

CHALGIAN & TRIPP
 LAW OFFICES PLLC

**The Great SNT Road Trip: First-Party SNT
Beneficiaries Crossing State Lines**

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Stetson University National Conference on Special Needs Planning and
Special Needs Trusts

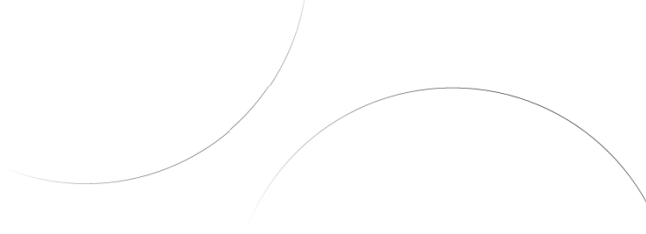
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Section I. Introduction

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Beyond the Form: Beating the Robots

- ▷ Trust forms are not how we differentiate
- ▷ Our Real Value: Counseling, navigating, and problem-solving
- ▷ An interstate transition might be the ultimate test!

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Medicaid's "Original Sin"

- ▷ Federal—state hybrid: no uniformity
- ▷ Medicaid ≠ portable
- ▷ Waitlists and start-over realities
- ▷ Difficult to translate Medicaid terminology between states.

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The Value Of An SNT In Transitions

01.

SNT as the
bridge tool
during gaps

02.

Funding for
move,
professionals,
and interim
supports

03.

Understand
your budget
up front
before
proceeding!

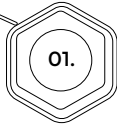
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Section II. Drafting for Portability

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Prelude: Why Draft for Portability?

Good drafting anticipates relocation —Moving is common



State law, Medicaid rules, and trustees vary widely

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Drafting: Authority To Relocate The Trust

01.

Choice of Law

02.

Choice of Trust Administration

03.

Worth moving trust?

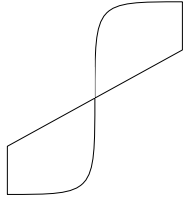
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Drafting: Authority to Amend

- ▷ Trust requirements can vary state by state (and over time).
- ▷ If allowed, a carefully limited ability to amend paragraph should be considered.

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Drafting: Trustee Succession



- ▷ Trustee eligibility and expertise differs state by state
- ▷ Include some authority to appoint successors
- ▷ Include the ability to transfer to a pooled trust under 42 U.S.C. § 1396p(d)(4)(C)?

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Section III. Building And Defining the Team

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Building the Team

- ▷ **Originating Attorney:** Locate successor counsel, set expectations, handle any local court filing, and help with translation to the receiving attorney.
- ▷ **Receiving Attorney:** Advise on financial eligibility and potential trust modification, assist with new Medicaid/government benefit eligibility, help build a new team, and handle any local court filings.

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Other Essential Professionals

01. Trustees, accountants, planners	02. Nonprofits and care managers	03. Guardians and agents
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Cost hierarchy: family/friends → nonprofits → paid experts

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Section IV. Ten Steps for a Successful Move

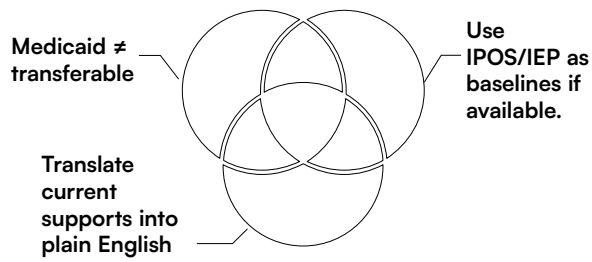
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Step 1: Understand The Reason For The Move

01. Planned vs. crisis relocation	02. Drives timing, team, and intensity of work
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Step 2: Gather Originating State Benefits



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Step 3: Translate Services Into New State

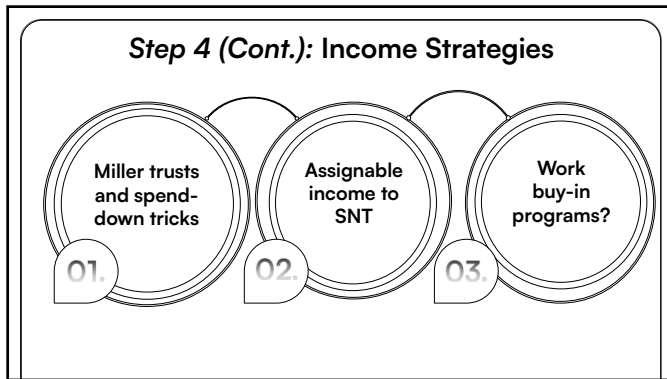
- ▷ Receiving attorney should help explain what existing services mean in new state.
- ▷ Anticipate waitlists and timelines
- ▷ Engage care managers for coordination

