

IN THE STATE COURT OF [REDACTED] COUNTY  
STATE OF GEORGIA

[REDACTED]

Plaintiff,

v.

[REDACTED]

Defendants.

CIVIL ACTION FILE  
[REDACTED]

**Order Approving Confidential Settlement on Behalf of Minor  
AND  
Establishing [REDACTED] Special Needs Trust**

The petition of [REDACTED] individually, as Temporary Guardian of of [REDACTED] and as Next Friend of [REDACTED] to approve a settlement on behalf of [REDACTED] and to establish a special needs trust (the "[REDACTED] Special Needs Trust") for [REDACTED] having been read and considered, the Court finds, after examining the evidence, that all notices of the hearing have been given as required by law and that all allegations of the petition are true, and further finds as follows:

1. [REDACTED] is a disabled minor within the meaning of the Social Security Act, 42 U.S.C. § 1382c; Petitioner is the minor's [REDACTED] Temporary Guardian, and Next Friend.

2. Petitioner is authorized by statute to seek approval from this Court to approve the settlement. O.C.G.A. § 29-3-3(d).
3. The proposed settlement among the parties to this action is fair and reasonable under the circumstances of this case and is hereby approved.
4. [REDACTED] is authorized to sign the releases agreed upon by counsel to resolve this action.
5. Federal law permits a Court to establish a trust for a disabled person pursuant to 42 U.S.C. § 1396p(d)(4)(A); this Court has authority to create a Trust, as provided in *Hayes v. Clark*, 242 Ga. App. 411 (2000); see also O.C.G.A. § 29-3-3(d)(2).
6. Creating and funding a special needs trust would have no adverse effect on [REDACTED]  
[REDACTED] a form of Trust has been submitted to the Georgia Department of Community Health's Trust Unit and has been approved.
7. All the assets proposed to be placed into the Trust are the property of [REDACTED]  
[REDACTED] His assets will be placed in the trust for his sole benefit.
8. [REDACTED] is the fit and proper person to serve as trustee of the [REDACTED]  
[REDACTED] Special Needs Trust.
9. [REDACTED] is hereby authorized to disburse the attorneys' fees, expenses of litigation, the net allocation to [REDACTED] individually, and fund the Trust as set forth in the Confidential [REDACTED] Settlement Worksheet reviewed *in camera*.
10. The establishment of the Trust is in the best interests of [REDACTED];  
and
11. The interests of [REDACTED] are adequately protected by Counsel.

It is, therefore, Ordered, that the Confidential Settlement is **APPROVED**.

It is, therefore, Ordered, that the Petition of [REDACTED] Temporary Guardian, and Next Friend of [REDACTED] requesting that the Court establish the [REDACTED] Special Needs Trust under the provisions of 42 U.S.C. § 1396p(d)(4)(A) and other applicable law, is **GRANTED**.

The Court orders that the [REDACTED] Special Needs Trust, in the form attached to this Order, is established by the Court and requires its establishment. A copy of this Order may be attached to the Trust as evidence of its establishment. Should any ancillary documents be required to establish the trust, such as a certificate of trust, then [REDACTED] is authorized to execute those documents in a ministerial capacity. Should any revisions be required by the Medicaid agency or by Social Security for the purpose of conforming the Trust to agency rules, then [REDACTED] is authorized to make those revisions. The Trust shall consist of [REDACTED] assets. [REDACTED] is sole Beneficiary of the Trust, and [REDACTED] is Trustee.

Annually, the Trustee shall submit a simple accounting to the Court or to the Department of Community Health's Trust Review Unit. Bond is waived. The Court retains jurisdiction over the trust for the purpose of ensuring that the Trust complies with 42 U.S.C. § 1396p(d)(4)(A) and State laws and regulations relating to the establishment and administration of special needs trusts. The Court also retains jurisdiction for the purpose of determining whether, if circumstances warrant, the Trust assets should be conveyed to the trustee of a special needs established under 42 U.S.C. § 1396p(d)(4)(C). Costs of this cause are taxed to the Trustee of the Special Needs Trust, for which let execution issue if necessary.

SO ORDERED this



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