Special Needs Trusts

10 FAQs About Special Needs Trusts

Monica Franklin

SPECIAL NEEDS TRUSTS

10 Frequently Asked Questions About Special Needs Trusts

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Disclaimer

Please do not take any "legal" action based on this booklet. Rather, use this booklet as a springboard for further planning with a qualified elder law attorney. See the Appendix to find out how to determine if an attorney is qualified as a certified elder law attorney.

Note: While the legal issues are real and the outcomes true, the names and personal facts are fictional.

Introduction

This is the second booklet in the "Gray Matters" series. Each booklet contains information about a particular area of elder law. It is written by a certified elder law attorney. (Read more about my education and experience on the back cover of this booklet.)

As you read this book, you may see unfamiliar terms. Any term in bold italics will be defined in the **Glossary.** *If you want more information about a topic, check to see if it is included in the "Gray Matters" series.*

You may also check my ***website: www.MonicaFranklin.com*** *and review the articles and newsletters which are chock full of good info.*

Susie Stiles and I write an elder care blog, ***"Gray Matters."*** *You may read our blog at* ***www.elderlawblogtn.com.***

By all means, please "Friend" us on Facebook, ***www.facebook.com/pages/Knoxville-TN/Monica-Franklin-Elder-Law-Practice.***

FAQ # 1 What is a Trust?

Picture a trust as a beautiful basket. This beautiful basket holds assets for someone called the **beneficiary**. The person holding the basket is the **Trustee**. The Trustee is the only person who may reach into the basket and take out money or other assets. The Trustee knows when to pull assets out of the trust and how to spend the assets because the Trust has written instructions. When the Trustee removes money or assets, the Trustee must use those assets for the beneficiary according to the terms of the Trust.

FAQ # 2 What is a Special Needs Trust?

A **special needs trust** holds assets to supplement, but not replace, Medicaid or Supplemental Security Income benefits.

A correctly written special needs trust gives the Trustee discretion to use the funds for the beneficiary. However, the Trustee must be sure that the trust funds are not used to replace the beneficiary's government benefits. This requires the Trustee to be educated about the beneficiary's government benefits such as Supplemental Security Income (SSI) and Medicaid as well as Social Security Disability Income (SSDI), Medicare, and Medicare assistance programs.

SSI and SSDI are income streams for qualified disabled people. Through Medicare Extra Help programs, Medicaid pays some or all of the beneficiary's Medicare premiums, co-payments and deductibles. It is important for the elder law attorney to know about all of the disabled person's government benefits so that she may accurately advise the Trustee as to trust administration and distributions.

For example, if a beneficiary receives SSI, then the Trustee may not pay for food or shelter or goods/services related to food and shelter, unless the Trustee determines that a reduction in SSI payment justifies the distribution. Paying for those items does not mean the beneficiary will automatically lose her benefits. It does mean that the trustee must notify the Social Security Administration so that the monthly Supplemental Security Income will be reduced. The beneficiary will retain all of her Medicaid health insurance benefits.

There two broad types of special needs trusts: the **self-settled** special needs trusts and the **third party special needs** trust. The self-settled special needs trust is funded with the beneficiary's assets. The third party special needs trust is funded with the assets of someone other than the beneficiary.

The self-settled special needs trusts are authorized by federal and state law. There are three types of self-settled special needs trusts: the payback trust, the pooled trust, and the qualified income trust. The third party special needs trust or the "Mom and Pop" special needs trust is NOT a payback trust.

FAQ #3 When is a Special Needs Trust necessary?

A special needs trust is necessary when a person is entitled or may eventually be entitled to receive certain government benefits. A special needs trust is necessary when an outright distribution of cash assets to the disabled person will cause him to lose his benefits. In order to qualify for SSI or Medicaid, a single person must have less than $2,000 in **countable assets**, be disabled and meet certain income limits.

A person who receives or may receive Supplemental Security Income or a Medicaid benefit will need a special needs trust for any countable asset valued over $2,000. SSI and/ or Medicaid recipients may receive a windfall from a personal injury settlement, an unexpected inheritance or some other source. If the trust is established after the windfall, then it is a "self-settled" or first party payback trust.

In contrast, when a relative or friend establishes a special needs trust and funds the trust with their assets for the benefit of a person with special needs who receives a Medicaid benefit now or in the future, it is called a "third party trust." This special needs trust does not have a payback provision because it is funded with a third person's money. This may also be called a "Mom and Pop" special needs trust.

