

2008 Changes and Trends Affecting Special Needs Trusts

January 31 - February 1, 2008 • • Austin,

Thursday Afternoon, Jan. 31, 2008

Presiding Officer:

Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX

12:00 pm	Registration Opens
12:50 pm	Welcoming Remarks
1:00 pm 0.75 hr 0.25 hr ethics	<p>Special Needs Trust Overview</p> <p>An overview of self-settled and third-party SNTs - how they work, when to use them and related ethical issues.</p> <p>Randy Drewett, Attorney at Law - Beaumont, TX</p>
1:45 pm 0.75 hr 0.25 hr ethics	<p>Protecting and Maximizing Public Benefits</p> <p>Planning options - and related ethical issues - to ensure a trust's beneficiary qualifies for the most important disability benefits: Supplemental Security Income, Medicaid, Social Security Disability Insurance and Medicare; and how to manage trust distributions to avoid losing benefits while enhancing the beneficiary's quality of life.</p> <p>H. Clyde Farrell, Attorney at Law - Austin, TX</p>
2:30 pm 1.00 hr	<p>Estate Planning for the Incapacitated Family Member</p> <p>This session discusses a wide range of estate planning essentials, including current disability planning documents with current forms such as durable power of attorney, medical power, directive to physicians, HIPPA authorization, and Designation of Guardian If Need Arises; advice and planning for parents of disabled children including testamentary or inter vivos SNTs, appointment as guardian when a disabled child attains age 18, etc.; and a discussion of long term care insurance products currently on the market including key features which should be included in those insurance contracts.</p> <p>Ronald R. Cresswell, Locke Lord Bissell & Liddell LLP - Dallas, TX</p>
3:30 pm	Break
3:45 pm 0.50 hr	<p>Court-Created Trusts Including the 142 Trust Statute</p> <p>This presentation focuses on one of the most common ways to create a first-party special needs trust - using a court-created trust. It will focus particularly on trusts created under Section 142.005 of the Texas Property Code and will cover the significant changes to that statute that became effective September 1, 2007.</p> <p>Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX Commentator: Deborah A. Green, Attorney at Law - Austin, TX</p>

4:15 pm 0.75 hr 0.25 hr ethics	<p>The Changing Face of the Traditional Special Needs Trust</p> <p>This presentation will focus on recognizing creative opportunities and expanded uses for Special Needs Trusts, including utilizing SNTs in family law cases to receive and hold court-ordered support for children and spouses with special needs, the ins and outs for the Trustee of handling trust distributions of support funds, and associated ethical issues to be considered.</p> <p>Deborah A. Green, Attorney at Law - Austin, TX Commentator: Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX</p>
5:00 pm 0.75 hr	<p>Amending the Special Needs Trust</p> <p>This presentation will address the issues that arise in conjunction with the process of amending special needs trusts and will include sample pleadings.</p> <p>Wesley E. Wright, Wright Abshire Attorneys - Bellaire, TX</p>
5:45 pm	Adjourn

Friday Morning, Feb. 1, 2008

7:00 am	<p>Conference Opens</p> <p>Includes continental breakfast.</p>
7:30 am 0.75 hr ethics	<p>Optional Ethics Breakfast</p> <p>The Noble Lawyer</p> <p>Ethics and professionalism viewed from the perspective of the bar throughout history.</p> <p>William J. Chriss, of counsel to Gravely & Pearson, L.L.P. - Austin, TX</p>
8:15 am	Break
8:30 am 1.25 hrs 0.25 hr ethics	<p>Advising Trustees on Trust Distributions in Desperate Circumstances: When Every Call is an Emergency</p> <p>A care manager, trustee, and attorney discuss how to serve a trust beneficiary's best interests when working on cases with too little money, too many needs, and constant crises. The session includes how to promote a higher level of benefits for the beneficiary and work to reduce stress for the beneficiary, family, advocates, and service providers; plus addressing capacity questions, family demands, and challenging beneficiary requests.</p> <p>Leah Cohen, arrangeCARE - Austin, TX Renee C. Lovelace, Attorney at Law - Dripping Springs, TX Nancy Sosa, Encore Trust - Austin, TX</p>

