

Trust Fairness Act

- Passed Dec. 13, 2016
- The law corrects an error made more than 23 years ago in the Omnibus Budget Reconciliation Act of 1993
- Prior to passage of the law, person with capacity could not establish a d4a trust, the trusts could only be established for the benefit of the PWD by a parent, grandparent, legal guardian or the court. Unlike the d4c or pooled trust which can be established by the individual, parent, grandparent, legal guardian or court. On Dec. 13, 2016, President Obama signed the 21st Century Cures Act (P.L. 114-255). Section 5007 of this law contains the “Fairness in Medicaid Supplemental Needs Trust,” which adds two words “the Individual” to the laws governing 1st party SNT’s.