

Watch Your Step:

Special Needs Trust Drafting and
Administration,
Errors and Omissions

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Special needs trusts are the
Unicorn of the trust world

Enhance Quality of Life of
Trust Beneficiary while
preserving eligibility for
public benefits



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TYPES OF SPECIAL NEEDS TRUSTS

- Self-Settled Special needs trusts (First Party Funded Trust)
- Third-Party Settled Special Needs Trusts



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Self-Settled Special Needs Trust (First Party Trust)

Self-Settled Special Needs Trust (First Party Trust)

Funded with the assets of the trust beneficiary

- self-settled special needs trust
- Medicaid payback trust
- OBRA '93 trust
- d4A or d4C trust



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Self-Settled Special Needs Trust (First Party Trust)



- Beneficiary's Money
- Sole Benefit
- Irrevocable
- Under Age 65
- Payback to State

Self-Settled Special Needs Trust (First Party Trust)

Established by:

- Individual (Special Needs Trust Fairness Act of 2015)
- Parent
- Grandparent
- Legal guardian of the beneficiary
- Court



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