

Maintaining SSI Eligibility Once the SNT is Created and Funded

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The Beneficiary

- Joaquin was driving home after graduation. He was on top of the world. He was going to the University in the fall and he had his 2016 Dodge Ram pickup.
- Unfortunately, Joaquin woke up in the hospital, a tetraplegic. Joaquin was in that 25% of Texans who had no health insurance.
- There was a lawsuit because the accident arose from someone else's negligence.
- Joaquin's resulting net recovery from the personal injury award was \$1,200,000.

The Call to the proposed Trustee

- Drafting attorney: I have drafted a Supplemental Needs Trust for the benefit of Joaquin. We would like for you to consider serving as Trustee.
- Trustee: Wonderful. Please give me a little background on the beneficiary.

What the Trustee needs to know, initially

- What is the beneficiary's disability?
- How was the SNT created?
- What government benefits do the beneficiary receive?
- What lump sum will fund the SNT?
- What are the beneficiary's expectations?

What the Trustee needs to know (continued)

- Will there be a structured settlement annuity pay into the SNT?
- Is there a Medicare Set-Aside allocation?
- Has all subrogation been paid to the three separate Medicaid claimants, Medicare, hospital, etc.

What is the Beneficiary's disability?

- What is the diagnosis & prognosis?
- What, if any, major medical events are anticipated?
- Best practice:
 - Although challenging, be open to alternative treatments.
 - Make notes that will be part of the ongoing record.

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