

Special Needs Divorce • Case Triage Checklist

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Use this checklist to determine when a case requires a Special Needs Divorce Triage Session.
If any item applies, bring Bret in.

Public Benefits Indicators

- The child or adult relies on SSI
- The child or adult uses a Medicaid Waiver program
- The child or adult relies on Medicaid
- There is uncertainty about how support or assets will affect benefits
- Any benefit could be lost if support is structured incorrectly

Legal/Planning Structures Present

- There is an existing Special Needs Trust
- A Special Needs Trust may be needed but hasn't been discussed
- An ABLE account is involved or being considered
- Guardianship, conservatorship, or supported decision-making is part of the case
- There are questions about long-term stability, housing, or services

Decree & Support Red Flags

- The decree references public benefits in any way
- Support may need to be structured differently for a child/adult with disabilities
- There is uncertainty about how to word support, medical expenses, or parenting plans
- The case involves adult disabled children and ongoing support obligations
- The attorney is unsure how to protect benefits while meeting support requirements

Case Complexity or Uncertainty

- The CDFA[®] or attorney feels that “something is off”
- The family has multiple children with different needs
- One parent is overwhelmed or confused about benefits
- There are competing priorities between parents, benefits, and long-term planning
- The professional wants to avoid risk, liability, or missteps

If any item applies, book a Special Needs Divorce Triage Session.

Protect the family. Protect the benefits. Protect the professionals involved.