

# 16<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts

## February 13-14, 2020 • DoubleTree by Hilton Hotel Austin • Austin, TX

### Thursday Morning, Feb. 13, 2020

**Presiding Officer:**

**Patricia F. Sitchler**, The Law Office of Patricia Flora Sitchler - La Vernia, TX

|                                       |  |
|---------------------------------------|--|
| 8:00 am                               | <p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>  |
| 8:35 am                               | <p><b>Welcoming Remarks</b></p>  |
| 8:45 am<br>1.00 hr                    | <p><b>SNT Basics</b></p> <p>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.</p> <p>Molly Abshire, Wright Abshire, Attorneys - Bellaire, TX</p>   |
| 9:45 am<br>0.50 hr                    | <p><b>Pooled SNTs: Guidelines for Best Practices</b></p> <p>Examine the best practices guidelines developed as part of a recent Life Passages Planning Project. Discuss the various guidelines, why those were included, and review examples of their application.</p> <p>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA<br/>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL</p>   |
| 10:15 am                              | <p><b>Break</b></p>  |
| 10:30 am<br>0.50 hr<br>0.25 hr ethics | <p><b>Maximizing Public Benefits (Basics)</b></p> <p>Hear an overview of public benefits and Medicaid programs for clients, including "waiver" programs and how to use them to provide long-term care services for clients. Discuss practice tips for new practitioners.</p> <p>Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX</p>   |
| 11:00 am<br>0.75 hr<br>0.25 hr ethics | <p><b>Emerging Trends in SNTs</b></p> <p>Imagine that you are a parent of a 17-year-old child named Kathy who has been diagnosed with Autism, and expected to live until she is 87 years old. Discuss challenges that Kathy's trustee would need to address if her parents passed away over the next 70 years including current and future laws and regulations, ABLE Accounts, support systems and government aid. Highlight current challenges in different Social Security Administration Regions across the nation, and how those trends could affect the Texas Special Needs Trust practitioners.</p> <p>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA</p> |

11:45 am

**Pick Up Lunch**

Included in registration.

**Thursday Afternoon, Feb. 13, 2020**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**Thank You to Our Luncheon Sponsor  
Bank of Texas**



12:05 pm  
0.50 hr

**Letters of Intent for SNTs**

Letters of intent are pivotal in future planning and are invaluable in administrating a trust. A letter of intent ensures the trustee knows the abilities, limitations, likes, dislikes, interests, routines, history, future, hopes and dreams of the beneficiary. Gain insight on the important aspects that should be included in a useful letter of intent.

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

12:35 pm

**Break**

12:50 pm  
0.50 hr

**Public Benefits for Children**

Review public benefits and Medicaid programs for children. Learn tips on navigating clients through the various programs and bypassing wait lists.

Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX

1:20 pm  
0.50 hr

**Divorce and Disability / Child Support**

An overview of support issues in divorce cases involving children and spouses with disabilities and the use of SNTs to protect benefits.

Keith D. Maples, Noelke Maples St. Leger Bryant, LLP - Austin, TX

1:50 pm  
0.75 hr


**A View from the HHSC**

A discussion of current issues and trends from the Texas Health and Human Services Commission.

Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX

2:35 pm

**Break**

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| <p>2:45 pm<br/>0.50 hr<br/>0.25 hr ethics</p> | <p><b>Protecting and Maximizing Public Benefits (Advanced)</b></p> <p>Discuss recent changes in laws and policies affecting benefits. Hear the latest developments and strategies for protecting and maximizing benefits.</p> <p>H. Clyde Farrell, Farrell &amp; Johnson PLLC - Austin, TX</p>  |
| <p>3:15 pm<br/>1.00 hr<br/>0.50 hr ethics</p> | <p><b>New POMs Clarification on the Fee Approval Requirements</b></p> <p>Learn more about POMS GN 03920.007 and the questions it raised, the legislative and administrative advocacy that followed its release, and what may happen now that it has been archived.</p> <p>Stacy Braverman Cloyd, National Organization of Social Security Claimants' Representatives - Washington, DC<br/>Constance R. Somers, Law Office Of Constance Somers - San Antonio, TX</p>   |
| <p>4:15 pm<br/>0.50 hr<br/>0.25 hr ethics</p> | <p><b>Nuts and Bolts of Preparing a Fee Petition for Social Security Representation</b></p> <p>After winning the case there are additional steps needed to finally get paid. Learn what is required in the client contract, how our first draft is prepared, terms to avoid, addressing the Judge's concerns, getting clients assistance, where to send the completed fee petition, expected time needed for follow-up, and additional insight.</p> <p>John Driskill, Morgan &amp; Weisbrod LLP - Dallas, TX<br/>Tasha Dansby Roberts, Morgan &amp; Weisbrod LLP - Dallas, TX</p> |
| <p>4:45 pm</p>                                | <p><b>Adjourn to Reception</b></p> <p>Join program faculty and attendees for drinks and hors d'oeuvres.</p>   |
|   | <p><b>Thank You to Our Reception Sponsor<br/>Frost Wealth Advisors</b></p>   |

