

Personal Injury Settlement Consulting

Does My Client Need a Special Needs Trust?

1. Is the plaintiff a “disabled” person? Yes No
2. Has the person received a disability determination by the Social Security Administration (SSA)? Yes No
3. Has the person or could the person apply for a Determination of Disability by the SSA? Yes No
4. Is the plaintiff under age 65? Yes No
5. Is the disabled person receiving or likely to receive any of the following means-tested public benefits?
 - SSI
 - Medicaid
 - Medicaid Waiver
 - NJ Family Care/PA CHIP
 - Section 8 Housing
 - SNAP (Food Stamps)
 - Group Home
 - Other _____

If the answers to questions 1, 4 and 5 and either 2 or 3 are YES, a Special Needs Trust should be considered.

If any of the items on the above list have not been addressed, the client has not been adequately protected and a potential malpractice suit may be looming.