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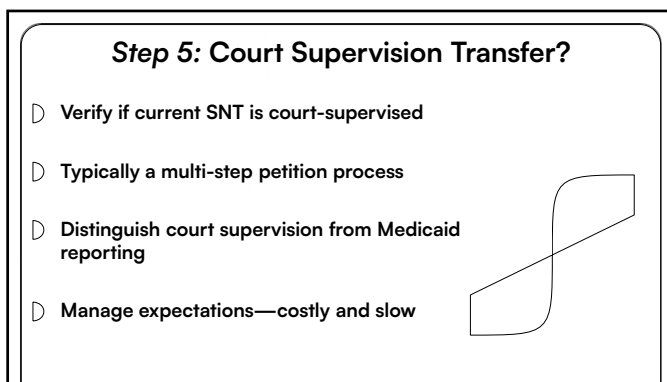
Step 4: Review Financial Eligibility

- ▷ Income and resource rules vary state to state
- ▷ Section 1634 vs. 209(b)/SSI Criteria States
- ▷ SSI vs. Childhood Disability (DAC) Benefits
- ▷ Categorically Needy / Medically Needy / Medicaid Buy-Ins

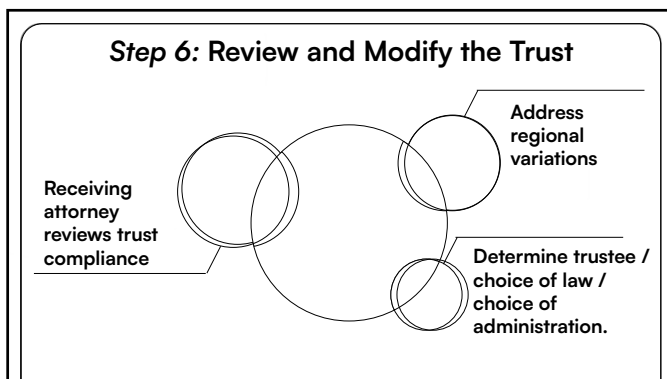
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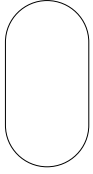


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Step 6: Tools to Modify the Trust



- ▷ Nonjudicial Settlement Agreement
- ▷ Merger
- ▷ Decanting (POMS SI 01120.199)
- ▷ Court modification

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Step 7: Transfer Of Legal Authority

Guardianships
under
UAGPPJA
process

Representative
Payee

New
Powers Of
Attorney

Don't
Forget
Supported
Decision-
making!

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Step 8: Plan for Costs and Gaps

- ▷ Anticipate moving and professional expenses
- ▷ Plan for gap in Medicaid coverage
- ▷ Budget interim supports

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Step 9: Ongoing Administration

Explain new reporting/supervision rules

Provide standardized closing letter to clients

01.

02.

03.

Clarify your ongoing role ("in" or "out")

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Step 10: Minimize Payback and Estate Recovery

- ▷ Review all exempt assets, particularly houses and vehicle titling.
- ▷ Verify rules regarding d4A distributions to ABLE accounts
- ▷ Ensure prepaid funeral.
- ▷ Note other state-specific issues (e.g., care contracts / rent agreements).

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Section V. Practical Tips For Your Practice

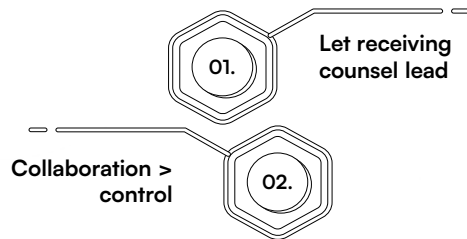
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Tip 1: Build YOUR Team

- ▷ No one knows all areas
- ▷ Partner with care managers, accountants, advocates, planners
- ▷ Be the quarterback

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Tip 2: Respect Jurisdictional Boundaries



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Tip 3: Outline the Plan in Advance

- 01.**

Review all steps before starting

02.

Budget

03.

Find Efficiencies (e.g., Combine court appearances).

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Tip 4: Manage Expectations

- ▷ Families underestimate complexity
- ▷ Be candid on time, cost, and frustration
- ▷ Under-promise and over-deliver

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Tip 5: Differentiate Through Community Medicaid Mastery

- ▷ Deep knowledge of community-based Medicaid is rare
- ▷ Very complex / hyper local
- ▷ Way to differentiate yourself

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