



SECHLER LAW FIRM, LLC PRACTICE AREAS

ESTATE PLANNING AND ADMINISTRATION

Wills & Trusts
Powers of Attorney
Will and Trust Administration

ELDER LAW

Nursing Home Medicaid
VA Benefits Planning
Asset Protection

SPECIAL NEEDS PLANNING



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Wills, Trusts & Elder Law

Planning For Your **CHILD WITH SPECIAL NEEDS**



PREPARED AND PRESENTED BY SECHLER LAW FIRM

Provided within is a brief look at the importance of creating a Special Needs Trust, if you have a child with special needs that you need to provide for.

We offer a free consultation to families needing assistance with creating such a Trust. If you would like to speak with one of our lawyers, please call 724-841-1393 or email us at info@sechlerlawfirm.com

SPECIAL DREAMS NEED SPECIAL PLANS



A parent of a child with special needs has to plan for a lifetime of financial, educational, and legal needs. This may seem overwhelming, but Sechler Law Firm can help protect your child's future.

Leaving money to a child with special needs requires careful planning. While a gift is often a blessing, it could trigger their inability to receive certain government program assistance, including Supplemental Security Income (SSI), Social Security Disability (SSDI) and Medicaid benefits.

Many parents don't realize that to keep an eye on their child's health, financial and educational matters after they become an adult at age 18, they'll need to get permission. To do this, the child gives their permission through establishing a Power of Attorney Document. If the child is not able to give their permission, a parent or caregiver must become their court appointed guardian.

WHAT IS A SPECIAL NEEDS TRUST?

A SPECIAL NEEDS TRUST (SNT) is a vehicle to hold property such as inheritance or a gift to a disabled person. The purpose of an SNT is to provide for the needs of a disabled person, while at the same time protecting his or her government benefits.

SNT's allow funds to be used to improve the beneficiary's quality of life by providing for items that are not considered necessities of life, such as a vacation with friends, tickets to a ball game, a wheelchair, ramp or chair lift, educational classes, home furnishings and more. There are two different types of Special Needs Trusts.

THIRD PARTY SPECIAL NEEDS TRUST

This Trust is usually created and funded by parents or relatives of an individual with special needs. A properly drafted third-party SNT allows the beneficiary with special needs to receive inheritances, gifts, or other funds but not lose eligibility for certain government programs.

Any funds remaining in the Third Party Special Needs Trust upon the death of the beneficiary with special needs, passes to the next named beneficiaries. The funds are not subject to Medicaid Estate Recovery.

FIRST PARTY SPECIAL NEEDS TRUST

First-party SNT are most often created when the person with a disability inherits money or property outright or receives a court settlement.

These trusts offer the same protection for the individual with special needs. However, any funds remaining in the First Party Special Needs Trust are subject to Medicaid Estate Recovery.