For example, Tommy was born with Down's syndrome. At age 18, he began to receive SSI because he is disabled, has less than $2,000 in cash assets, and he earns very little income working part-time at the local market. The Supplemental Security Income helped Tommy a great deal. More importantly, when he was approved for SSI, he automatically received Medicaid health insurance benefits.

Then, Tommy's Uncle Harry passed away and left Tommy over $50,000. Due to this windfall, Tommy no longer qualifies for SSI because he is over the asset limit. His parents consult a local elder law attorney to determine if there is anything that can be done to keep the SSI/Medicaid and the $50,000 windfall.

The **elder law attorney** explains how to set aside these funds for Tommy's benefit. First, the funds could be spent on goods and services that fall into the **exempt assets** category for SSI/Medicaid purposes. The money could be used to purchase a house for Tommy or a car to transport him to medical appointments.

The funds could be spent on an irrevocable funeral and cremation or burial plan. In addition, the funds could be spent on anything that benefited Tommy such as a vacation, computer, or movies. Tommy's parents think this is a great idea, but they want time to think about the best use of the funds. The attorney explains that time is not on their side. They need to immediately notify the Social Security Administration of the windfall and at that time Tommy would lose his SSI and Medicaid.

In the alternative, Tommy's parents could establish an "exception" special needs trust for Tommy, place all the money in that trust, and then notify the Social Security Administration of the trust's existence.

That sounded too good to be true, and Tommy's parents asked the attorney to explain the trust in more detail and how it would benefit Tommy.

FAQ # 4 What is a Payback Special Needs Trust?

A trust established for the benefit of a disabled person with the disabled person's assets.

A disabled person may transfer his assets to a special needs trust and then retain or qualify for SSI or Medicaid. This type of trust is called a special needs "payback trust" or a "(d)(4)(A) trust." During life, the payback trust is administered exactly like the Mom and Pop special needs trust. After the beneficiary's death the payback provision directs that any funds remaining in the trust be used to reimburse the Medicaid program.

In order to establish a payback trust, certain legal requirements must be met. The legal requirements of the payback special needs trust are:

- The trust must be established for benefit of a “disabled person” as defined by the Social Security Administration.
- The beneficiary must be younger than sixty-five years when the trust is established and funded.
- The trust must be established by a parent, grandparent, guardian, or court for the disabled person’s benefit.
- The trust must have a payback provision. That is, the trust must provide that after the disabled beneficiary’s death, the Medicaid program will be reimbursed from any funds remaining in the trust before those funds are distributed to the beneficiary’s surviving family. If those funds are insufficient to reimburse the Medicaid program, that is okay. The family does NOT have to reimburse the Medicaid program from family resources.
- The trust must be irrevocable.

In Tommy’s case, the payback special needs trust is the correct solution for enabling Tommy to retain his SSI and Medicaid, and preserve his inheritance for his benefit. Tommy’s parents authorize the attorney to draft the trust. Meanwhile, they read materials provided by the attorney about a different type of special needs trust. It is a third party trust or what the attorney calls the “Mom and Pop” trust. This is a trust established by Tommy’s parents to be funded only after both parents pass away.

FAQ #5 What is a Mom and Pop Special Needs Trust?

A trust established by a third party for the benefit of a disabled person. This trust is funded using the third party’s assets. Tommy’s parents’ initial plan was to leave all of their estate to their able-bodied daughter, Sarah, with her promise to always meet Tommy’s needs. The elder law attorney explained that Tommy’s share of the inheritance would be vulnerable to Sarah’s spending habits, her divorce or her early death. In order to provide for

Tommy, a better plan is for his parents to utilize a special needs trust. This trust would be funded only after both parents pass away. During life, parents use their resources to meet the **disabled child's** needs and to supplement any government benefits the child receives. One might say that parents (or other benefactors) are the "special needs trust" for their disabled children—at least during life. What about after the parents die? How may parents provide for the disabled child?

Many parents of disabled children create a plan naming the person who will take care of their child's physical and monetary needs when they are gone. To provide for the special needs child a special needs trust that will be funded upon the parents' deaths is recommended. This "Mom and Pop" trust is a "third party" special needs trust.

A third party special needs trust is a trust established by one person, the "grantor" for the benefit of another and funded exclusively with the grantor's assets. The third party trust does not include a payback provision.

