

Law Office of
Stephanie L. Schneider, P.A.

Board Certified Elder Law Attorney

1776 N. PINE ISLAND ROAD, SUITE 208
PLANTATION, FLORIDA 33322

TELEPHONE (954) 382-1997

www.fl-elderlaw.com

FACSIMILE (954) 382-9997

Your Trusted Planning Advisor Through Life

**Estate & Incapacity
Planning**

- ◆ Probate & Trust Administration
- ◆ Last Will & Testament
- ◆ Revocable Trust
- ◆ Durable Power of Attorney
- ◆ Designation of Healthcare Surrogate
- ◆ Quit Claim Deed
- ◆ Living Will

Advocacy Services

- ◆ Guardianship & Guardian Advocate
- ◆ Facility Residents' Rights
- ◆ Medicaid Applications & Appeals
- ◆ Veterans Benefits Counseling

Government Assistance

- ◆ Special Needs Trusts
- ◆ Representation of Trustees
- ◆ Protecting Lawsuit Proceeds & Inheritances to Preserve Medicaid & SSI Eligibility
- ◆ Exceptions to Medicaid Lien Recovery

*Proper Planning
May Create Peace
of Mind*

Proper financial and legal planning can benefit an individual with special needs by preserving assets (i.e. earned assets, inheritance or settlement proceeds) so that they can maintain or obtain government assistance (which covers basic medical care) and utilize special needs trust assets to purchase services and products that will enhance a person's life.

Special Needs Trust

Requirements:

- ◇ The individual must be disabled.*
- ◇ Created only by the person with a disability (if competent), parent, grandparent, guardian or court.
- ◇ Funded with assets belonging to the person with disabilities.
- ◇ Can only be used for a person with disabilities under age 65.
- ◇ No additional assets may be added after age 65.
- ◇ The trustee can be a family member, friend, guardian, or professional trustee.

Upon the Beneficiary's Death:

- ◇ The trust must repay the State for Medicaid assistance (at Medicaid reimbursement rate).
- ◇ No penalty if trust funds are depleted.
- ◇ Remaining funds after Medicaid lien is satisfied are distributed to beneficiaries named in the trust.

Pooled Trust

Requirements:

- ◇ The individual must be disabled.*
- ◇ Created by a parent, grandparent, guardian, court or the disabled person.
- ◇ Funded with assets belonging to the person with disabilities.
- ◇ Can be used for a disabled person of any age even those over age 65.
- ◇ No additional assets may be added after age 65.
- ◇ The trustee is a non-profit association.
- ◇ Pools together resources of several individuals with disabilities to achieve better rate of return and reduce administrative expenses.
- ◇ Separate account maintained for each beneficiary of the trust.

Upon the Beneficiary's Death:

- ◇ Remaining funds are not required to be repaid to the state. Non-profit association can use remaining funds for the benefit of the other trust beneficiaries.
- ◇ No penalty if trust funds are depleted.

***Social Security Act** – The term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens.