(303) 733-2867
www.cfpdtrust.org

SPECIAL NEEDS TRUST (SNT) DECISION TREE
Is a CFPD Trust Right for You?

Does Beneficiary Have a Disability?
- No
- Yes

Is Beneficiary Sufficiently Disabled?
- No
- Yes

Receiving Needs-Based Public Assistance?
- No, and never will
- Yes

Do not need an SNT

Consider 3rd Party Pooled Trust cfpd

Whose Money going into the Trust?
- Not Beneficiary's
- Beneficiary's

Beneficiary Disabled and Receiving Needs-Based Public Assistance?
- No
- Yes

Do not need SNT. Consider Outright or Support Trust

Consider 3rd Party Pooled Trust cfpd

Beneficiary Disabled and Receiving Needs-Based Public Assistance?
- No
- Yes

Do not need SNT.

Consider 1st Party Pooled Trust cfpd

Is Beneficiary under the age 65?
- Yes
- No

Cannot use d4A Trust

May be able to use d4C CFPD Pooled Trust, but probably will have a transfer penalty. cfpd

Consider d4A Private Trust cfpd

Does Beneficiary have a Guardian or Conservator?
- Yes
- No

Guardian can establish a trust if under $14k. If over $14k, Guardian may need court approval. Conservators can establish trust with court approval.

Does Beneficiary have a Parent or Grandparent willing to help?
- Yes
- No

Is Beneficiary capable of establishing Trust?
- No
- Yes

Parent or Grandparent can establish trust. Must first put money from Parent or Grandparent into Trust to "seed" it and property "establish" Trust

Must go to court to establish trust

Then Beneficiary's assets can be put into CFPD Private Trust cfpd

Consider d4C First Party Pooled Trust cfpd

Consider d4C First Party Pooled Trust cfpd

Does Beneficiary have a Guardian or Conservator?
- Yes
- No

Guardian can establish a trust if under $14k. If over $14k, Guardian may need court approval. Conservators can establish trust with court approval.

Does Beneficiary have capacity to join Trust?
- Yes
- No

Beneficiary can join the Trust

Does Beneficiary have Parent or Grandparent willing to help?
- Yes
- No

Parent or Grandparent can join Trust on Beneficiary's behalf

Must petition court to join Trust. May need to establish guardianship.

Fiduciary Roles and Responsibilities

FIDUCIARY	ESTABLISHMENT	AUTHORITY	DUTIES	REPORTING	TERMINATION	RELATIONSHIP
Representative Payee	Appointed by Social Security Administration	Handles ONLY Social Security money	Receives & Pays Out Social Security money	Annually to SSA on their form which they send by mail	Death of Beneficiary, resignation or revocation by Social Security Administration	Accountable to Social Security Administration
Agent under Power of Attorney	Appointed by Principal	As described by document	As described by document	As described by document, usually to Principal & family	Death of Principal, resignation or revocation by Principal or Court	Accountable to Principal (and maybe family and/or court) CANNOT override Principal
Trustee	Appointed by Settlor	Handles all Trust transactions and assets	Receives Trust assets and makes payments or disbursements as prescribed by Trust	To settlor and beneficiaries and any other party named by Trust	As described by document, resignation or removal	Accountable to Trust Beneficiaries
Guardian	Appointed by Court	Makes decisions regarding the person, i.e., medical care, housing	Responsible for making decisions regarding medical care, housing, treatment, services, etc. regarding the person	Annual court reports	Death of Incapacitated Person, revocation by court or resignation (but must act until successor is appointed)	Can override incapacitated person
Conservator	Appointed by Court	Handles personal finances	Receives, pays out, invests funds belonging to the person	Annual court reports	Death of Protected Person, revocation by court, or resignation (but must act until successor is appointed)	Protected Person CANNOT handle money other than permitted by Conservator