Tommy's parents had multiple life insurance policies. They wondered how to designate Tommy as a beneficiary on their life insurance. The elder law attorney explained that designating beneficiaries on life insurance or retirement accounts can be tricky and every situation is unique. In some cases, designating "my estate" as the beneficiary is best and in some cases specifically designating the special needs trust as the beneficiary is best. Each family's situation is unique, and the elder law attorney provides recommendations based upon their specific circumstances.

A payback trust is one type of special needs trust that may be used for a disabled beneficiary's windfall. Another special needs trust that may be used is the "pooled trust."

FAQ #6 What is a Pooled Special Needs Trust?

A pooled trust is a payback special needs trust funded with the disabled person's assets and administered by a non-profit trustee. A payback special needs trust and a Mom and Pop trust are usually administered by a relative or family friend. Sometimes, a local trust department will administer the trust. With a "pooled" trust, a non-profit organization is the trustee.

Pooled trusts are authorized by 42 U.S.C. §1396p(d)(4)(C). Transfers to a pooled trust are also exempt from a Medicaid penalty, and the assets in the pooled trust will not affect Medicaid or SSI eligibility. A disabled person or a third party may establish and fund the pooled trust. These are the legal requirements of a pooled trust.

- The trust must be established for the benefit of a disabled person.
- The trust must be established and managed by a non-profit association.
- The trust must be treated as a separate trust account for accounting purposes.
- The trust must be established as a separate account by a parent, grandparent, court, guardian, or the individual.
- The trust must contain a payback provision to the extent that "amounts are not retained by the trust" to be used for other disabled beneficiaries.
- The trust must be irrevocable.

The transfer of assets to a payback trust—whether a (d)(4)(A) or a pooled trust will not trigger a Medicaid penalty period and will not affect the applicant's eligibility—as long as all of the statutory requirements are met. While a disabled person may establish her pooled trust, she may not establish her own (d)(4)(A) payback trust. Another interesting difference between the pooled trust and the (d)(4)(A) trust is that a pooled trust may be established by a person over the age of sixty-five.

For example, Mrs. Elder, a nursing home patient, had become more withdrawn and had lost interest in activities. She needed additional attention -**“fluffing”**- during this period of increased depression and decline. Through her agent under a power of attorney, she transferred $10,000 to a pooled trust. Then, she applied for Medicaid and was approved. While Medicaid paid for her care, the pooled trust funds were used to hire a personal care attendant for Mrs. Elder.

The pooled trust paid for the attendant’s services which were crucial to Mrs. Elder’s quality of life. When Mrs. Elder needed additional clothing, special snacks and a new lift chair, the pooled trust provided the necessary funds.

Another special needs trust authorized by federal law is the Miller or Qualified Income Trust.

FAQ #7 What is a Qualified Income Trust?

A qualified income or “Miller” trust (QIT) is used when a Medicaid applicant’s income exceeds the state’s income cap.

Before we discuss the QIT, it is important to realize that it does not make sense! A Miller Trust is basically legalized money-laundering. The trust merely works as a filter through which income must pass in order for the patient to access Medicaid benefits.

Why must we use the QIT? As of April 29, 2005, Tennessee became an “income cap” state. That means that if a Medicaid applicant’s gross monthly income is over $2022 (2011) per month, the individual may not receive Medicaid benefits to pay for nursing home care or home and community based services, unless a special trust is established and correctly administered. The law allows income to be placed in the Qualified Income Trust under Medicaid guidelines.

Important Points:

- The QIT deals only with income. Don't mix other assets with this income.
- The QIT needs to be established and funded in the same month that the applicant is otherwise eligible for Medicaid benefits.
- The QIT checking account ideally is non-interest bearing and carries no service charges. As a practical matter, however, it may be difficult to establish a trust account with a local bank that does not carry a service charge. **DHS** will allow bank service charges of up to $20 to be deducted from the trust account.
- The QIT bank account should be titled in such a way that it is identified as such, e.g. "The John Doe QIT, Mary Doe, Trustee." The Trustee is the authorized signer on the account.
- Qualified Income Trust Payments: After depositing the individual's countable monthly income into the QIT account, the trustee may write checks out of the QIT account.

