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The ABLE Act for Texans: What You Need to Know

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Please visit our YouTube channel at

www.youtube.com/c/achievingindependence

For more information on the ABLE Act, go to

www.achievingindependence.com/able



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Check your UT SNT Briefcase

Video Series on the ABLE Act

<http://achievingindependence.com/able/>

The ABLE Act has many uses – but in order to utilize this new tool a great deal of education is necessary. I have created a playlist on the ABLE Act which can be viewed by going to <http://achievingindependence.com/able/> or go to www.youtube.com/c/achievingindependence and look for the playlist called ABLE. Here are links to specific programs in the series:

The ABLE Act and the Medicaid Lien at <https://youtu.be/Gd3UokkWWjQ>

This video reviews the Medicaid Payback which is a lien on an ABLE Account for any Medicaid used for medical purposes when the ABLE beneficiary passes away from the time the account is established. This segment explores what Medicaid services are subject to the lien, the factors that should be considered and how to minimize the chance of a lien.

The ABLE Act with a Focus on Housing at <https://youtu.be/EioIWEFAZ7s>

This Video focuses on how the ABLE Act can be used to assist an ABLE beneficiary with residential needs. One exciting thing about using an ABLE Account with housing needs for SSI recipients is that payments from an ABLE Account for food and shelter do not cause a reduction in SSI. This segment illustrates how to maximize the use of an ABLE Account through a couple of case studies to demonstrate how to tie an ABLE Account to a special needs trust to get the best of both worlds - sustainable housing while reducing the chances of a lien when the ABLE beneficiary passes away.

The ABLE Act and Capacity Issues at <https://youtu.be/tiCeJga6oisQ>

This video focuses on who is in charge of an ABLE Account and things that should be considered if the ABLE beneficiary lacks capacity or loses capacity.

The ABLE Act and Taxes

This is a 2-part program –

Part 1 explains gift and estate taxes <https://youtu.be/oKTIuEFSXQ>.

Part 2 talks about income taxes and compares ABLE Accounts with special needs trusts <https://youtu.be/AsF9rz2ReCo>



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THE BASICS

3



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The Achieving a Better Life Experience (ABLE) Act of 2014

- **The details:** Starting in 2015, States would have the option to establish an ABLE program, under which eligible individuals with disabilities could start an ABLE account, modeled after current Section 529 savings accounts.

4



Who is eligible to be an ABLÉ account beneficiary?

Eligible individuals must meet **two requirements**:

Age: *must be disabled before age 26*

PLUS

Severity of disability: *Must have been determined to meet the disability requirements for Supplemental Security Income (SSI) or Social Security disability benefits*

OR

*Must submit a **doctor's certification** that meets criteria (essentially equal to Social Security "listings" level of disability), including a physician's diagnosis*

5



Who is eligible to be an ABLÉ account beneficiary?

- If the ABLÉ account beneficiary qualifies because of certification, ABLÉ eligibility cannot be used to secure supplemental security income (SSI) or Medicaid

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: The ABLE Act for Texans: What You Need to Know

Also available as part of the eCourse

[2017 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the
13th Annual Changes and Trends Affecting Special Needs Trusts session
"ABLE: Practical Applications"