

# 21<sup>ST</sup> ANNUAL CHANGES AND TRENDS AFFECTING **SPECIAL NEEDS TRUSTS**

A Guide for Attorneys, Financial Advisors and Trust Officers



February 6–7, 2025

DoubleTree by Hilton Hotel Austin ■ Austin, Texas

---

Earn up to 13.50 Hours of Credit (Expected), Including 3.50 Hours of Ethics Credit (Expected)

MCLE Credit Approved in TX, CA, OK and PA (Hours Vary by Jurisdiction)

Legal Specialization (TBLS) Credit Expected for Estate Planning and Probate Law, and Tax Law

Earn up to 16.00 Hours of TX Accounting CPE Credit

NASBA and CTFA Credit Approved

# 21<sup>ST</sup> ANNUAL CHANGES AND TRENDS AFFECTING SPECIAL NEEDS TRUSTS

February 6–7, 2025 ■ DoubleTree by Hilton Hotel Austin ■ Austin, Texas

Earn up to 13.50 Hours of Credit (Expected), Including 3.50 Hours of Ethics Credit (Expected)

MCLE Credit Approved in TX, CA, OK and PA (Hours Vary by Jurisdiction)

Legal Specialization (TBLs) Credit Expected for Estate Planning and Probate Law, and Tax Law

Earn up to 16.00 Hours of TX Accounting CPE Credit; NASBA and CTFA Credit Approved

*Times listed are in Central Time*

## THURSDAY MORNING, FEB. 6, 2025

### Presiding Officer:

**Bryn A. Poland, Mayo & Poland PLLC,  
Baytown, TX**

### 8:00 a.m. Registration and Exhibit Hall Opens

Includes continental breakfast.

### 8:35 a.m. Welcoming Remarks

### 8:45 a.m. 1.00 hr

#### Special Needs Trusts 101: The Basics

An overview of the basics of special needs trusts and public benefits including selection of appropriate trust option, pitfalls to avoid and case examples.

Molly Dear Abshire, Wright Abshire Attorneys, P.C.,  
Bellaire, TX

### 9:45 a.m. .75 hr

#### Case Law Update

A review of recent cases from around the country impacting special needs trusts, trustees and trust beneficiaries.

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

### 10:30 a.m. 15-Minute Break

### 10:45 a.m. 1.00 hr | .25 hr ethics

#### Maximizing Public Benefits

Discuss how to identify what benefits your client has; what additional benefits they may be eligible for; what distributions by a trustee (or anyone) will make them ineligible; and what distributions will keep them eligible for those benefits.

H. Clyde Farrell, Farrell & Johnson PLLC, Austin, TX  
Christina Leshner, The Law Office of Christina Leshner,  
PC, Houston, TX

### 11:45 a.m. .50 hr

#### Taxation of SNTs, Including Court Created Trusts

A basic overview of tax issues relating to the administration of special needs trusts, including those created by court order.

Chris Klemme, American National Bank & Trust,  
Dallas, TX

#### Materials By:

Derik Torres, Derik Torres, CPA, P.C., McKinney, TX

### 12:15 p.m. Pick Up Lunch

Included in registration.

## THURSDAY AFTERNOON

### Presiding Officer:

**Beth Owens, American National Bank &  
Trust, Houston, TX**

## LUNCHEON PRESENTATION

### 12:45 p.m. .75 hr | .25 hr ethics

#### Issue Spotting: Case Management and Advocacy

In the early days of special needs planning, "supplemental" needs trusts were intended to do just that: provide funds for quality of life enhancements for a person whose primary needs would be met by a well-funded system of supports. Today, at a time when parents and caregivers are aging and dying, and where Medicaid funded programs are a shell of what they used to be, funds left in trust for a person with a disability will often serve as a primary source of long term support. This presentation highlights the benefits of case management and advocacy services in identifying and addressing the challenges faced by a trustee managing funds in a discretionary trust for a disabled beneficiary whose formal and informal support networks are changing.

