



## Guide to Writing Your Letter of Intent

A Letter (or Memorandum) of Intent communicates your preferences regarding the care of your child. In your estate planning documents, you will select fiduciaries, such as a guardian of person (who will make important medical and housing decisions on behalf of your child), as well as a Trustee (who will be managing one or more Trusts) and will make important investment and distribution decisions relating to the administration of your trust.

You should use this Guide to assist you in identifying the important information and resources so that your fiduciaries will have the benefit of your insight and advice should you become disabled or die. This letter differs from the trust because it does not convey legally binding directions. Rather, it is a personal letter to those people who will have responsibility for your child when they must make important decisions.

### Important Points to Remember when Writing Your Letter

1. Parents, brothers, sisters, other family members, and especially your child (to the extent possible) should contribute to the letter.
2. The contents of the letter should reflect your expectations. Future circumstances may make it difficult for others to carry out strict demands. You must trust that those carrying out your plan will try to adhere to your expectations.
3. You should gear the preferences in the letter toward enhancing Your child's independence and growth. Your requests should not accommodate the convenience of other family members or service providers.
4. The letter should be written in non-technical language by you. It should communicate to the reader your heartfelt desires.
5. A letter of intent is not legally binding like your trust. However, its contents should not contradict your trust. Please provide the law firm of Anderson Elder Law with your letter (plus any later revised letters) so we can make sure that it is consistent with the terms of your trust.
6. Periodically review, and if necessary, update your letter. Make sure that it still reflects not only your expectations, but also the preferences of other family members and your child. Age and circumstances may alter what you want in your letter.

### The Content of Your Letter Should Include the Following Items

1. The letter should begin by stating your child's full name, date of birth, place of birth, name of the trust, date of trust, and your child's Social Security Number.

2. You should then name the agencies that relatives, trustees, and guardians should contact for advice and help (e.g. Regional Center, local chapter of the ARC, the law firm of Anderson Elder Law, case manager, care providers, physicians, therapists, close family members and friends, etc.).
3. Financial and Other Support for Your child
  - a. List all government benefits which your child receives or may be eligible to receive.
  - b. List any arrangements with a corporate trustee, care manager or other entity for your child's continued care. Include the name and address plus any special instructions.
  - c. If appropriate, your child's current employment or the type of employment you think he would like.
4. Current Living Arrangements
  - a. Describe the type of living situation you anticipate for your child (e.g., live with a relative, small group home, apartment with support).
  - b. The location of the living situation you anticipate for your child (e.g., the geographic locale you prefer, and type of physical and natural environment, if that is important).
  - c. The qualities of the living arrangement (e.g., non-smoking home, adhere to a certain religion, only allows certain types of disabilities).
  - d. Regular routines in the person's schedule (e.g., daily schedule of getting ready for school, weekly appointments).
5. Programs and Services
  - a. Name the type of school or day program setting expected.
  - b. List the name and address of day programs, sports programs, habilitation programs or other programs and activities in which your child regularly participates.
  - c. List the type of services, therapies, or medical interventions that are needed, or may be needed (e.g., job training, speech therapy, behavioral evaluations).
  - d. Describe your child's routine medical care (e.g., regular check-up schedule, annual eye examination) and the names and locations of preferred medical professionals.
  - e. Name any health insurance that should be maintained including addresses, phone numbers and insurance number. Make a copy of the insurance card and attach it to the letter.
6. Personal Preferences
  - a. Describe your child's grooming preferences (e.g., type and color of clothes, hair style, and preferred toilet articles).
  - b. Describe your child's likes and dislikes about food, chores, and other routine daily activities.
  - c. List your child's favorite personal items (e.g., personal radio, certain furniture, personal pet).



- d. Describe personal habits that it would be important for someone else to know about.
- e. List all friends and relatives, their addresses, and how often your child likes to visit these people.
- f. List your child's favorite recreation and other leisure activities and the level of independence in these activities. Include how often your child likes to participate in these activities.
- g. Describe any religious preferences and how often your child participates in religious activities.

## 7. Abilities

- a. Describe your child's level of independence for getting around the community (e.g., ability to ride public transportation, independence in shopping, ability to go out alone).
- b. Describe your child's ability to handle money (e.g., change-making, independence in purchasing items).
- c. Describe your child's abilities in reading, writing, communicating, and understanding what others may tell her. If she does not use verbal communications, note how she communicates desires or replies to others.
- d. Describe any aspects of your child's disability that you feel are particularly important to be aware of (e.g., needs a structured environment, must be kept from certain foods, does not like loud noises).

## 8. Completing the Letter

Some clients find it easier to write the Letter if they keep a daily journal for several weeks, which records the daily, weekly and monthly activities of both your child and those people who provide support and care. The journal can then be condensed into a letter. You should sign and date the letter.

The letter (and any revised letters) should be sent to Anderson Elder Law. Keep a copy for yourself and a copy with your trust. Distribute copies of the letter to those who may be responsible for decisions about your child.

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