

Here Comes The Sun

News for the Special Needs Community



VINCENT J. RUSSO & ASSOCIATES, P.C. Long Island's *Signature* Special Needs Law Firm

Special Needs News

October 2008

SNTs – Do I have the Right One?

Recently, I received a question from a father of a child with special needs.

He asked: My Mom (grandma) wants to know if she can Will some money to my daughter's existing Special Needs Trust "SNT" or does she have to set up a new SNT?

An SNT can be set up by the person with special needs (a "First Party" or "Self-Settled" SNR) or it could mean a trust set up by a third person such as a parent with that person's assets (sometimes called a "Third Party" SNT or a Supplemental Needs trust).

There is no need to have a payback provision to the State for Medicaid paid in a Third Party SNT.

There are two possible answers:

If the SNT is a Third Party SNT (with no payback for Medicaid) and it was funded with assets of someone other than your daughter, then your mother can provide in her Will for monies to go into it. If the SNT is a First Party SNT (with a payback for Medicaid) and it was funded with your daughter's assets, then your mother would not want to fund this Trust with her assets but rather, establish a Third Party SNT under her Will. Or, you could create such a Trust now and your mother could provide monies in her will to go into the SNT you established for your daughter's benefit.

Before a recommendation could be finalized, it would be necessary to meet with your daughter's SNT so we can determine whether it is a First Party SNT or not.

There is a lot of confusion, however, these Trusts are the most powerful planning tools available to help people with special needs.

Join us at our
Free Blackbird Luncheon –
December 2, 2008

The Financial & Legal Issues Affecting
Families with Special Needs

For more information, please contact Sue Tame at 516-683-1717 or
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This Month's Articles:

- [Key Decisions in Setting Up a Special Needs Trust](#)
- [New Law Expands Protections for People With Disabilities](#)
- [How to Find the Right Special Needs Planning Attorney](#)
- [Steps Parents Can Take When Sending a Child With Special Needs to College](#)
- [Palin's Pledge to Special Needs Community Raises Questions](#)

Key Decisions in Setting Up a Special Needs Trust

Once you've made the decision to establish a special needs trust, there are many other decisions to make before the process is complete. Here are several important considerations. [more...](#)

New Law Expands Protections for People with Disabilities

President Bush has signed a bill that greatly expands the definition of "disability" to include people who were not previously considered disabled under the Americans with Disabilities Act (ADA). [more...](#)

How to Find the Right Special Needs Attorney

Planning for the future of you child or other family member with special needs cannot be more important to you. Finding the right attorney to help you in this process is vital to the success of your efforts. So, where do you start? [more...](#)

Steps Parents Can Take When Sending a Child With Special Needs to College

A recent National Public Radio segment helps parents of children with special needs manage the transition to college life. [more...](#)

Palin's Pledge to Special Needs Community Raises Questions

A *New York Times* article discusses divisions in the special needs community about Republican vice presidential candidate Sarah Palin's claim that she will be an advocate for children with special needs. [more...](#)

Special Needs News is a monthly e-newsletter that brings you reports of developments and legislation of vital interest to the families of individuals with special needs and their advocates. This newsletter is brought to you by **Vincent J. Russo & Associates, P.C.**

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