**Friday Morning, Feb. 14, 2020**

**Presiding Officer:**

**Peyton Taylor**, Texas Bankers Association - Austin, TX

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|----------------------------|---|
| <p>8:00 am</p>             | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>  |
| <p>8:15 am<br/>0.75 hr</p> | <p><b>Working with the Social Security Administration: Appeals, Overpayments and ISM Charges</b></p> <p>Gain a better understanding of the timeline and process of appeals, options for managing overpayments, and strategies to eliminate in-kind support and maintenance charges.</p> <p>Alison Packard, Packard Law Firm - San Antonio, TX</p> |

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| <p>9:00 am<br/>0.50 hr</p>                     | <p><b>IRAs and SNTs</b></p> <p>Many parents' IRAs and 401(k)s are a significant part of their estate, and they may want to leave it to their child with disabilities to provide for his or her future care. Explore various issues that arise when incorporating retirement benefits into special needs planning, including taxation and SSI/Medicaid disqualification. Whether the distribution is outright, over a period of years, or to a conduit or accumulation special needs trust, proper planning can maximize the benefit to the child with special needs.</p> <p>Tresi Weeks, The Weeks Law Firm, PLLC - Plano, TX</p>                                      |
| <p>9:30 am<br/>1.00 hr</p>                     | <p><b>Interplay of Guardians and Trustees In and Out of Court + Administering SNTs Established in Other States and Other SSA Regions (Case Studies)</b></p> <p>Complexities abound with SNTs involving multiple decision makers and multiple states. Discuss creative solutions using ABLE accounts, automated distribution plans facilitated by True Link, experienced corporate trustees, and pooled trusts.</p> <p>Moderator:<br/>Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX</p> <p>Panelists:<br/>Haley D. Greer, The Arc of Texas - Austin, TX<br/>Nancy Sosa, Cadence Bank - Austin, TX<br/>Peter J. Wall, True Link Financial - Denver, CO</p> |
| <p>10:30 am</p>                                | <p><b>Break</b></p>  |
| <p>10:45 am<br/>1.00 hr</p>                    | <p><b>SSA Regional Trust Leads Presentation Regarding SSI Trusts</b></p> <p>A discussion with the Regional Trust Leads on the regional centralization of the SSI trust review business process, including 2019 POMS updates. In addition, hear about drafting errors, including case examples.</p> <p>Amanda Flood, U.S. Social Security Administration - Dallas, TX<br/>Dana Marquez, U.S. Social Security Administration - Dallas, TX</p>  |
| <p>11:45 am<br/>0.50 hr<br/>0.25 hr ethics</p> | <p><b>Noncitizens and Public Benefits</b></p> <p>Learn about noncitizens' eligibility for public benefits and how various statuses may affect sponsors, recipients and family members in a "deterrence only" policy environment.</p> <p>Terry Lynn Garrett, The Garrett Law Firm, PLLC - Austin, TX<br/>Melanie Ibarra, The Garrett Law Firm, PLLC - Austin, TX</p>  |
| <p>12:15 pm</p>                                | <p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>   |

## Friday Afternoon, Feb. 14, 2020

### Presiding Officer:

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

### LUNCHEON PRESENTATION

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|-----------------------------------|---|
| <p>12:35 pm<br/>0.50 hr</p>       | <p><b>Quality of Life Tools: Bloom Where You Are Planted</b></p> <p>The goal of quality of life considerations is to help make your clients/beneficiaries feel valued and to appreciate life despite their challenges. In most cases, distribution requests between beneficiaries and professionals are framed as necessities or needs rather than improving their quality of life. Learn tools and specific recommendations of large and small distributions for evaluating requests in part through quality of life considerations.</p> <p>Leah Cohen, arrangeCARE - Austin, TX</p> |
| <p>1:05 pm</p>                    | <p><b>Break and Vendor Announcements</b></p>  |
| <p>1:35 pm<br/>0.75 hr</p>        | <p><b>Powers of Appointment in Special Needs Planning: Mystical Authority Made Magical!</b></p> <p>Define the role and use of powers of appointment in the context of public benefits, tax, and dispositive wishes so that problems can be solved rather than created.</p> <p>G. Mark Shalloway, Shalloway &amp; Shalloway - West Palm Beach, FL</p>  |
| <p>2:20 pm<br/>0.50 hr</p>        | <p><b>Home Sweet Home?</b></p> <p>Hear common considerations and unusual issues surrounding the ownership and maintenance of a house for a trust beneficiary.</p> <p>Elisa Dillard Rainey, Rainey &amp; Rainey, Attorneys at Law LP - Waco, TX<br/>Nancy Sosa, Cadence Bank - Austin, TX</p>  |
| <p>2:50 pm<br/>1.00 hr ethics</p> | <p><b>Special Needs Trusts Ethics Jeopardy</b></p> <p>Cover various categories of ethical issues SNT attorneys, using the Texas Disciplinary Rules of Professional Conduct, where the answers are in the form of questions. Get ready to volunteer to play Special Needs Trusts Ethics Jeopardy!</p> <p>Mary Alice Jackson, Boyer &amp; Boyer P.A. - Sarasota, FL<br/>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL</p>   |
| <p>3:50 pm</p>                    | <p><b>Adjourn</b></p>   |