

17TH ANNUAL CHANGES AND TRENDS AFFECTING **SPECIAL NEEDS TRUSTS**

A Guide for Attorneys, Financial Advisors and Trust Officers



February 18–19, 2021

 Live Webcast

WEBCAST UNDERWRITER



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February 18–19, 2021 ■ Live Webcast

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THURSDAY MORNING, FEB. 18, 2021

Presiding Officer:

Elisa Dillard Rainey, Rainey & Rainey,
Attorneys at Law LP, Waco, TX

8:35 a.m. Welcoming Remarks

8:45 a.m. 1.00 hr

SNT Basics

Take a look at special needs trusts and things to consider when selecting the appropriate option. Gain insight on the intersection of trusts with governmental benefits and delve into the types of special needs trust with case examples.

Molly Abshire, Wright Abshire, Attorneys, Bellaire, TX

9:45 a.m. 5-Minute Break

9:50 a.m. .75 hr | .25 hr ethics

Pooled Trusts: Your Answer to Transfers and Over 65 Strategies

Is the size of a trust no longer economically feasible? Are you worried about a transfer of assets penalty? A pooled trust sub-account be a better fit! We will discuss transfers from a D4A to a D4C, the authority, the pitfalls and the successes. Solutions for people over 65 who need a self-settled SNT are limited but a pooled trusts and the "half-a-loaf" strategy may be considered as an appropriate option.

Haley D. Greer, The Arc of Texas, Austin, TX

10:35 a.m. 5-Minute Break

10:40 a.m. 1.00 hr | .50 hr ethics

Maximizing Public Benefits: Basics and Updates

Medicaid and public benefits basics will be covered as well as the latest updates on Medicaid and public basics changes.

Christina Leshner, The Law Office of Christina Leshner, PC, Houston, TX
Bryn A. Poland, Mayo & Poland PLLC, Baytown, TX

11:40 a.m. 5-Minute Break

11:45 a.m. .75 hr | .25 hr ethics

ABLE Updates and Basics

This session will provide an overview of Achieving a Better Life Experience (ABLE) accounts and their utility in trust administration and planning. Coordination with Special Needs Trusts (SNTs) and short- and long-term planning with ABLE accounts will be reviewed, including facets of distribution mechanisms and public benefits eligibility. The presenters will provide case studies and recent case law as examples of prudent utilization of ABLE accounts.

Stephen W. Dale, The Dale Law Firm, PC,
Pacheco, CA
Peter J. Wall, True Link Financial, Denver, CO

12:30 p.m. Break for Lunch and Visit Exhibitors

Presentations resume at 1:00 p.m.

THURSDAY AFTERNOON

Presiding Officer:

Chelsea Brown, Texas Bankers
Association, Austin, TX

1:00 p.m. .50 hr

Reporting a Trust

Address practical steps in determining when, how, and to whom special needs trusts should be reported.

Jennifer L. Coulter, Townsend Allala, Coulter & Kludt,
PLLC, El Paso, TX

1:30 p.m. 5-Minute Break

1:35 p.m. .75 hr

Case Law and Legislative Update

An exploration and analysis of recent Texas and national cases and legislation involving special needs trusts.

John B. Henry III, Law Office of John B. Henry, III,
PLLC, Bellaire, TX

2:20 p.m. 5-Minute Break

2:25 p.m. .75 hr

Trustee Bootcamp-Checklists for the New Trustee

The complexity of trust administration has increased rapidly over the years. While the needs of the beneficiaries have become more complex (complicated families, investments, social media, and changing tax laws), the responsibilities, duties, and liabilities of the trustee have not changed. The presentation includes 12 administrative checklists that a trustee can use to get to a better outcome for the beneficiaries and for the trustee to minimize their liability.

Dave Folz, Trust Counselor LLC, Dallas, TX

3:10 p.m. 15-Minute Break to Visit Exhibitors

3:25 p.m. .50 hr | .25 hr ethics

Program Benefits Available for Family Caregivers

With declining tax revenues and increased infection risk, more people will be cared for at home. Finding ways for family members to provide care while not sacrificing their own or other family members' well-being is both necessary and challenging.

Terry Garrett, The Garrett Law Firm, PLLC, Austin, TX
Melanie Ibarra, The Garrett Law Firm, PLLC, Austin, TX

3:55 p.m. 5-Minute Break

4:00 p.m. 1.00 hr | .50 hr ethics

Housing for Persons with Special Needs - Housing Challenges and Solutions

Address a variety of housing options and how special needs trusts can partner with existing government benefit programs to enhance housing opportunities for beneficiaries and an overview of barriers to developing private group homes, identifying alternative residential models, funding, staffing, management issues, trustee as landlord liability issues, TX rental rules and Fair Housing Act. Explore real life examples of residential options that work.

Moderator:
Nancy Sosa, Cadence Bank, Austin, TX

Panelists:
Kristen Quinney Porter, Kristen Quinney Porter, LLC,
New Braunfels, TX
Theresa M. Varnet, Fletcher Tilton, PC, Worcester,
MA and Spain, Spain & Varnet, Chicago, IL

5:00 p.m. Adjourn

FRIDAY MORNING, FEB. 19, 2021**Presiding Officer:**

John B. Henry III, Law Office of John B. Henry, III, PLLC, Bellaire, TX

8:30 a.m. .50 hr

The View from the HHSC

The speaker will summarize and comment on written responses from the HHSC Legal Services Division to questions posed by the Planning Committee. The agency's paper will also provide an overview of HHSC policies related to SNTs and identify SNT policy changes that occurred in 2020.

