

7 Ways a Special Needs Settlement Planning Lawyer Can Aid Personal Injury Lawyers

1. **COURT SETTLEMENT APPROVAL:** When settlements for injury victims with disabilities or minors require the probate court's approval, a Special Needs Settlement Planner can offer their expertise and an efficient means for the Person Injury Attorney to get court approval quicker when a settlement requires the creation of a Special Needs Trust, Medicare Set-Aside arrangements, and/or the creation of conservatorships or guardianships.
2. **QUALIFIED SETTLEMENT FUNDS:** The IRS allows settlement funds to be placed into Qualified Settlement Funds (QSF) while the details of a settlement are still being negotiated, resolution of liens are finalized, and Special Needs Trusts are created. QSF's are not considered available to the injury victim, so constructive receipt issues are avoided. Defendants can then make payment into a QSF and complete their involvement in a case, thus allowing for the Person Injury Attorney to be paid by their injured clients quicker.
3. **IDENTIFYING GOVERNMENT BENEFITS:** Special Needs Settlement Planners can assist in identifying which public assistance programs an injury victim is receiving or entitled to, and the types of issues a settlement might present to their continued entitlement.
4. **SPECIAL NEEDS TRUSTS:** If the injury victim receives means-tested public assistance (SSI or Medicaid), Special Needs Settlement Planners can help create a unique and specially tailored Special Needs Trust in order to retain those benefits after a settlement is received.
5. **LIEN RESOLUTION:** Many times, settlement proceeds are subject to Medicaid liens and conditional payments made by Medicare, a Special Needs Settlement Planner can assist in the identification and resolution of those liens.
6. **MEDICARE SET-ASIDE ARRAIGNMENTS:** A Special Needs Settlement Planner can advise trial lawyers and the injury victim about the possible need for a Medicare Set-Aside arrangement in cases where a Medicare beneficiary receives a settlement involving payment of future medical expenses.
7. **CONSERVATORSHIPS AND GUARDIANSHIPS:** Many courts require that a conservatorship or guardianship be created to provide court oversight of settlement funds, Special Needs Settlement Planners are experienced in the creation of such positions and can combine the process with a request for settlement approval, creation of an Special Needs Trust, and/or Medicare Set-Asides.



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