

Your Legal Questions

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Q. My daughter is disabled and has learning difficulties. She will never be able to manage her financial affairs. How do I make provision for her financial care for the rest of her life after I have died?

A. It is very important that you should make a Will and that it should be professionally drafted. Because of your daughters ongoing needs considerable care must be taken and there are many issues that you will need to consider.

It is almost certainly not appropriate for your daughter to directly inherit a sum of money from you. She would not be able to manage the money which may leave her in a vulnerable position as people may try to take advantage of her and she may well lose her means tested state benefits.

I would suggest that your Will should include a trust for your daughter. Basically a trust is a binding arrangement under which a person gives money or property 'upon trust' to another person or persons, who are known as 'trustees'. Your Will would create the trust meaning that the trust would only be set up after you die. Your trustees would manage the trust on your daughter's behalf and they would support her from it. The trustees would manage the assets of the trust by investing the money or maintaining a property, make payments to your daughter, prepare accounts for the money and property and pay any tax that is due. You would therefore need to think carefully about who you choose to act as Trustees as they will need to be able to cope with the responsibility and work involved.

A trust would give your daughter the protection that she would need but I do suggest that you get legal advice as this is only a brief summary of all that is involved.

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