

The Trustee of a Special Needs Trust is a position invested with a great deal of trust and responsibility, more so than with other Trusts. The Trustee is charged with caring for a vulnerable individual while balancing complex rules and laws to ensure the Trust does not displace the public benefits available to the disabled beneficiary. Here are some points to be aware of if you are serving as an individual Trustee of a Special Needs Trust for the first time: Trustee over the other, here are the practical advantages of choosing a Corporate Trustee:

(1) Know What You Are Signing Up For. Being the Trustee of a Special Needs Trust is a great deal of responsibility. There is a lot to know and many rules to follow. Failure to do things properly means placing the beneficiary at risk and exposing yourself to liability. So, before you take the role, understand your responsibilities. Read the Trust document. Educate yourself about it. Also, consult an estate planning attorney and have them review the document. You can do this before or after reading the Trust yourself. You will need to learn what type of Trust it is exactly: how are distributions to be made, what sort of accounting is required, what type of compensation is permitted, and how must you manage and invest the assets?

(2) Know Your Beneficiary. If you are serving as Trustee then it is likely you are close to the family of the beneficiary. Nonetheless, it bears saying that you should become familiar with the beneficiary and keep apprised of the beneficiary's condition and status. This will help you anticipate and accurately judge the beneficiary's needs, and also ensure you are doing what is in his or her best interests. It is also crucial you know which type of public benefits the beneficiary is receiving, such as Medicare, Medicaid, Supplemental Security Income (SSI), and Social Security Disability (SSD), and whether anyone else is providing support to the beneficiary.

(3) Understand When You Can Make Distributions... And When You Can't. It is incredibly important that you learn when you are allowed to make distributions from the Trust for the beneficiary. It is also crucially important you learn how to make those distributions, such as whether the payment can be made to the beneficiary, directly to the provider of a service, or to some other third-party. For example, failure to understand the rules surrounding "in-kind support and maintenance" income can jeopardize SSI payments. The better your grasp of the rules, the better you are able to help the beneficiary; making payments that can enhance his or her enjoyment and quality of life without reducing benefits.

(4) Don't be Afraid to Rely on Professionals. Again, the Trustee of a Special Needs Trust has many tough obligations. If you need help with the Trust, there are many professional advisors out there that can provide assistance, such as management services, investment advisors, and estate planning attorneys.



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