Authorized payments from the Trust are:

  - A personal needs allowance ($50) to the **Grantor**.
  - Up to twenty dollars per month for bank charges;
  - A payment to the Grantor's spouse as permitted under Tennessee Medicaid policies;
  - Payment of the Grantor's health insurance premiums;
  - Expenses for qualifying medical or remedial care received by the Grantor ("Item d deductions");
  - After the payments listed above, each month, the Trustee shall distribute the entire amount of income remaining in the trust directly to the nursing home.

The QIT terminates upon the patient's death; OR when the trust is no longer required to establish Medicaid eligibility in Tennessee; OR when nursing home care is no longer medically necessary; OR the patient is no longer receiving nursing home care. Any money left in the QIT after the patient's death is paid to the State of Tennessee up to the total amount of benefits paid on his/her behalf for medical care.

FAQ #8 How do I fund a Special Needs Trust?

A special needs trust must be funded and administered for the sole benefit of the disabled beneficiary.

Once the trust is signed, the Trustee will obtain an Employer Identification Number (EIN) from the Internal Revenue Service. A better name for this would be an "Entity" Identification Number. This number functions like a Social Security Number for the Trust. Any investment earnings (income) will be reported under this number.

The bank will need the EIN in order to open a bank account. The bank will also need a copy of the trust. The bank account may be a checking, savings, money market, certificate of deposit or any reasonable investment vehicle chosen by the Trustee. The account should be titled something like this: "The Jane Doe Special Needs Trust, Tom Thumb, Trustee."

FAQ #9 How may I spend the money in a Special Needs Trust?

It depends on the beneficiary's government benefits.

Acceptable distributions: If a special needs trust beneficiary receives SSI, then payment for anything is acceptable, except food and shelter or a service related to food and shelter. For example, acceptable trust expenditures may include: therapeutic massage, eyeglasses, hearing aids, clothing, transportation including the purchase of a vehicle, vacation, travel to visit family members, personal caregiver, pre-paid funeral/burial plan, furniture, dental care, or educational, social, personal or vocational services. If a person receives SSDI, then generally any distribution is acceptable, including those for food and shelter and services related to food and shelter.

Prohibited distributions: Cash distributions to the SSI beneficiary are usually prohibited, unless the Trustee determines that the negative impact on SSI benefits is outweighed by the benefit of the distribution. If cash is given to the SSI recipient, then it must be reported to the Social Security Administration, and her SSI will be reduced. Likewise, payment for food and shelter from the trust is generally prohibited because such a distribution may result in a reduction of the SSI. Again, the Trustee must weigh the benefit of the distribution versus the impact on the SSI. Most special needs trusts give the Trustee that discretion.

The following ten items are considered "food and shelter." Payment for these items from the special needs trust will result in a reduction of SSI benefits:

1. Food
2. Mortgage (including property insurance)
3. Real property taxes
4. Rent
5. Heating fuel
6. Gas used to heat the home
7. Electricity
8. Water
9. Sewer
10. Garbage removal

These are considered "in kind" distributions of food and shelter. If the disabled person receives an in-kind distribution of food or shelter, her SSI will be reduced, but not eliminated. This allows her to retain the all important Medicaid benefit.

FAQ #10 How have families benefited from Special Needs Trusts?

These stories illustrate the many opportunities available to an elder law attorney to help families take advantage of those laws created to benefit disabled people.

Knowing when and how to use these trusts is the elder law attorney's bailiwick, and there are many families who have benefited from the little known rules about special needs trusts.

For example, Jerry worriedly explained that his Aunt Grace has advanced Alzheimer's disease and is in a nursing home. She owns a home, and she has about $400,000 in cash investments.
Her disabled daughter, Betty Jo, is in assisted living. Betty Jo received SSI until her father retired. Then she began to receive SSDI based on her father's work history. Betty's father is now deceased. Betty is on Medicare, but she also receives Medicaid "extra help" to pay her Medicare premiums and co-payments.

Jerry says that Betty Jo is thriving in assisted living, but her income is insufficient to pay for the cost of her care and her medications. Jerry wonders if there is anything that can be done to help Betty Jo and Aunt Grace.

The answer is a resounding YES! We may utilize a payback special needs trust for Betty Jo and fund it with a gift of the home and $400,000 cash from Aunt Grace. Then, Aunt Grace will qualify for Medicaid. There is no penalty for the transfer to the payback trust because the funds will be used for the sole benefit of Aunt Grace's disabled child, Betty Jo.