G. Gaye Thompson, Thompson & Tiemann LLP, Austin, TX

9:00 a.m. 5-Minute Break

9:05 a.m. .75 hr | .25 hr ethics

Taxation of Special Needs Trusts from A to Z

Gain insight into the difference between the taxation of a first party special needs trust and a third party trust. Detail the basics of the taxation of a non-grantor special needs trusts and especially the differences between income for income tax purposes, income for trust accounting purposes and income for government assistance purposes.

Dennis M. Sandoval, Sandoval Legacy Group, a division of Holstrom, Block and Parke, Riverside, CA

9:50 a.m. 5-Minute Break

9:55 a.m. .50 hr

Estate Tax Planning and SNTs

It is quite possible that the estate tax exemption will be lowered in the near future, which means that we as estate planning attorneys may be doing more estate tax planning for families with children with disabilities. However, many tax planning techniques could be detrimental to children on government benefits. Crummey withdrawal rights and disclaimers, for example, could disqualify them from SSI or Medicaid. Explore how estate tax planning affects benefits eligibility and possible solutions to avoid negative outcomes.

Tresi Moore Weeks, The Weeks Law Firm, PLLC, Plano, TX

10:25 a.m. 20-Minute Break to Visit Exhibitors

10:45 a.m. 1.00 hr

SSA Regional Trust Leads Presentation Regarding SSI Trusts

A discussion with the Regional Trust Leads on the regional centralization of the SSI trust review business process, including reporting responsibilities, 2020 POMS update, and 2020 case totals. In addition, hear a step-by-step scenario regarding the review of a trust determined countable and available options.

Amanda Flood, U.S. Social Security Administration, Dallas, TX
Dana Marquez, U.S. Social Security Administration, Dallas, TX

11:45 a.m. 5-Minute Break

11:50 a.m. .50 hr

SSI Application Process for Children and Adults

The SSI application process is deceptively simple. However, there are several things applicants should keep in mind to possibly strengthen their claim or at a minimum make the process as efficient as possible. Explore the basics about the SSI process getting a claim started.

John Driskill, Morgan & Weisbrod, L.L.P., Houston, TX

12:20 p.m. 40-Minute Break for Lunch

Presentations resume at 1:00 p.m.

Last chance to visit with our Sponsors in the Virtual Exhibit Hall

FRIDAY AFTERNOON**Presiding Officer:**

Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

Special Keynote Presentation Introduction by Peter J. Wall, Director of Fiduciary Services True Link Financial, Denver, CO.

THANK YOU TO TRUE LINK FINANCIAL FOR SUPPORT OF THIS SESSION

1:00 p.m. .75 hr

Breaking Barriers from the Viewpoint of Two Leading Disability Rights Advocates

This presentation will feature Judy Heumann, author of *Being Heumann* and featured in the award-winning documentary *Crip Camp* with her guest Liz Weintraub from the Association of University Centers on Disabilities (AUCD). Each of these remarkable women have spent much of their lives breaking down commonly accepted barriers experienced by persons with disabilities. This presentation will not only highlight how each of these advocates have overcome challenges in their lives, but also share their insights about how the special needs trust practitioner can assist persons with disabilities to experience a quality of life that many persons without disabilities take for granted.

Moderator:
Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA

Panelists:
Judith E. Heumann, International Disability Rights Advocate, Washington, DC
Liz Weintraub, Association of University Centers on Disabilities, Silver Spring, MD

1:45 p.m. 15-Minute Break & Vendor Announcements

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2:00 p.m. .50 hr | .25 hr ethics

SNT Lagniappe – Forms to Support Your SNT Practice

While families expect a well-crafted SNT document from their attorney, providing additional reference documents for families and trustees is a valuable gift your client will appreciate.

Beneicia Flores, Petrosewicz Law Firm, P.C., Richmond, TX

2:30 p.m. 5-Minute Break

2:35 p.m. .75 hr | .25 hr ethics

Masters of SNT—What I Know Now That I Wish I Had Known Back Then

Four of our most experienced SNT attorneys share what they have learned that they don't usually talk about on microphones: how they have found the work they love; developed a passion for forms and systems; attracted and selected the best clients; built supportive and inspiring networks; and learned from their mistakes.

H. Clyde Farrell, Farrell & Johnson PLLC, Austin, TX
Mary Alice Jackson, Boyer & Boyer P.A., Sarasota, FL
Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX
Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler, La Vernia, TX

3:20 p.m. 5-Minute Break

3:25 p.m. 1.00 hr | .50 hr ethics

How to Reduce Fiduciary Litigation Risks

While no good deed may go unpunished, certainly a trustee who is unconcerned, clueless, unequipped, dishonest or just plain unlucky is likely to be punished. Explore situations where the rights and wants of beneficiaries collide with the powers and responsibilities of trustees.

Moderator:
Richard A. Courtney, Courtney Elder Law Associates, Jackson, MS

Panelists:
Harry S. Margolis, Margolis & Bloom, LLP, Boston, MA
Vincent J. Russo, Russo Law Group, P.C., Long Island and New York City, NY
Shirley Berger Whitenack, Schenck, Price, Smith & King LLP, Florham Park, NJ

4:25 p.m. Adjourn

CONFERENCE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 3.00 credit hours will apply to the legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).

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Individual Registration \$425

Printed and Shipped Course Binder – Available for order through Friday, February 19, 2021
Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted.

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LIVE WEBCAST

February 18-19, 2021

KEY DATES

February 12, 2021

Last day for full refund cancellation

February 15, 2021

Last day for partial refund cancellation

\$50 processing fee applied

February 18, 2021, 8:35 a.m. CST

Webcast begins

February 19, 2021

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