



ATG TRUST
C O M P A N Y

Special Needs Trust Information

As trustee of a special needs trust, ATG Trust Company works with individuals with disabilities to ensure that their government benefits are preserved when they receive an inheritance, personal injury litigation proceeds, or any other funding asset. Our role as trustee is to protect trust property and to make distributions within governmental guidelines.

The special needs trust is designed to supplement — not substitute — any government benefits the beneficiary may be receiving now or become eligible for in the future. After a thorough consideration of each beneficiary's needs, funds in the trust may be used for medical care, special equipment, education, job training, entertainment, and vacations. Our goal as trustee is to help navigate the confusing web of government regulations while protecting the assets and benefits of the beneficiary.

There are two types of special needs trusts:

First Party or OBRA Trusts

- » First Party or OBRA trusts are funded by the disabled individual's own assets without disqualifying the applicant from Medicaid. When drafted correctly, these trusts can be used to enhance the beneficiary's quality of life.
- » The disabled individual must be under the age of 65 when the trust is funded.
- » The individual must meet the Social Security definition of "disabled."
- » The trust must be for the sole benefit of the disabled individual.
- » At the end of the beneficiary's life, a payback provision requires that the government agency be reimbursed for the cost of government assistance. If there are funds left after the payback provision is satisfied, they may be distributed as directed by the trust.

Third Party Special Needs Trusts

- » Third party special needs trusts are funded and created by a third party to benefit a person with disabilities who receives or may receive government benefits.
- » If the third party special needs trust is drafted properly, the trust will not be included as a countable asset to the individual who receives Supplemental Security Income (SSI) and/or Medicaid benefits.
- » The trust should not be funded by any assets belonging to the individual who receives government assistance and the funds must not be accessible by the beneficiary.

Contact us for more information about our special needs trust services.

ONE SOUTH WACKER DRIVE • 24TH FLOOR • CHICAGO, IL 60606-4654 • 312.338.7878

FAX: 312.338.1594 • EMAIL: INFO@ATGTRUST.COM • WWW.ATGTRUST.COM