



## **Wilson & Wilson Estate Planning & Elder Law LLC**

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# ***February 2026 Special Needs News***

***Top Stories***

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## QUESTION OF THE MONTH:

**Q:** A client from Downers Grove said he wants to set up a special needs trust for his son but has heard they are complex and that it's easy to make mistakes during the process. What are some common mistakes I should advise him to avoid?

**A:** I explained that special needs trusts *are* complex and that the following mistakes are important to avoid:

**1. Not Consulting a Specialist:**

Failing to work with an attorney who specializes in special needs planning can result in errors during trust setup or non-compliance with applicable laws.

**2. Choosing the Wrong Type of Trust:**

Selecting the incorrect trust—such as confusing a self-settled trust with a third-party trust—can jeopardize the child's eligibility for government benefits.

**3. Insufficient Funding:**

Underestimating the amount needed to properly support the child's long-term needs may leave insufficient resources in the future.

**4. Ignoring the Trust's Language:**

Using vague, overly broad, or non-compliant language can lead to disputes, administrative problems, or mismanagement of trust assets.

**5. Not Designating a Suitable Trustee:**

Appointing a trustee who lacks knowledge of special needs planning or public benefits can result in poor decisions that negatively affect the beneficiary.

**6. Neglecting Regular Trust Reviews:**

Failing to update the trust as laws change or family circumstances evolve can reduce its effectiveness over time.

**7. Overlooking Tax Implications:**

Ignoring potential tax consequences related to trust income or distributions may create unnecessary financial burdens.

Avoiding these common mistakes can help ensure the special needs trust effectively supports the child while preserving eligibility for essential government benefits. If the client has additional questions, I recommend discussing them with an attorney from our office.



## **Two Common Special Needs Trust Mistakes Families Make**

Even a well-intentioned special needs trust trustee or other caring family members can make mistakes that may put a person with a disability at risk of losing public benefits such as Supplemental Security Income (SSI) and Medicaid.

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## **Why You Should Choose a Third-Party Special Needs Trust**

When parents ponder how to provide for their child with special needs, they sometimes forget one of the key advantages of a special needs trust. Members of the family and friends can make gifts once it has been set up.

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## Prepare for Your First Individualized Education Plan Meeting

Many parents feel intimidated at the thought of attending their child's first Individualized Education Program (IEP) meeting, but with adequate preparation it can be an informative, successful and (relatively) stress-free experience.

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## The State of Family Caregiving in the United States

An estimated 63 million Americans are serving as family caregivers. That is roughly one in four adults providing often unpaid care for a relative or friend with a disability, chronic illness, or other serious condition.

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