



Special Needs Planning

10:30am-11:45am

Speaker: Gina Shaffer, Esq., Shaffer
Law Office, LLC

Gina D. Shaffer, Esquire

Ms. Shaffer is in her eighth year of law practice. She worked for two (2) years at Miles & Stockbridge in its Columbia office. Her focus was estates & trusts and elder law during that time. When she began her solo practice in Harford County in 2003, she continued to work in these areas. She represents all individuals with their estate planning, which often include use of Special Needs Trusts, also known as Supplemental Needs Trusts. She serves on the Maryland State Bar Association Elder Law Section Council and is the Chairperson of MSBA Solo and Small Firm Section Council. She also serves on the Board of Harford Family House, a nonprofit organization that provides transitional housing to homeless families with children and on the Board of the Community Foundation for Harford County.

SUPPLEMENTAL NEEDS TRUST

- I. What is it?
 - A. Trust used to supplement benefits of a beneficiary
 - B. Protected from being counted as an available resource for public benefit eligibility purposes
- II. Who may create one?
 - A. Disabled individual - self-settled
 - B. Third party
- III. How is it created?
 - A. *Inter Vivos* Trust Agreement per 42 U.S. C. 1396p (d)(4)(A)
 - B. Testamentary Trust - no specific statutory authority
- IV. When is it created/effective?
 - A. At signing of Trust Agreement or upon funding?
 - B. Effective date is directly related to who created it and how
- V. Pooled trusts