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s o l i c i t o r s

Wills for parents with children who suffer from a disability

Property

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Wills & Probate

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Wills for parents who have a child or children (minor or adult) who suffer from a mental or physical disability

Parents who have children (who are under 18 years of age or adult) who suffer from a disability whether physical or mental are often in a dilemma as to whether or not to leave anything to that child when they die. The reason for the dilemma is that the parent is fearful that if the child benefits under the Will then state benefits the child receives which are means tested will cease. This will certainly be the case if the gift is given outright. However, a gift set up under a trust where the trustees have a discretion as to whether or not to make any payments to the child will avoid this.

Remember that if the parent does nothing, then under the [Rules of Intestacy](#) the disabled child will receive an absolute interest in the estate on the death of the last of the parents to die. It therefore follows that the amount received by the child will be used to provide for them, during which time benefits will cease.

We at [Hopley Pierce & Bird](#) are well practised in preparing Wills of this nature and can provide advice tailored to your specific family requirements. Please call us on 01978 315100 to arrange an appointment

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