



# Educational Session

Webinar Conducted by  
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## **Taxation of Special Needs Trusts from A to Z**

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- Trust whose income is taxable to the trustor, no matter who the beneficiary of the income from the trust assets might be
  - Most grantor trusts are created through the retention of a right of revocation or a power to appoint the trust assets
    - IRC § 676
  - An irrevocable trust can be a grantor trust if a grantor trust power is retained by the trustor or allowable third party
    - Usually IRC §§ 674 or 675

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**Trustor creates an irrevocable trust in which he retains a limited power of appointment. The income beneficiary is his mother. Even though mother receives all the income, the income is taxable to trustor son**



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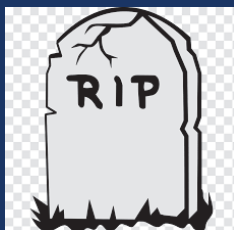
## First Party Trust

Because a First Party Special Needs Trust is created with the disabled individual's assets and those assets are held for the benefit of the disabled individual during his or her lifetime, a First Party SNT would always be taxed as a grantor trust during the lifetime of the disabled individual. It does not matter that the trust is irrevocable or that a third party serves as trustee of the First Party Trust.

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## Grantor Trust

A grantor trust will become a non-grantor trust upon the death of the grantor (The trustor can no longer exercise the grantor trust power and even more fundamentally, the social security number of a deceased person cannot be used to report income earned after death)



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First appeared as part of the conference materials for the  
17<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Taxation of Special Needs Trusts from A to Z"