SPECIAL NEEDS TRUST (SNT) DECISION TREE

Is a CFPD Trust Right for You?

Does Beneficiary Have a Disability?

- Yes
  - Does Beneficiary have a Guardian or Conservator?
    - Yes
      - Consider d4C First Party Pooled Trust
    - No
      - Consider d4A Private Trust
  - No
    - Is Beneficiary under the age 65?
      - Yes
        - Consider d4A Private Trust
      - No
        - Is Beneficiary Sufficiently Disabled?
          - Yes
            - Cannot use d4A Trust
          - No
            - May be able to use d4C CFPD Pooled Trust, but probably will have a transfer penalty.

Is Beneficiary Sufficiently Disabled?

- Yes
  - Does Beneficiary have a Guardian or Conservator?
    - Yes
      - Guardian can establish a trust if under $14k. If over $14k, Guardian may need court approval. Conservators can establish trust with court approval.
    - No
      - Does Beneficiary have Parent or Grandparent willing to help?
        - Yes
          - Parent or Grandparent can join the Trust
        - No
          - Must go to court to establish trust

Can't use a Guardian or Conservator?

- No
  - Is Beneficiary Receiving Needs-Based Public Assistance?
    - Yes
      - Consider 3rd Party Pooled Trust
    - No
      - No, and never will

Receiving Needs-Based Public Assistance?

- Yes
  - Consider 3rd Party Pooled Trust
- No
  - Not Beneficiary's

Whose Money going into the Trust?

- Not Beneficiary's
  - Beneficiary Disabled and Receiving Needs-Based Public Assistance?
    - Yes
      - Parent or Grandparent can establish trust. Must first put money from Parent or Grandparent into Trust to “seed” it and properly “establish” Trust
    - No
      - Must petition court to join Trust. May need to establish guardianship.
- Beneficiary's
  - Beneficiary Disabled and Receiving Needs-Based Public Assistance?
    - Yes
      - Beneficiary can join the Trust
    - No
      - Must go to court to establish trust

Adapted from:
The Basics of Special Needs Trusts
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