Michael S. Cognetti, Wilcenski & Pleat PLLC and  
Adirondack Case Management & Advocacy LLC,  
Clifton Park, NY

### 1:30 p.m. 15-Minute Break

### 1:45 p.m. .50 hr

#### ABLE Updates

Learn about the tax-advantaged Texas Achieving a Better Life Experience Program (Texas ABLE<sup>®</sup>), a disability savings program created specifically for Texans with qualifying disabilities. This session takes a deeper dive into all things Texas ABLE—from how to open and manage a Texas ABLE account to discovering ways eligible individuals with disabilities and their families are using the accounts, all while helping to preserve state and federal means-tested benefits, including SSI and Medicaid. The session also highlights upcoming legislative changes including the Age Adjustment Act and its impact on program eligibility.

Vanessa Goodson, Texas Comptroller of Public  
Accounts, Austin, TX

Anna Mallett, Texas Comptroller of Public Accounts,  
Austin, TX

### 2:15 p.m. .75 hr

#### A View from HHSC

Gain insight on the topic of the termination of the special needs trust when a beneficiary passes away and there is a Medicaid lien owed. Hear the basics of the requirements of the Medicaid pay-back provision, how to contact the Texas Health and Human Services Commission (HHSC) to verify the Medicaid lien and obtain the lien payoff, and the process of settling the lien with the agency.

Leslea Pickle, Texas Department of Health and  
Human Services, Austin, TX

### 3:00 p.m. 15-Minute Break

## THANK YOU TO OUR BREAK SPONSOR



Are you a 1<sup>st</sup> or 2<sup>nd</sup> year attorney? Attend  
most UT Law CLE conferences for just \$195!

Call 512.475.6700 to register.

3:15 p.m. .50 hr

**Sole Benefit Trusts: What, When, and Why**

Focus on the uses of Sole Benefit Trusts, including distinguishing them from other types of special needs trusts. It will include practical application, hypothetical situations, and sample language.

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

3:45 p.m. .75 hr | .25 hr ethics

**Buying A House Step-By-Step: A Roadmap for SNT Trustees**

Buying a home for an SNT beneficiary can be one of the largest and most consequential purchases an SNT trustee will make during the lifetime of the trust. In this session, review procedures, considerations, best practices, and potential pitfalls for SNT trustees as they navigate the home-buying process.

Anna M. Méndez, Cadence Bank, Austin, TX  
Margaret Svoboda, American National Bank of Texas, Rockwall, TX

4:30 p.m. .50 hr

**HOTMA**

This presentation covers recent changes to HUD housing programs that impact how income and assets are calculated for families. Learn about the new law and analyze the key updates to better inform your clients. Additionally, the session provides guidance on recertifying tenant income to ensure compliance with the updated regulations and current creative housing trends such as the use of Accessory Dwelling Units.

Annette M. Hines, Special Needs Law Group of Massachusetts, PC, Framingham, MA

5:00 p.m. Adjourn to Reception

THANK YOU TO OUR RECEPTION SPONSOR



5:00 p.m. – 6:00 p.m.

Join program faculty and attendees for drinks and hors d'oeuvres.

**FRIDAY MORNING, FEB. 7, 2025**

**Presiding Officer:**

**Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law PLLC, Waco, TX**

8:00 a.m. Registration and Exhibit Hall Opens

Includes continental breakfast.

8:30 a.m. .75 hr | .25 hr ethics

**It's 2025—What About SECURE 2.0 and the Estate Tax?**

We have final IRS Regulations addressing Required Minimum Distributions as part of SECURE 2.0, and the estate tax exemption will be cut in half on January 1, 2026 unless Congress acts. This presentation focuses on what advisors need to know when planning and drafting, and what beneficiaries and fiduciaries will need to know when making decisions.

John R. Strohmeyer, Strohmeyer Law PLLC, Houston, TX

9:15 a.m. .75 hr ethics

**Special Needs Trusts Ethics Jeopardy**

Attorneys and trustees need to clearly understand their ethical obligations. Using the Jeopardy game show format, in this interactive session, the presenters cover various ethical issues encountered in a special needs practice, providing the answers while the audience provides the questions.

