excellent ☐ Good ☐ Fair ☐ Poor

KEY TAKEAWAYS & CONCERNS

What impressed me: _____

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What concerned me:

Questions I still have:

OVERALL IMPRESSION

Expertise level: ☐ Highly expert ☐ Knowledgeable ☐ Basic knowledge ☐ Lacking

Likelihood of hiring: ☐ Strong candidate ☐ Possible ☐ Unlikely ☐ Definitely not

Attorney #2 Evaluation

Attorney Name: _____

Firm: _____

Date: _____

Duration: _____

Format: ☐ In-Person ☐
Phone ☐ Video

EXPERTISE ASSESSMENT

- ☐ Asked detailed questions about my child's specific benefits
- ☐ Understood SSI/Medicaid rules without hesitation
- ☐ Explained first-party vs third-party trusts clearly
- ☐ Immediately addressed family coordination importance
- ☐ Focused on benefit protection over tax minimization
- ☐ Special Needs Alliance member or CELA certified
- ☐ 30%+ of practice devoted to special needs cases

RED FLAGS OBSERVED

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FEE STRUCTURE

Total quoted fee: \$ _____

What's included: _____

Payment structure: ☐ Flat fee ☐ Hourly (\$ _____ /hr, estimated _____ hours)

Ongoing support included: ☐ Yes (describe) _____ ☐ No

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KEY TAKEAWAYS & CONCERNS

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What concerned me:

Questions I still have:

OVERALL IMPRESSION

Expertise level: ☐ Highly expert ☐ Knowledgeable ☐ Basic knowledge ☐ Lacking

Likelihood of hiring: ☐ Strong candidate ☐ Possible ☐ Unlikely ☐ Definitely not

Attorney #3 Evaluation

Attorney Name: _____

Firm: _____

Date: _____

Duration: _____

Format: ☐ In-Person ☐
Phone ☐ Video

EXPERTISE ASSESSMENT

- ☐ Asked detailed questions about my child's specific benefits
- ☐ Understood SSI/Medicaid rules without hesitation
- ☐ Explained first-party vs third-party trusts clearly
- ☐ Immediately addressed family coordination importance
- ☐ Focused on benefit protection over tax minimization
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KEY TAKEAWAYS & CONCERNS

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What concerned me:

Questions I still have:

OVERALL IMPRESSION

Expertise level: ☐ Highly expert ☐ Knowledgeable ☐ Basic knowledge ☐ Lacking

Likelihood of hiring: ☐ Strong candidate ☐ Possible ☐ Unlikely ☐ Definitely not

SECTION 5: Comparison & Final Decision

Side-by-Side Comparison

Compare your top candidates across key factors:

Factor	Attorney #1	Attorney #2	Attorney #3
Expertise Level			
Communication			
Total Fee			
Credentials			
Red Flags?			
Gut Feeling			

Final Decision Framework

Consider these factors when making your final choice:

- **Technical expertise is non-negotiable.** Without real special needs knowledge, nothing else matters.
- **Don't choose based solely on price.** Cheapest option may cost far more if planning is inadequate.
- **Trust matters.** You're entrusting this attorney with your child's financial security.
- **Communication is critical.** You'll work with this attorney for years. Choose someone who explains clearly.
- **Any red flags = walk away.** Don't rationalize warning signs. Find someone else.

My Decision

I am choosing:

Primary reasons for this choice:

Date of decision:

Next steps:

SECTION 6: Cost Expectations Reference

Cost Range	What It Means
\$500-\$1,500	DANGER ZONE: Likely boilerplate documents or insurance sales pitch. Be very wary.
\$2,500-\$5,000+	TYPICAL RANGE: Comprehensive special needs planning including trust, coordination guidance, documents.
\$6,000+	HIGH BUT MAY BE JUSTIFIED: Complex situations, major metro areas, highly experienced specialists.

What comprehensive planning typically includes:

- Trust drafting (third-party special needs trust)
- Will preparation
- Powers of attorney (financial and healthcare)
- Healthcare directives
- Guardian nomination documents
- Family coordination information packet
- Letter of intent guidance
- Initial consultations and benefit analysis
- Document review meeting

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Final Reminders

You've Done the Hard Work

By completing this toolkit, you've systematically evaluated attorneys, asked the right questions, and made an informed decision. You've protected your child from attorneys who lack real expertise or who might exploit your vulnerability.

What Happens Next

- Schedule your engagement meeting with your chosen attorney
- Gather all requested documentation
- Complete information forms your attorney provides
- Review draft documents carefully when received
- Ask questions about anything unclear
- Begin family coordination process immediately after documents are signed

Trust Your Decision

You invested significant time and effort into finding the right attorney. You asked the tough questions. You evaluated expertise carefully. You made an informed choice.

Trust the process you followed. Trust the decision you made. And know that you're protecting your child's future with genuine expertise.

Your child's security is worth the effort you invested.

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For additional special needs planning resources and guidance