

POOLED TRUSTS:

YOUR ANSWER TO TRANSFERS AND OVER 65 STRATEGIES

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OVERVIEW

Why & How to
Transfer

Understanding
Pooled Trusts

Is a pooled trust
the key?

Court Orders

Smooth Transfers

“Half-a-Loaf”
transfers for
individuals over
65

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WHY & HOW TO TRANSFER

WHY

- Trustee is unable or unwilling to serve
- Economic feasibility
- Personality differences

HOW

- Texas Estates Code Section 1301.202
- Texas Property Code Section 142.010
- Trust Language

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IS A POOLED TRUST THE KEY?



- **MASTER Documents**
 - Read the Trust document
 - Not successor Trustee
 - Cannot accept your individual Trust
 - The Trust and/or Joinder cannot be amended for your Beneficiary
- **Court Authority**
 - Can establish sub-accounts
 - Cannot amend the Trust, appoint or change the Trustee
- **POOLED assets**
 - Cash
 - Assets that can be converted to cash BEFORE transfer.
 - Stocks or other investments cannot be accepted in kind
 - Some pooled trusts accept real estate or other noncash assets

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QUESTIONS TO ANSWER

- Is the beneficiary disabled?
- Do they meet the Social Security Administration's (SSA) definition of a person with a disability?
 - 42 U.S. Code §1382c(a)(3)
 - Minor with children's Medicaid don't necessarily meet SSA's definition
- Where does the beneficiary live?
- What type of assets does the originating trust own?



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Also available as part of the eCourse

[Special Needs Trusts Basics and Best Practices \(2021\)](#)

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