Another example involves Chris and his sister, Jane. Jane is sixty years of age and suffers from a rare debilitating disease. She requires 24-hour care and is in a nursing home. She has about $90,000 in a retirement account. She receives SSDI and is enrolled in Medicare. Although she is receiving skilled care paid by Medicare, Chris realizes that Medicare will only pay for about three months of her care.

Chris is concerned that Jane will burn through her money very quickly because the cost of her care is about $8,000 per month. Jane enjoys therapeutic massage, trips to the mall with her niece, and she enjoys special herbal remedies. Is there anything we can do to preserve her assets?

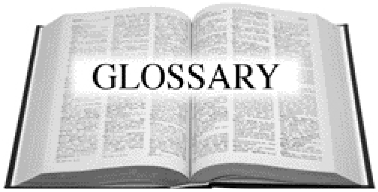
Yes! Possible solutions include a pooled trust or (d)(4)(A) trust. The trusts may be funded with Jane's retirement funds. There is no Medicaid transfer penalty because both types of trusts are approved by federal and state law. Jane will qualify for Medicaid to pay for her nursing home care, but these funds may be used to improve her quality of life by supplementing her care. She will be able to hire a private caregiver to take her to the mall now and then with her nieces and nephews or hire a massage therapist to ease her aches and pains. These services would be out of reach but for the funds in the special needs trust.

The Mom and Pop trust is not limited to parents of a disabled child. Often, this tool is used for a disabled spouse. For example, Tom and Betty Smith have been married for forty years. Tom has been diagnosed with Alzheimer's disease. In planning for their future, we shift all the assets, including the home, to the "well" spouse, Betty. Then we plan for the possibility that she will die first by creating a new will for her that includes a special needs trust for Tom. If Betty dies first, the funds in the trust will be used to supplement any Medicaid benefit received by Tom for his care.

Note: While the legal issues are real and the outcomes true, the names and personal facts are fictional.

Conclusion

Special Needs trusts are wonderful tools that benefit people who are disabled and receiving government benefits. These tools are complex and require a skilled elder law attorney to guide families through the trusts and benefits maze. To find a certified elder law attorney in your community, check the National Elder Law Foundation website: www.nelf.org.



Beneficiary: The person who receives a benefit. For example, the disabled person benefits from a special needs trust and is called the beneficiary.

CELA: This designation is pronounced /See-la/ and means Certified Elder Law Attorney.

Conservator: A conservator is a person appointed by the court to make healthcare and/or financial decisions for a person who is physically or psychologically disabled. See our website for more information about conservatorships.
Go to: ***http://www.monicafranklin.com/elderlaw06.html#conservatorship***

community spouse: The community spouse is the spouse who is not in the nursing home. The community spouse may be at home, in assisted living or any other residential facility other than a nursing home.

competent legal counsel: Many attorneys claim to be elder law attorneys or elder law experts. I have found that many of them actually know very little about elder law. If you want to be sure you have an expert in elder law, hire a certified elder law attorney. The rigorous certification process ensures that a CELA truly knows his/her stuff!

countable assets: Assets that when added together must be less than $2000 in order for a single patient to qualify for Medicaid. For example, a life insurance policy with a cash value is a countable asset.

Department of Human Services (DHS): This is the Medicaid agency in Tennessee.

Disabled child: A child who has been determined disabled by the Social Security Administration (SSA) or who meets the SSA's definition of disabled.

disabled spouse: A spouse over the age of 65 or disabled such that he/she needs care.

durable power of attorney: A power of attorney is a document authorizing someone to act on behalf of the person signing the document. The person signing the power of attorney is called the "principal." The person authorized to act for the principal is called the "agent" or the "attorney-in-fact." A power of attorney may be for healthcare decisions or financial decisions or both. A "durable" power of attorney is a power of attorney that remains effective even if the principal is disabled or lacks capacity to make decisions. A "springing" power of attorney "springs" into effect only upon the principal's disability or incapacity as evidenced by a doctor's statement of disability. Most powers of attorney are immediately effective rather than springing.

Fiduciary: A person who occupies a position of trust in relation to another person. A fiduciary owes a duty, called a "fiduciary duty", to act in the best interests of the beneficiary at all times. A fiduciary may be a Trustee, an attorney-in-fact under a power of attorney, a personal representative of an estate.

fluffer: A caring person whose complete focus during visits with nursing home residents is to provide companionship, pleasure and comfort. Typically this is a paid caregiver.

Grantor: The person who establishes and funds a trust.

lookback period: The five years preceding a patient's Medicaid application. All transfers for less than fair market value that occurred during the five years preceding the Medicaid application must be revealed to DHS.

