

Information on Special Needs Trusts

ND Statute	Title 59, Section 08: Trusts for Individuals with Disabilities
Oversight	ND Department of Health, Legal Advisory Unit

Types of Trusts¹

	Supplemental Needs Trusts (Third-Party Funded)	Special Needs Trusts (Self-Funded)
Use	Pay for needs not provided by government funded programs	Pay for needs not provided by government funded programs
Purpose	To provide for the supplemental needs of a family member or friend with a disability	To protect Beneficiary's assets (resources) for their lifetime use
For	Person with a disability	Person with a disability under age 65 at time of inception
Set up by	Someone other than the Beneficiary or spouse	Parent, grandparent, guardian or conservator, person with disability (with capacity), or court
Funded by	Someone other than the Beneficiary or spouse or anyone obligated to the Beneficiary per terms of a settlement or judgment	Assets or resources of the Beneficiary or spouse (can be assets entitled to but not yet received)
Distribution on death	To person or non-profit designated by the Settlor	Governmental Agency to reimburse for all Medical Assistance benefits paid to Beneficiary; excess to person or non-profit designated by Settlor
Pooled Trust	Multiple individuals' trust accounts are deposited into one special needs trust fund. Third-party funded trusts and self-funded trusts are deposited into separate pools.	

¹ Much of this information is from: Lori L. Guzmán, Brigitta Sharpe; *Planning for the Future: Supplemental and Special Needs Trusts*. Retrieved from Guzmán Law Firm: <https://www.guzmanlaw.com/articles/planning-future-supplemental-special-needs-trusts/>