Mary Alice Jackson, Boyer & Boyer P.A., Sarasota, FL  
Rebecca C. Morgan, Stetson University College of Law, Gulfport, FL  
Bryn A. Poland, Mayo & Poland PLLC, Baytown, TX

10:00 a.m. 15-Minute Break

10:15 a.m. 1.00 hr

**SSA Regional Trust Leads Presentation Regarding SSI Trusts**

The centralization of SSI trust reviews business process celebrated its 10-year anniversary in 2024. This session provides a look back, including improved quality, accurate and consistent trust determinations, and technical proficiency of employees. In addition, hear the latest regarding the legal opinion process, early termination, 90-day amendment period, and updates to the trust POMS.

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

11:15 a.m. .75 hr | .50 hr ethics

**Standards and Best Practices for Pooled Trusts**

This presentation unpacks the case study of The Center for Special Needs Trusts Administration to better understand what happened and explores the deviations from best practices in pooled trust administration. Also, discuss safeguards for beneficiaries with disabilities, standards for trust administration, and what checkpoints to look for in a pooled trust's operations.

Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA  
Haley D. Greer, The Arc of Texas, Austin, TX  
John B. Henry III, Law Office of John B. Henry, III, PLLC, Bellaire, TX  
Peter J. Wall, True Link Financial, Denver, CO

12:00 p.m. .50 hr | .25 hr ethics

**The Logistics of Resigning and Transferring a Trust to New Trustee**

Changing trustees can be easy or complex, depending on the type of trust, the assets of the trust estate, and a variety of other factors. Discuss the process for changing trustees, as well as potential obstacles, risks, and pitfalls that could be faced.

Scott Stebler, Stebler & Sulak, PLLC, Austin, TX

12:30 p.m. Pick Up Lunch

Included in registration.

**FRIDAY AFTERNOON**

**Presiding Officer:**

**Regan S. Seliger, Austin Trust Company, Austin, TX**

**LUNCHEON PRESENTATION**

1:00 p.m. .50 hr | .25 hr ethics

**The 100-Year Special Needs Plan**

Most special needs trusts will be depleted long before the end of a beneficiary's life. To protect a child with disabilities for life, a plan may need to consider a full 100 years. To protect an adult, a plan may need to consider 50 years or more. This session highlights projections, distribution plans, changes in circumstances, age-based changes, trustee continuity, administration costs, and funding (not wasting a penny).

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

1:30 p.m. 30-Minute Break and Exhibitor Announcements

**UT Law CLE is committed to Practice Excellence.**

We are here to support our community. Information and updates regarding our conferences will be posted at [www.utcle.org](http://www.utcle.org).

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually.

We are fortunate to serve so many of you who strive for excellence in the practice of law.



2:00 p.m. .75 hr | .25 hr ethics

**Don't Modify that Trust: Reform It! When and How to Reform a Trust that Needs to be an SNT**

Address the basic requirements for special needs trusts, common errors in drafting, the requirements for reforming a trust versus modifying a trust, and the benefits for reformations.

David F. Johnson, Winstead PC, Fort Worth, TX

2:45 p.m. .75 hr | .25 hr ethics

**Medicare Primer Including Recent Changes to Part D**

A review of the Medicare Program Part A, Part B, Part C, and Part D including recent changes in Part D.

Pi-Yi Mayo, Mayo & Poland PLLC, Baytown, TX

3:30 p.m. .75 hr | .25 hr ethics

**Let's Not Fight – Drafting to Avoid Litigation**

Explore drafting strategies to prevent litigation. A drafting attorney and a litigation attorney deliberate the right words, communications, and approaches to provide clear legal drafting, forestall conflicting interpretations and avoid future disputes.

Angela Odensky, The Law Office of Angela Odensky, PLLC, Bellaire, TX  
Erin W. Peirce, Leu, Peirce, & Olson, PLLC, Plano, TX

4:15 p.m. Adjourn

**CONFERENCE ACCREDITATION**

The University of Texas School of Law is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: [www.nasbaregistry.org](http://www.nasbaregistry.org).

