Trust solutions and financial security for special needs clients.

SPECIAL NEEDS ALLIANCE, LLC

A national alliance of disability lawyers.

For more information call

1-877-572-8472

or contact any one

of the Alliance members.

Personal injury attorneys are turning to lawyers who are experienced in Disability and Public Benefits Law to resolve cases in ways that avoid the loss of Medicaid and other public benefits and enhance the quality of life of the injured person.

Alliance Services Provided

The Special Needs Alliance serves clients by:

- ✓ Determining what public benefits are currently available and may be needed in the future to enhance the quality of life of the injured person.
- ✓ Determining whether an annuity is an appropriate component of the settlement.
- ✓ Developing a settlement that maximizes the settlement proceeds and protects needed public benefits.
- ✓ Resolving Medicaid, Medicare, or insurance liens.
- ✓ Counseling on the selection of a qualified Trustee to administer the Special Needs Trust.
- ✓ Preparing the Special Needs Trust.
- ✓ Securing court approval for the settlement and the Special Needs Trust.
- ✓ Advising the family and client about benefits that can be paid from the Trust without losing public benefit eligibility.

Fiduciary liability is a major concern in special needs trusts

The law imposes significant responsibilities upon the Trustee of a Special Needs Trust.

These fiduciary duties include:

- ✓ Proper investment and management of Trust assets.
- ✓ Reporting and accounting of Trust assets and Trust management.
- ✓ Making distributions of Trust assets in a way that does not disqualify the injured person from receiving public benefits.
- ✓ Determining the appropriate payback to the governments for public benefits received during the life of the injured person.

The loss of public benefits because of improper distributions or asset management can result in liability to the Trustee and the professionals who put together the original settlement. Special Needs Alliance attorneys can provide the guidance to assist the Trustee in the proper performance of their fiduciary duties.

Estate planning for beneficiaries and families

Family and friends may want to include the injured person in their estate planning so that their assets will supplement the public benefits the injured person is receiving. However, if proper estate planning is not done, the bequest or Trust for the injured person may result in the Will or Trust causing the loss of public benefits.

Alliance attorneys can:

- ✓ Advise family and friends about public benefits that are available for the injured party.
- ✓ Develop an estate plan which will protect public benefits eligibility so that the assets will be available to enhance the quality of life of the injured person.

COMPARISON OF TWO CASE STUDIES

NO SPECIAL NEEDS TRUST

JOHN

John is a 40-year old construction worker who suffered severe head injuries as a result of an automobile accident. John received $1 million in settlement of his claim.

After many months of rehabilitation, John returns home. He receives medical treatment and services of professional caregivers to assist his family with his care. The settlement proceeds are used to pay for his care. After three years, John's settlement funds are exhausted.

To determine if John could have had longer lasting benefits and greater financial security, his family sought legal advice to review the settlement program developed originally.

SELF-SETTLED SPECIAL NEEDS TRUST

BILL

Bill is a 40-year old construction worker who suffered severe head injuries as a result of an automobile accident. Bill received $1 million in settlement of his claim. A Special Needs Trust is established for Bill's benefit to hold and administer his settlement proceeds.

After many months of rehabilitation, Bill returns home. He continues to receive medical treatment and services of professional caregivers. Because Bill's assets are placed in a Special Needs Trust, Medicaid pays for most of his medical expenses. The Special Needs Trust pays for Bill's vacation, for a handicapped van, and for other items to enrich Bill's life. At the end of three years, the assets in the Trust grow to $1.1 million.

For more information about the Special Needs Alliance, visit our Web Site at www.specialneedsalliance.com

Details are available covering-

- ✓ Services provided by the Special Needs Alliance members
- ✓ States where Alliance attorneys are located
- ✓ List of Alliance attorneys
- ✓ Case studies
- ✓ Obligations & exposure of litigators
- ✓ Recent articles on Special Needs Law
- ✓ Frequently asked questions

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