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## *Trust Sample*

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A Medi-Cal Asset Protection Trust is an Irrevocable Trust specifically created to hold assets (i.e. the home and savings accounts) to qualify for Medi- CAL Long Term Care Benefits and to prevent the State of California from “Medi-Cal Estate Recovery”.

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Surviving spouse, Mrs. Public, established an income only irrevocable Medicaid trust in 2007, naming two of her children as trustees . (Note very similar terms would apply for a married couple with the only difference being that income would be payable to both the donor and the

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donor's spouse). The trust provides as follows:

### *Designing the Perfect Irrevocable Medicaid Income Only Trust*

The trust estate consists of the property listed in Exhibit "A" attached hereto, together with any additional trust property (plus the proceeds and undistributed income of the property) that is hereafter transferred to the trust by the Settlor or by others as permitted herein. 4.02 Benefit Solely for Beneficiary.

### *DECLARATION OF IRREVOCABLE SPECIAL NEEDS TRUST*

A Medi-Cal Asset Protection Trust is an Irrevocable Trust specifically created to hold assets (i.e. the home and savings accounts) to

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qualify for Medi-CAL Long Term Care Benefits and to prevent the State of California from “Medi-Cal Estate Recovery”. If set up properly and far enough in advance, a person’s entire estate can be protected ...

### *WHAT IS A CALIFORNIA MEDI-CAL ASSET PROTECTION TRUST? - LA*

...

The irrevocable Medi-Cal trust can also provide benefits for your children or other beneficiaries, as long as the principal does not go directly to you or your spouse. An irrevocable Medi-Cal trust can protect your assets. Because Medi-Cal trusts are irrevocable, they can protect the trust assets from creditors and legal judgments.

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## *Irrevocable Medi-Cal Trusts Can Help With Your Medi-Cal ...*

California Medicaid (Medi-Cal), on the other hand, has very lax rules in regards to transferring a home to a trust. In CA, a home, even in a revocable trust, is exempt from Medicaid's asset limit and is safe from estate recovery.

## *Medicaid Asset Protection Trusts: How They Work*

An irrevocable Medicaid trust is an advanced planning tool designed to help people qualify for Medicaid coverage while protecting personal assets for future generations or charitable beneficiaries. Medicaid is a government-funded insurance program that provides a safety



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net to pay for long-term care expenses.

*What Is an Irrevocable Medicaid Trust? | legalzoom.com*

available resource, the basic Irrevocable Medicaid Trust usually contains a provision prohibiting the invasion of principal for the Settlor and stating that E.P.T.L. Section 7-1.6 shall not be applicable to the trust. The advantage of the Irrevocable Medicaid Trust over an outright

*DRAFTING IRREVOCABLE  
MEDICAID TRUSTS by SHARON  
KOVACS ...*

Medicaid Asset Protection Trust Sample. PDF download: Nursing Homes—A Guide for Medicaid Beneficiaries ... - CMS.gov.

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www.cms.gov. Nov 16, 2015 ...  
[15] Most other resources count toward Medicaid's resource limit for admission to a nursing home. Resource limits and ... For example, if a person gives away \$10,000 and the care in a nursing ....

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2.1 It is Grantor's primary  
concern in drafting this trust is to

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care for \_\_\_\_ (the “Beneficiary”), throughout the remainder of her life and to qualify for Medicaid Benefits. 2.2 This trust is made pursuant to the provisions of Section 1917 (d) of the Social Security Act (42 U.S.C. 1396) and shall comply with all provisions and ...

### *Medicaid Trust Form - Free Legal Forms*

Prior to state implementation of the federal Deficit Reduction Act of 2005 (DRA) in recent years (with the exception of California), federal Medicaid law contained a bias against trusts: Most transfers of assets to trusts had a 5-year lookback period, whereas there was a 3-year lookback period for non-trust transfers.

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*Using irrevocable trusts in  
California Medi-Cal planning ...*  
Revocable Trust or Restatement  
of Revocable Trust (Couple) Trust  
or Trust Restatement only (you  
must have an existing trust)  
\$375: Special Needs Trust  
Designed for beneficiaries with  
physical or mental disabilities.  
\$700: Irrevocable Medi-Cal and/or  
VA Planning Trust: \$700: Trust  
Transfer Deed and Preliminary  
Change of Ownership (California  
...

*Is a Medi-Cal Asset Protection  
Trust Necessary? | A People ...*  
Grantor creates this special needs  
trust to enhance Beneficiary's  
quality of life while at the same  
time preserving Beneficiary's

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eligibility for government support and medical assistance programs, including SSI, Medicaid, or other similar programs. Grantor intends this Declaration of Trust to be interpreted in light of this purpose. ARTICLE 3.

### *Sample Special Needs Trusts | Nolo*

This trust is an especially useful tool when you want to shelter a second home or when you live in a so-called income-cap state (a state that does not allow you to spend down income on medical care). Miller trust. A Miller trust is a MediCal planning tool that is available only in certain states--income-cap states.

*Qualifying for Medical & MediCal*

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## *Qualifying Trusts ...*

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