

## Special Needs Trusts

### Special Needs Planning

“Special Needs” Planning refers to estate and long-term care planning for individuals who have been disabled since birth or became disabled due to an injury or accident later in life.

Special Needs Planning requires a working knowledge of a broad range of legal and financial issues. Bringing knowledge and skill in both areas, our office assists disabled clients and their families with navigating this complex legal area. Planning for persons with special needs requires an understanding of special (or “supplemental”) needs trusts, eligibility standards for various governmental benefits, estate, gift and income taxation, and guardianship issues. Effective advocacy in this area also requires a familiarity both with the spectrum of disabilities that impact one’s ability to live independently and with the various local organizations that provide care and support services.

### Special Needs Trusts

Our attorneys provide assistance with structuring an estate plan to ensure that a disabled child or loved one is cared for after a parent or guardian’s death. It’s our objective to recognize and understand the complex financial and legal issues facing our clients with special needs.

Special Needs Trusts help ensure that an inheritance will not disrupt a disabled individual’s continued participation in Medicaid, and preserve a personal injury settlement for the particular needs of the disabled person. The SSI and Medicaid laws and regulations are multifaceted and constantly changing, making them difficult for individuals to navigate. A properly drafted Special Needs Trust secures a client’s continued eligibility for public benefits to cover basic needs of food, shelter and medical care, while ensuring that certain trust assets remain available to enhance a client’s life options. The use of a Special Needs Trust can be crucial in helping to ensure that individuals have the financial resources (now and in the future) to support their needs without losing eligibility for public benefits such as Supplemental Security Income (SSI) and Medicaid. A Special Needs Trust is intended to provide financial support to a disabled individual without causing the beneficiary to lose those public benefits to which he or she is entitled. The beneficiary must qualify for the benefits program either before or after the Special Needs Trust is established based upon whatever medical, financial or other criteria apply. While in some circumstances the level of benefits may be reduced, a Special Needs Trust should not cause a loss of benefits if properly drafted.

### Members

- Ann N. Butenhof
- Alisha E.A. Cahall

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**For more detailed information on Special Needs Planning download our helpful guides:**

# **SHEEHAN PHINNEY**

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- **6 Milestone Ages of Special Needs Planning**
- **Your Transition Planning Roadmap**
- **ABLE vs SNT's Chart**
- **Social Security Programs Comparison**

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Check out our **Video Library** for additional resources.