Qualified Income Trust (QIT): If a state is an "income cap" state, then Medicaid patients whose monthly gross income exceeds the cap utilize a Qualified Income Trust. (If that definition is clear as mud, don't worry. It's Medicaid law. It's all clear as mud.)

Patient Admission Evaluation (PAE): A process related to the patient's medical condition and functioning that must be completed for each Medicaid applicant in a nursing home. Each patient must "pass" the PAE in order to be medically eligible for Medicaid.

Self-settled special needs trust: an irrevocable payback special needs trust that is funded with the disabled person's assets for the benefit of the disabled person. Contrast the self-settled special needs trust with the third party special needs trust defined below.

sibling joint owner: A brother or sister who jointly owns a home with the Medicaid applicant.

skilled care: Care that is provided by a skilled professional such as a registered nurse or a physical, occupational, or speech therapist.

special family member: For purposes of our discussion, this term refers to a blind or disabled child, a caregiver child, a minor child, a spouse or a sibling who jointly owns a home with the Medicaid applicant.

special needs trust: A trust that is used for a special needs child or spouse or for the Medicaid applicant. A special needs trust is used to set aside funds to benefit the disabled person without incurring a Medicaid penalty or affecting the Medicaid application of the disabled person.

Third party special needs trust: a revocable supplemental needs trust that is funded with the assets of someone other than the disabled person or beneficiary. Often parents establish a third party special needs trust for the benefit of their disabled child. This may also be called a "Mom and Pop" trust.

Trustee: A person who holds an asset for the benefit of another person, the beneficiary, according to the terms of a written instrument called a trust.

What is an "Elder Law Attorney" and how do I find one?

Qualified Elder Law Attorneys:
What do I mean by a qualified elder law attorney? It has suddenly become popular to claim elder law expertise. However, caveat emptor! (Caveat emptor means "buyer beware"!) Claiming elder law expertise is not the same as having elder law expertise. So, what is a consumer to do? I recommend that you work with a certified elder law attorney. You can count on a certified elder law attorney to have the education and expertise needed to guide your family through the long-term care maze.

How to find a Certified Elder Law Attorney:
To find a Tennessee certified elder law attorney, go to www.nelf.org or http://www.cletn.com/Specialists.aspx. There are only fourteen attorneys who are certified in elder law in Tennessee. Why? It is very challenging to obtain certification as an elder law specialist.

How to receive certification as an Elder Law Attorney:
In order to be certified as an elder law specialist, an attorney must meet the following criteria established by the National Elder Law Foundation (www.NELF.org):

1. **Licensure** – Attorney must be licensed to practice law in at least one State or the District of Columbia

2. **Practice** – Attorney must have practiced law during the five years preceding his/her application and must still be practicing law.

3. **Integrity/Good Standing** – Attorney must be a member in good standing of the bars in all places in which he/she is licensed.

4. **Substantial Involvement** – Attorney must have spent an average of at least 16 hours per week practicing elder law during the three years preceding his/her application. In addition, he/she must have handled at least 60 elder law matters during those three years with a specified distribution among subjects as defined by the Foundation.

5. **Continuing Legal Education** – Attorney must have participated in at least 45 hours of continuing legal education in elder law during the preceding three years.

6. **Peer Review/Professional References** – Attorney must submit the names of five references from attorneys familiar with his/her competence and qualifications in elder law. These reference attorneys must also satisfy specified criteria.

7. **Examination** – Attorney must pass a full-day certification examination.

8. In addition, the Tennessee Continuing Legal Education Commission requires reference letters from judges and clients and proof of malpractice insurance.

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10 FAQs About Special Needs Trusts

In her second entry to the ***Gray Matters Series***, Monica Franklin addresses Special Needs Trusts. Monica employs her years of experience as an Elder Care Attorney to provide meaningful guidance and informed answers to the ten most frequently asked questions regarding this issue.

Readers will find her down-to-earth style and use of illustrative narrative a refreshing and simplifying framework for discussion of this complex legal issue. ***Special Needs Trusts*** is a "must read" for anyone contemplating this legal tool for themselves or their loved ones.

Monica J. Franklin, CELA

Monica Franklin is Certified as an Elder Law Specialist by the **Tennessee Commission on Continuing Legal Education and Specialization** as well as the **National Elder Law Foundation.**

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