Earn up to 16.00 credits

Field of Study: Specialized Knowledge and Taxes

Delivery Method: Group-Live

Program Level: Intermediate and Advance

Preparation and Prerequisite: None

**M  
C  
L  
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 3.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

**CONFERENCE FACULTY AND PLANNING COMMITTEE**

BRYN A. POLAND\*—CO-CHAIR  
Mayo & Poland PLLC  
Baytown, TX

JOHN B. HENRY III\*  
Law Office of John B. Henry, III,  
PLLC  
Bellaire, TX

ANGELA ODENSKY  
The Law Office of Angela  
Odensky, PLLC  
Bellaire, TX

ELISA DILLARD RAINEY\*—  
CO-CHAIR  
Rainey & Rainey, Attorneys at Law  
PLLC  
Waco, TX

ANNETTE M. HINES  
Special Needs Law Group of  
Massachusetts, PC  
Framingham, MA

BETH OWENS\*  
American National Bank & Trust  
Houston, TX

APRIL ROGERS\*—DIRECTOR  
The University of Texas School of  
Law  
Austin, TX

MARY ALICE JACKSON  
Boyer & Boyer P.A.  
Sarasota, FL

ERIN W. PEIRCE  
Leu, Peirce, & Olson, PLLC  
Plano, TX

MOLLY DEAR ABSHIRE  
Wright Abshire Attorneys, P.C.  
Bellaire, TX

DAVID F. JOHNSON  
Winstead PC  
Fort Worth, TX

LESLEA PICKLE  
Texas Department of Health and  
Human Services  
Austin, TX

MICHAEL S. COGNETTI  
Wilcenski & Pleat PLLC and  
Adirondack Case Management &  
Advocacy LLC  
Clifton Park, NY

CHRIS KLEMME  
American National Bank & Trust  
Dallas, TX

KRISTEN QUINNEY PORTER\*  
Kristen Quinney Porter, LLC  
New Braunfels, TX

JENNIFER L. COULTER\*  
Townsend Allala, Coulter & Kludt,  
PLLC  
El Paso, TX

CHRISTINA LESHER  
The Law Office of Christina Leshner,  
PC  
Houston, TX

PATRICIA FLORA SITCHLER\*  
The Law Office of Patricia Flora  
Sitchler  
La Vernia, TX

STEPHEN W. DALE\*  
The Dale Law Firm, PC  
Pacheco, CA

RENÉE C. LOVELACE\*  
The Lovelace Law Firm, P.C.  
Austin, TX

NANCY SOSA\*  
Cadence Bank  
Austin, TX

H. CLYDE FARRELL\*  
Farrell & Johnson PLLC  
Austin, TX

ANNA MALLETT  
Texas Comptroller of Public  
Accounts  
Austin, TX

SCOTT STEBLER  
Stebler & Sulak, PLLC  
Austin, TX

AMANDA FLOOD  
U.S. Social Security Administration  
Dallas, TX

DANA MARQUEZ  
U.S. Social Security Administration  
Dallas, TX

JOHN R. STROHMEYER  
Strohmeier Law PLLC  
Houston, TX

TERRY GARRETT\*  
The Garrett Law Firm, PLLC  
Austin, TX

PI-YI MAYO\*  
Mayo & Poland PLLC  
Baytown, TX

MARGARET SVOBODA  
American National Bank of Texas  
Rockwall, TX

VANESSA GOODSON  
Texas Comptroller of Public  
Accounts  
Austin, TX

ANNA M. MÉNDEZ  
Cadence Bank  
Austin, TX

PETER J. WALL  
True Link Financial  
Denver, CO

HALEY D. GREER\*  
The Arc of Texas  
Austin, TX

MARILYN G. MILLER\*  
Marilyn G. Miller, Attorney at Law  
Dripping Springs, TX

\*Planning Committee member

REBECCA C. MORGAN  
Stetson University College of Law  
Gulfport, FL

## HOW TO REGISTER

### Online:

www.utcle.org/conferences/SN25/signup

### Mail:

The University of Texas  
School of Law  
ATTN: CLE  
P.O. Box 12883  
Austin, TX 78711

### Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 6–8 weeks after the event.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

**Forget Your Password or Need it Reset?** Just select "Forgot Password" under "Sign In or Join" at www.utcle.org.

**Still Need Assistance?** Contact customer service at 512.475.6700 or service@utcle.org during business hours.

## REGISTRATION FORM

PLEASE PRINT CLEARLY

SN25

Bar Card # \_\_\_\_\_  TX  Other State: \_\_\_\_\_  N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

*Invoices, confirmations, and receipts are emailed to these addresses.*

### EVENT REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

Live, In-Person Event Registration ..... \$645 | \$745 after January 22

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, February 7, 2025

*Please note that the printed binder will arrive 2–3 weeks after the conclusion of the live event. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

Printed and Shipped Course Binder ..... \$102.84 (\$95\*)

**TOTAL EVENT REGISTRATION \$** \_\_\_\_\_

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$195! CALL 512.475.6700 TO REGISTER.**

### POST-CONFERENCE PRODUCTS

**eConference** – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6–8 weeks after live event. Hours may vary depending on actual event runtime and approved content.*

Individual eConference ..... \$745

**Post-Course Binder** – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

Electronic Post-Course Download (PDF) ..... \$319.34 (\$295\*)

Printed Post-Course Binder ..... \$373.46 (\$345\*)

**TOTAL POST-CONFERENCE PRODUCTS \$** \_\_\_\_\_

### METHOD OF PAYMENT

Check (make check payable to The University of Texas at Austin)

VISA  MasterCard  American Express  P.O. (include a copy of the purchase order upon submission)

Card / P.O. # \_\_\_\_\_ CW # \_\_\_\_\_ Exp. Date \_\_\_\_\_ / \_\_\_\_\_  
(mm/yy)

Authorized Signature \_\_\_\_\_

*\* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Texas Sales and Use Tax Exemption Certificate with order.*

Visit  
[www.utcle.org](http://www.utcle.org)  
Email  
[service@utcle.org](mailto:service@utcle.org)  
Call  
**512.475.6700**  
Facebook  
**UT Law CLE**  
LinkedIn  
**UT-Law-CLE**  
X X  
**@UTLawCLE**  
YouTube  
**@outlawcle8597**

NON-PROFIT-ORG  
U.S. Postage  
PAID  
U T School of Law

## AUSTIN

February 6–7, 2025

### CONFERENCE LOCATION



**DoubleTree by Hilton Hotel**  
6505 N. Interstate 35  
Austin, TX 78752-4346  
512.454.3737  
800.866.3126 (reservations)

**Special Room Rate: \$187**  
good through January 6  
reference Special Needs Trusts 2025  
(subject to availability)

#### Parking:

Please visit [www.utcle.org/conferences/SN25](http://www.utcle.org/conferences/SN25)  
for daily and overnight rates

### KEY DATES

**January 22, 2025**

*Last day for early registration rates*

**January 31, 2025**

*Last day for full refund cancellation*

**February 3, 2025**

*Last day for partial refund cancellation*  
\$50 processing fee applied

**February 6, 2025 8:35 a.m., CT**

*Conference begins*

**February 7, 2025**

*Last day to order a printed and shipped course binder.*

## THANK YOU TO OUR SPONSORS

### PREMIER EVENT SPONSORS



### EVENT SPONSORS



### SPONSORS

American National Bank & Trust

Frost Bank

National Care Advisors

True Link Financial

WealthCounsel

Wells Fargo Bank - Special Needs Trust Services

### EXHIBITORS

Comerica Bank

Krause Financial

Merrill: The Special Needs Team – Texas

Mir Care Consultants

P. Harrison Group Care Management

Richey Insurance Agency, LLC

TEAM Risk Management Strategies

Texas Comptroller of Public Accounts - Texas ABLE

The Arc of Texas Master Pooled Trust