

FACTS:
Spouse A Dies, Then Spouse B Becomes Incapacitated

SPOUSE A

(One-half Community Assets)



*Probate of
Spouse A's Will*

Testamentary Special Needs Trust
created in Will funded with one-half
of community assets

*(These assets will not disqualify Spouse B for
Medicaid)*

SPOUSE B

(One-half Community Assets)

Spouse B Continues to own his one-half of community assets. Since he is now single, Medicaid rules for a single person apply.

(A single person on Medicaid can only have \$2,000 in savings, plus \$1,500 burial – see article for details)