

**Easter Seals DuPage & Fox Valley Presents:**

**FAMILY RESOURCE  
PROTECTION &  
PRESERVATION**

10 STEP PLANNING PROCESS (STEPS 7-10)

**-SPECIAL NEEDS TRUST-**



# Step 7

Create a Special Needs Trust



# Special Needs Trusts

Protects eligibility for government benefits (Medicaid, SSI, Housing)

Provides for supplemental needs and higher quality of life

Provides framework for care and management of money

Allows parents to provide guidance for lifetime

Protects money from creditors and predators

Extends life of assets

# Special Needs Trusts

## Stand-alone Special Needs Trust (Irrevocable but Amendable)

Can receive gifts immediately from family and friends  
Easier to administer and can take a trial run prior to a crisis  
Keeps other parts of plan private from government

## Special Needs Trust Created after Death through a Will or RLT

May not make gifts to it during life  
Often less detailed provisions  
More difficult administration

## OBRA '93(d)(4)(A) Payback Special Needs Trust

Uses the beneficiary's own money  
Must "payback" remainder to state Medicaid

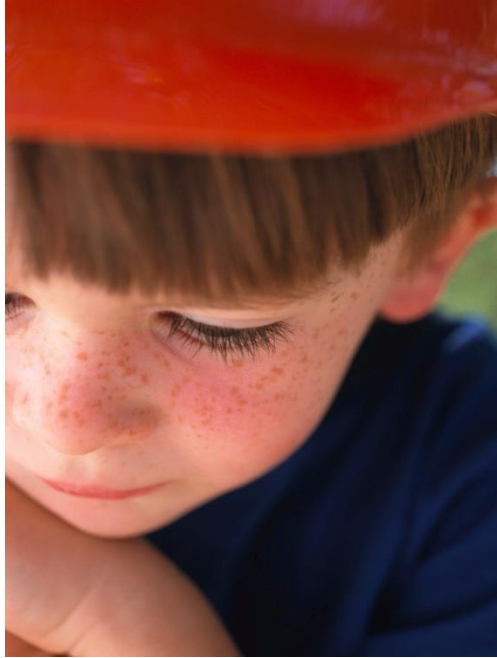
## Pooled (d)(4)(C) Special Needs Trust

Administered by professionals  
Money invested in pooled account with other beneficiaries





Avoid  
Costly Mistakes



# Our Quest

**David is 8 years old  
and has Autism.**



# Our Quest

**Provide for David  
for the next 80 years**



# The Ideal Trustee—Mr. Drysdale





# The Ideal Trustee



# Three Roles

- To Advocate on behalf of the Beneficiary
- To Account to Beneficiary or their Guardian
- To Manage Financial Resources and Make Distributions

# The Role of Siblings





# Model 1 – Trustee assisted by a Trust Advisory Committee



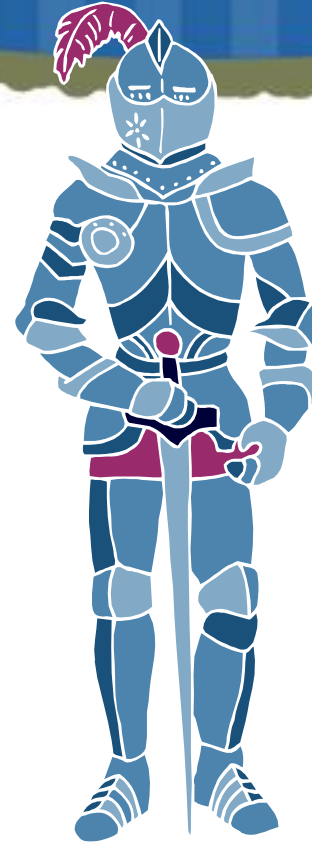
Model 2 –  
Trustee assisted by a  
Care Manager  
**Trustee, Care Manager, Trust  
Advisor**



## Model 3 – Co-Trustees



# Why Your Child Might Need a Trust Advisor (Third Party Individual)





Which  
Model  
Should You  
Choose?



# Step 8

## Build a Team

Family

Friends

Social Worker

Care Manager

Financial Advisor

Accountant

Attorney



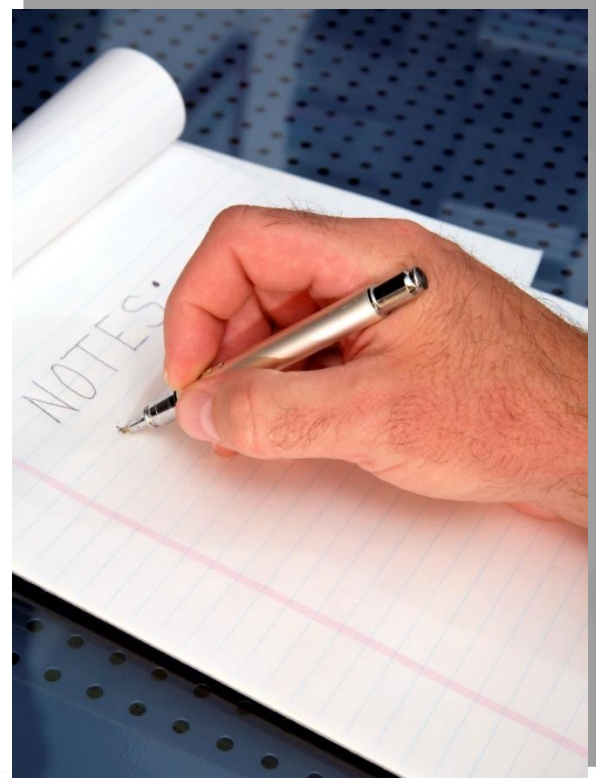
# Step 9

## Provide Enough Financial Resources



## Step 10

Write or Record  
a Memorandum  
of Intent



# 10 Step Planning Process

**Step 1: Identify the Need for Future Care Planning**

**Step 2: Determine how to Access Services in Illinois**

**Step 3: Consider Adult Guardianship at Age 18**

**Step 4: Plan for and Secure Benefits at Age 18**

**Step 5: Create a Life Care Plan**

**Step 6: Prepare Wills and Living Trusts**

**Step 7: Create a Special Needs Trust**

**Step 8: Put Together a Team**

**Step 9: Provide Enough Financial Resources**

**Step 10: Write or Record a Memorandum of Intent**

# Finish Up Purple Worksheet





# Resources for You

[www.SpecialNeedsFreedomGuide.com](http://www.SpecialNeedsFreedomGuide.com)

A resource guide for parents of children  
with special needs

