



## Attorney Interview Questions

### General Knowledge:

- What do you know about 3<sup>rd</sup> party special needs trusts? (DSNT)
  - Should be set-up as a living trust, not testamentary.
  - Must be irrevocable with only 1 income beneficiary with disability.
  - Funding sources include inheritance, saving on behalf of beneficiary.
  - Used for supplemental care – over and above government benefits.
  - After beneficiary passes away, balance passes to remainder beneficiaries.
- What do you know about 1<sup>st</sup> party special needs trusts? (Payback, OBRA 93)
  - Should be set-up as a living trust, not testamentary.
  - Not every family needs to establish one.
  - Should be a separate document from the 3<sup>rd</sup> party special needs trust.
  - Funding sources include the beneficiary's money – could be used for personal injury settlements, & child support
  - Used for supplemental care – over and above government benefits
  - After beneficiary passes away, balance must first be used to reimburse the state for benefits paid during the beneficiary's lifetime (Medicaid funding only)
  - Can only be established by parent, grandparents, guardian, or the court.

### Experience:

- What is your educational and professional background?
- How many 3<sup>rd</sup> party special needs trusts have you created?
- How many 1<sup>st</sup> party special needs trusts have you created?
- Have you ever had to defend one of your documents in court?
- What percentage of your time/practice is devoted to special needs planning?

### Motivation:

- Why did you start to practice special needs planning?
- Do you have a personal connection to the special needs community?
- Are you involved in any organizations linked to the special needs community?

### Procedures:

- What are your procedures for notifying past clients of changes in law, POMs (Program Operations Manual System), regulations, rules, and case rulings?

### Team Player?

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