

# Watch Your Step: Special Needs Trust Drafting and Administration, Errors and Omissions

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**CAUTION**



1

Special needs trusts are the  
**Unicorn** of the trust world

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



2

## TYPES OF SPECIAL NEEDS TRUSTS

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



3

## 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



4

## Self-Settled Special Needs Trust (First Party Trust)



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

5

## 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



6

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## Title search: Watch Your Step: Special Needs Trust Drafting and Administration Errors and Omissions

Also available as part of the eCourse

[2022 Estate Planning, Guardianship and Elder Law eConference](#)

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24<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference session

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