

Rule 4.5.01 General Procedures for Special Needs Trusts

(a) Establishment of special needs trusts in Santa Cruz County:

If a special needs trust is included as part of a minor's compromise or other judgment entered in Santa Cruz County, the following procedures shall be followed:

1. A petition to approve the terms of the special needs trust shall be filed in the probate or civil action. ~~or as part of a petition to approve minor's compromise. The judge assigned to hear the civil action or the petition to approve minor's compromise shall approve the terms of the special needs trust per Probate Code section 3604.~~ The petition shall include the complete terms of the proposed trust.
2. Once so approved and signed, a copy of the fully executed special needs trust instrument and a copy of the order approving the trust shall be filed in the county in which the trust is to be administered pursuant to that county's procedures. ~~If the trust is to be administered i~~ In Santa Cruz County, the trust shall be filed in a separate file and assigned a probate case number. No filing fee shall be charged for said filing ~~as~~ if the trust instrument is the result of a petition filed to approve a minor's compromise claim per Probate Code section 3600 et seq. (Gov. Code, § 70655.)
3. The party filing the special needs trust instrument per subsection (2) shall file a notice in the civil action file or the minor's compromise file indicating the county in which the trust is being administered and the case number assigned to the probate file containing the special needs trust.

(b) Transfer of special needs trusts into Santa Cruz County:

Whenever a special needs trust is transferred into Santa Cruz County and the court file being transferred does not contain a copy of the fully executed special needs trust instrument, the trustee shall provide the court with a copy of the fully executed trust document within 90 days after the court file is received by Santa Cruz County.