

# SPECIAL NEEDS TRUSTS 101: The Basics

University of Texas School of Law  
19<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts  
February 9-10, 2023

Presentation  
by:

**Molly Dear Abshire**

1

## Scope of Presentation

- Overview of the Use of SNTs
- Public Benefits for People with Disabilities
- How Trusts Affect Medicaid Eligibility
- Drafting SNTs
  - First-Party SNTs
  - Third-Party SNTs
- Administering SNTs, including planning opportunities

2

# Part 1

---

## Planning with Trusts

3

## Planning with Trusts

- Testamentary / Inter vivos Minor's Trusts
  - Testamentary / Inter vivos Support Trusts
  - Multi-generational Creditor Protection Trusts
  - Irrevocable Life Insurance Trusts
- The type of trust used is determined by the specific goals that we are trying to achieve for our client.

4

## Planning with Trusts: Protection

- From minor or spendthrift beneficiary
- From being counted as an estate asset
- From future creditors
- Special Needs Trusts
- Protection from being considered as a “countable resource” that is “available” to the trust beneficiary by a public benefits agency

5

## Planning with Trusts: SNTs

- Identify the specific public benefit program
  - Understand the characteristics of that program
  - Determine if a trust is necessary
  - If yes, what type of trust is required to meet the goals with regard to that specific program
- What *are* the programs?

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Special Needs Trusts 101: The Basics

Also available as part of the eCourse

[2023 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the  
19<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Special Needs Trusts 101: The Basics"