

# **CHANGE NOTICE FOR MANUAL: 04-17, SPECIAL NEEDS TRUST**

**DATE: OCTOBER 1, 2017**

**Manual:** Aged, Blind, and Disabled Medicaid

**Change No:** 04-17

**To:** County Directors of Social Services

**Effective:** October 1, 2017

## **I. BACKGROUND**

The 21st Century Cures Act was signed into law on December 13, 2016. This legislation supports the independence of disabled individuals by permitting them to create a Special Needs Trust (SNT) on their own behalf. Previously, a trust could only potentially qualify as an SNT if it was created by a parent, grandparent, legal guardian or the court. Special Needs Trusts generally permit disabled individuals under age 65 to set aside assets to meet their needs without impacting eligibility for Medicaid.

In order to potentially qualify as an SNT, the disabled individual must have established the trust on or after December 13, 2016. All other requirements must be met.

A trust established by the disabled individual prior to December 13, 2016, cannot qualify as an SNT.

## **II. CONTENT OF CHANGE**

MA-2240 VIII.B.1 and MA-2230 XI.C.3.D has been updated.

## **III. EFFECTIVE DATE AND IMPLEMENTATION**

Apply this policy to any trusts created by the disabled individual on or after December 13, 2016.

If you have any questions regarding this information, please contact DHHS Operational Support Team at [ost.policy.questions@dhhs.nc.gov](mailto:ost.policy.questions@dhhs.nc.gov) .

Dave Richard

Deputy Secretary for Medical Assistance

(This material was researched and written by Deirdre Lisman, Policy Consultant, Medicaid Eligibility Unit.)