

# PERSONALIZED ESTATE PLANNING

## AREAS OF PRACTICE

*Wills + Trusts*  
*VA + Medicaid Planning*  
*Asset Protection Planning*  
*Probate + Estate Administration*  
*Guardianship + Conservatorship*  
*Powers of Attorney + Advance Directives*  
*Special Needs Planning*  
*Business Law*

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ATTORNEYS

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## Protecting Your Family, Your Estate, Your Business

# SPECIAL NEEDS PLANNING

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# Planning Tools

## GOALS OF SPECIAL NEEDS PLANNING

- Preserve eligibility for means-tested benefits
- Provide for the beneficiary's needs above and beyond minimal government benefits
- Allow for the effective management of the beneficiary's assets
- Protect assets from creditors and predators

## TRUST PLANNING

Third Party SNT	Self-Settled SNT	Pooled Trust
WHO CAN ESTABLISH?		
Third party only	Parent, grandparent, legal guardian, or court	Disabled beneficiary, parent, grandparent, legal guardian, or court
WHO CAN FUND?		
Funded with third party's assets	Funded with disabled beneficiary's assets	Funded with disabled beneficiary's assets
RULES + REGULATIONS		
No age of disability onset restrictions	Beneficiary must be under 65 and disabled when trust is funded	No age of disability onset restrictions
Managed by Trustee	Managed by Trustee	"Pooled Management" of multiple individual accounts by non-profit
MEDICAID PAYBACK?		
No	Yes	Yes

## ABLE ACCOUNT

- Established by a disabled individual, parent, legal guardian, agent under Power of Attorney, or any other person with signature authority
- Funded with cash from disabled individual or third party
- Beneficiary must be disabled before age 26 and receiving SSI/SSDI or meet disability criteria for SSI/SSDI
- Distributions are only allowed for "Qualified Disability Expenses," or else penalties apply
- Medicaid Payback required

## MEANS-TESTED BENEFITS

SSI	Medicaid
This program pays benefits to disabled adults and children who have limited income and resources.	This program is a medical assistance plan that provides health care for children, pregnant women, families with dependent children and people who are aged, blind and/or disabled and whose income and other resources are insufficient to meet the cost of necessary medical services.