SPECIAL NEEDS TRUSTS 101: The Basics

University of Texas School of Law
18th Annual Changes and Trends Affecting Special Needs Trusts
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Presentation
by:

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Scope of Presentation

- Overview of the Use of SNTs
- Public Benefits for People with Disabilities
- How Trusts Affect Medicaid Eligibility
- Drafting SNTs
  - First-Party SNTs
  - Third-Party SNTs
- Administering SNTs, including planning opportunities

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Part 1

Planning with Trusts

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Planning with Trusts

- Testamentary / Inter vivos Minor's Trusts
- Testamentary / Inter vivos Support Trusts
- Multi-generational Creditor Protection Trusts
- Irrevocable Life Insurance Trusts

➢ The type of trust used is determined by the specific goals that we are trying to achieve for our client.

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Planning with Trusts: Protection

- From minor or spendthrift beneficiary
- From being counted as an estate asset
- From future creditors

- **Special Needs Trusts**
- Protection from being considered as a "countable resource" that is "available" to the trust beneficiary by a public benefits agency

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Planning with Trusts: SNTs

- Identify the specific public benefit program
- Understand the characteristics of that program
- Determine if a trust is necessary
- If yes, what type of trust is required to meet the goals with regard to that specific program

➢ What *are* the programs?

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Also available as part of the eCourse
Answer Bar: Considering a Special Needs Trust

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