9:45 am 0.50 hr	<p>Sustainable Home Care Plan: Is it an Oxymoron?</p> <p>A sustainable care plan organizes the full range of available Medicare/Medicaid benefits offered plus additional services which include care coordination, acute medical care, social/recreational activities, prescription drug benefits, chronic care benefits covering nursing home care, and a full range of home and community based services such as homemaker, personal care services, respite care, and transportation. Other pieces include the client and families approach to problem solving, assistive devices, home modification, eyeglasses, hearing aids, and dental care. Melding these disparate pieces into a service delivery system and keeping it going is sometimes a Herculean task. This presentation will give participants strategies to work towards that elusive goal.</p> <p>Leah Cohen, arrangeCARE - Austin, TX</p>
10:15 am	Break
10:30 am 1.50 hrs 0.25 hr ethics	<p>Housing, Housing, Housing: Ownership, Occupancy, Maintenance and Expansion</p> <p>This session examines many of the housing issues facing attorneys and trustees of special needs trusts. Who should own the home? How should the home be titled? How should an attorney or trustee manage trust distributions for building and maintaining a home? How can one deal with non-paying family member renters and other common issues? And how can attorneys, trustees and architects team up to manage housing issues more effectively?</p> <p>Moderator: Pi-Yi Mayo, Attorney at Law - Baytown, TX Karen Kirks Alexander, KKA Architecture - Salisbury, NC B. Bailey Liipfert, Craige, Brawley, Liipfert & Walker, LLP - Winston-Salem, NC</p> <p>Commentators: Sara Eileen Dysart, Sara E. Dysart, P.C. - San Antonio, TX Renee C. Lovelace, Attorney at Law - Dripping Springs, TX Nancy Sosa, Encore Trust - Austin, TX</p>

Friday Afternoon, Feb. 1, 2008

Presiding Officer:

Renee C. Lovelace, Attorney at Law - Dripping Springs, TX

12:00 pm	Pick up Box Lunch
12:15 pm 0.75 hr	<p>Luncheon Presentation</p> <p>SNT Case Law Update</p> <p>This presentation will cover recent cases involving special needs trusts as well as other cases of note.</p> <p>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL Commentator: Mary Alice Jackson, Boyer & Jackson, P.A. - Austin, TX</p>
1:00 pm	Break

1:15 pm 0.75 hr	<p>Planning for Children with Special Needs Trusts</p> <p>The presentation will highlight Medicaid benefits available to children with disabilities, and to children of needy families, plus trusts and other planning techniques that can be implemented to protect both types of Medicaid benefits. Additionally, the presentation will include an overview of possible trust distributions focused on providing the highest quality of life for these little ones.</p> <p>Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX</p>
2:00 pm 1.00 hr	<p>Agency Panel: Questions, Answers and Options</p> <p>A panel of government experts will address emerging issues arising in such programs as Supplemental Security Income, Medicaid and Medicaid Estate Recovery.</p> <p>Moderator: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX Beth Brown, Social Security Administration - Dallas, TX Barry Ray Browning, Texas Department of Aging and Disability Services - Austin, TX Patsy Martin, Social Security Administration - Dalls, TX Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX Gayle Sandoval, Texas Department of Aging and Disability Services - Austin, TX John Stockton, Texas Health and Human Services Commission - Austin, TX</p>
3:00 pm 0.50 hr	<p>When Good Trusts Go Bad</p> <p>How to handle an appeal when your trust is turned down by Social Security Administration.</p> <p>Pi-Yi Mayo, Attorney at Law - Baytown, TX</p>
3:30 pm	<p>Adjourn</p>