



# Special Needs Trusts

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# Legal Structure and Considerations

- Prepare Letter of Intent
- Guardianship and Alternatives
- Choose Successor Caregivers, Guardian(s) & Trustee(s)
- Wills
- Advanced Medical Directives
- Durable General Powers of Attorney
- Estate Planning
- Trusts
- **Titling – Ownership, Beneficiaries, TOD and POD**
- **Special Needs Trusts (SNTs)**
- **Third Party SNTs**
- **First Party SNTs**
- **Pooled SNTs or (d)(4)(C) SNTs**
- **Special Needs Trust Fairness Act**



# National Special Needs Planning Attorney Groups

**The Special Needs Alliance:**

<https://www.specialneedsalliance.org/>

**The Academy of Special Needs Planners:**

<https://specialneedsanswers.com/>



# Types of Special Needs Trusts

- First Party Special Needs Trust
- Self-Settled Special Needs Trust
  - Special Needs Trust Fairness Act
- Third Party Special Needs Trust
- Pooled Special Needs Trust


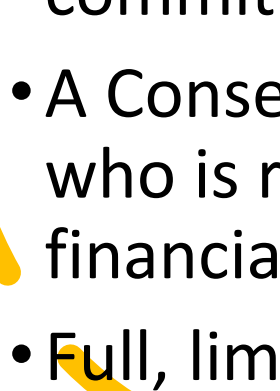




# Guardianship

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- A Guardian is a person appointed by the court who is responsible for the personal affairs of an incapacitated person.
  - A Guardian is responsible for making decisions regarding the incapacitated person's support, care, health, safety, habitation, education, therapeutic treatment, and if not consistent with an order of commitment, residence.
  - A Conservator is a person appointed by the court who is responsible for managing the estate and financial affairs of an incapacitated person.
  - Full, limited, temporary
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- A Guardian Ad Litem is an attorney at law, licensed to practice law in Virginia and appointed by the circuit court to represent the interests of the respondent during the guardianship proceedings.
- The Guardian Ad Litem's fee is fixed by the court and is paid by the petitioner or taxed as part of the costs of the proceeding.



# Speaker Information

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