

First Party Special Needs Trusts

Both protect Medi-Cal & Supplemental Security Income (SSI) and require state lien payback.

Pooled Special Needs Trust	Individual Special Needs Trust
42 U.S.C. 1396p § (d)(4)(C) Trusts	42 U.S.C. 1396p § (d)(4)(A) Trusts
<ul style="list-style-type: none"> Trustee is a non-profit or charity <i>Allows costs for professional administration to be low.</i> CPT California Specific State Master Trust <i>Trust can be setup within days or weeks, Plaintiff joins existing master trust.¹</i> Setup \$1,500 to \$3,000 <i>\$1,500 trust account only \$2,000 trust account with annuity/structure \$3,000 trust account with annuity and/or MSA</i> Annual Administration Fees \$1,200 to \$1,800, negotiable fee on larger cases, maximum of 1%. Any age <i>Only option for Plaintiffs over age 65</i> Single funding after age 65 <i>Plaintiff can have multiple PSNT accounts if additional funds need to be placed in trust.</i> The individual or parent, grandparent, guardian or the court may establish <i>Plaintiff with capacity can join trust directly</i> Remainder Interest <i>Non-profit trustee must have a remainder interest in trust. CPT retains 5% (remainder interest is negotiable) Remaining assets after state lien payback go to beneficiaries.</i> 	<ul style="list-style-type: none"> Trustee may be a Corporate Trustee, Individual or Fiduciary Separate trusts are drafted, greater flexibility Trust attorney drafts individual trust. Setup costs & time varies dramatically Varies by corporate trustee or fiduciary Must be under age 65 No additional funds allowed after age 65 Only a parent, grandparent, guardian or the court may establish Does not apply, state lien is paid and remainder passes to beneficiaries.

Source:

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¹ Trust accounts for Plaintiffs that lack capacity or are a minor require approval by the probate court and therefore the time to establishment the trust is delayed.