achieva
Family Trust

Payback Trust

Plan for Your Future through Special Needs Trusts

*Achieva Family Trust helps beneficiaries and their families plan for their future and enhance their lives through three types of special needs trusts: **Pooled Trust, Payback Trust** and **Third Party Trust**. A special needs trust offers a way to protect the assets of a person with a disability as well as their eligibility for Medicaid (MA), Waiver Services and Supplemental Security Income (SSI).*

IS A PAYBACK TRUST FOR ME?

- ✔ I am (or am caring for) an individual with a disability who received a financial settlement that would affect eligibility to receive essential government benefits.
- ✔ I am (or am caring for) an individual with a disability who is receiving an inheritance that would affect eligibility to receive essential government benefits.
- ✔ I wish to preserve eligibility for essential lifelong supports and services.

Any beneficiary under age 65, their parent, grandparent, legal guardian or the court can establish this trust.

WHAT IS A PAYBACK TRUST?

Social Security legislation created the concept of a "Payback Trust." See 42 U.S.C. §1396p(d)(4)(A).

The **individual with a disability, their parent, grandparent or legal guardian, or a court can create a Payback Trust** to protect the individual's eligibility for Medicaid, Waiver Services and Supplemental Security Income.

Once the Payback Trust is established, **the individual with a disability can add his or her assets to the Payback Trust**. In this way, the individual can **save funds while preserving eligibility** for essential supports and services.

The assets in the Payback Trust are **used for the sole benefit of the individual with a disability** - to improve his or her quality of life.

Any money remaining in the trust after the individual with a disability passes away must be used to **"pay back" the state(s) for the cost of providing Medicaid services to the individual.** If any money remains after the "pay back," the trust agreement will direct the trustee how to distribute those funds. These funds can be left to other family members, friends, or charitable organizations.

Achieva Family Trust serves as **trustee or co-trustee** for Payback Trusts.

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ADVANTAGES OF A PAYBACK TRUST

Achieva Family Trust adds **valuable social service expertise** to the traditional role of corporate trustee.

An individual with a disability can add his or her assets to the trust and avoid unnecessary spend down.

Any funds remaining must be used to "pay back" the state(s) for all Medicaid benefits. Following this payback, **remaining funds are distributed to other individuals and/or organizations** according to the trust document.

REQUIREMENTS OF A PAYBACK TRUST

May be **established by the individual with a disability, their parent, grandparent, or legal guardian, or by the court.**

The **beneficiary must be under 65 years of age** when the trust is established.

The trust agreement provides for a "pay back" to the state(s) for all Medicaid benefits upon the passing of the individual with a disability.

The Trust must be **drafted by a knowledgeable attorney.**

Trustee must have absolute discretion over distributions, so the beneficiary cannot have a legal right to force a distribution from the trust.

OUR TRUSTS OFFER:

- **Personalized Service:** All of our caring, knowledgeable trust administrators have extensive experience with social services and government benefits.
- **Low Fees:** As a nonprofit organization, we offer some of the lowest fees. Trusts can be established with a deposit as low as $500. There are also no start-up fees or fees to close an account.
- **Professional Investment Management:** We use highly regarded investment managers for trust funds.

Get a no-cost consultation today.

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