



## FOR MORE INFORMATION CONTACT

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Attorney Misilo holds a law degree from Suffolk University Law School, a Master's Degree in Education (Administration, Planning and Social Policy concentration) from Harvard University, and an undergraduate degree from the University of Massachusetts at Amherst. He is admitted to practice law in the Commonwealth of Massachusetts and the State of Rhode Island.

Attorney Misilo is a frequent lecturer on estate planning, special needs planning and elder law. He serves as Past President of the Arc of Massachusetts, Inc., is currently on the Board of Directors of the Arc of the United States and sits on their Legal Advocacy Committee and their Policy and Positions Committee as well. Attorney Misilo is a member of the National and Massachusetts Chapter of the National Academy of Elder Law Attorneys, a member of the Academy of Special Needs Planners, and Chairperson of the Board of Directors of the Cooperative for Human Services, Inc.



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# SUPPLEMENTAL NEEDS TRUST

**An Invaluable Planning Tool for Parents**



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## SUPPLEMENTAL NEEDS TRUST: AN INVALUABLE PLANNING TOOL

A supplemental needs trust is an invaluable planning tool for parents who are concerned about how their family assets can be distributed at their death for the benefit of their son or daughter with a disability. Drafted and managed correctly, a supplemental needs trust can manage assets for the benefit of a person with a disability while maintaining his or her eligibility for many important government benefits. A supplemental needs trust can also help prevent fraud and waste of family assets and ensure that future decisions are made consistent with family values.

## WHAT'S YOUR VISION?

We all have visions of what the future holds for our children. For the parents of a person with a disability, however, that vision may be filled with uncertainty and fear. But it doesn't have to be that way. With proper planning, you can make your vision a reality and empower the future of your son or daughter with a disability. Make it a reality.



## BENEFITS PAID BY A SUPPLEMENTAL NEEDS TRUST

### *Typical Uses:*

- Travel and transportation expenses
- Companionship, entertainment and educational services
- Medical, dental, drugs, eyewear and hearing aids for which there is no government funding
- Insurance
- Vacation, holiday and birthday expenses
- Health club memberships
- Advocacy, lawyers
- Case managers
- Residential or vocational services

### *Other Uses:*

- Supplemental needs trusts can be used for Medicaid planning for an elderly parent of a person with a disability under certain circumstances.
- Supplemental needs trusts can be used to develop residential options for a person with a disability.
- Supplemental needs trusts may be used to assist personal injury plaintiffs to safeguard judgements or cash settlement awards, child support payments, and UTMA funds or other savings owned by the person with a disability in certain situations.

## A SUPPLEMENTAL NEEDS TRUST IS ADMINISTERED BY A TRUSTEE

The Trustee can be an individual, professional advisor and/or a bank or trust company. The Trustee is responsible for, among other things:

- Investments
- Distributions
- Tax reporting
- Accounting

## TWO FUNDAMENTAL FEATURES OF A SUPPLEMENTAL NEEDS TRUST

### *Discretionary Power of Trustee:*

Only the Trustee has the authority to make distributions from the trust. In other words, the beneficiary can not demand payments from the trust.

### *Supplemental Benefits:*

The Trustee must use the assets of the trust to supplement, not replace, available government benefits. The assets must not be used for basic room and board support for the beneficiary.

## WE HAVE ANSWERS

To learn how we can assist, contact our Special Needs Practice Group Leader Frederick M. Misilo, Jr. at 508.459.8059 or [fmisilo@fletchertilton.com](mailto:fmisilo@fletchertilton.com).

Ask us about providing a seminar for groups of parents, professionals and advocates on various special needs issues.

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