UT LAW CLE | THE UNIVERSITY OF TEXAS | TEXAS LAW

21ST 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

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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 Lesher, The Law Office of Christina Lesher, 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:
Derick 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®), 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**

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

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

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We are here to support our community. Information and updates regarding our conferences will be posted at 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.

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Field of Study: Specialized Knowledge and Taxes

Delivery Method:Group-Live

Program Level: Intermediate and Advance

Preparation and Prerequisite: None

MCLE

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).

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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.

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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.

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❑ 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 $ ________

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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 $ ________

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

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SN25

AUSTIN

February 6–7, 2025

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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
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.

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