

What is a Pooled Trust

A pooled trust is a special needs trust that is administered for a group of disabled people who have placed their funds into the trust. Pursuant to Federal law, the trust must be established and managed by a non-profit association. Funds are administered by a trustee and money manager, but a separate accounting is maintained for each beneficiary. The Federal statutory authority for the pooled trust is 42 U.S.C. §1396p(d)(4)(c).

The purpose of a pooled trust is to create a source of funds that can be used for a disabled person's supplemental needs, while preserving eligibility for federal or state government benefits programs. A beneficiary's funds are used in accordance with the pooled trust terms and joinder agreement. This generally allows for distribution from the pooled trust for the beneficiary's benefit, as long as it does not interfere with the maintenance of public benefits. Here are some examples of the types of services that *may* be provided by a pooled trust to a beneficiary:

1. Dental, hearing and eye care;
2. Mental health services;
3. Companions, personal aids or nursing assistants;
4. Clothing;
5. Telephone, cable, or cell phone service;
6. Hair, nail and other personal care;
7. Transportation;
8. Guardianship fees;
9. Legal representation; and
10. Entertainment.

This list is not exclusive and permissible disbursements depend on the government benefits that a beneficiary is receiving.

When a beneficiary dies, any amount remaining in a beneficiary's account that is not retained by the trust, must be used to pay the State back for government assistance benefits that were paid by the State for that beneficiary's benefit.