20th Annual Changes and Trends Affecting Special Needs Trusts
February 15-16, 2024 • DoubleTree by Hilton Hotel Austin • Austin, TX
February 15-16, 2024 • Live Webcast

Thursday Morning, Feb. 15, 2024

Presiding Officer:
Bryn A. Poland, Mayo & Poland PLLC - Baytown, TX

8:00 am In Austin Only	**Registration and Exhibit Hall Opens** Includes continental breakfast.
8:35 am	**Welcoming Remarks**
8:45 am 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 am 1.00 hr ethics	**The Ethics of SNT Administration** In this session, the presenters review the decisions a trustee makes in administering a trust, the standards a trustee should use in making decisions, and a framework to make sure the trustee's decisions and actions are ethical. 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
10:45 am	**15-Minute Break**
11:00 am 0.75 hr 0.25 hr ethics	**Redlining the Basics with 1st Party SNT** Dissect a basic first-party SNT to highlight best practices with various key provisions, a walk-through relevant POMS provisions, and other practical tips in evaluating the use(s) of a first-party SNT. John B. Henry III, Law Office of John B. Henry, III, PLLC - Bellaire, TX
11:45 am 0.75 hr 0.25 hr ethics	**Maximizing Public Benefits: Overview** Planning for public benefits can be daunting. This presentation walks attendees through the paper, with stops along the way for basics, practice tips, and hidden gems in the paper. Christina Lesher, The Law Office of Christina Lesher, PC - Houston, TX
12:30 pm In Austin Only	**Pick Up Lunch (in Austin)** Included in registration.

Thursday Afternoon, Feb. 15, 2024

Presiding Officer:
John B. Henry III, Law Office of John B. Henry, III, PLLC - Bellaire, TX

LUNCHEON PRESENTATION

Thank You to Our Luncheon Sponsor
American National Bank of Texas - Trust Dept.

1:00 pm
0.75 hr ethics

Empowering Individuals with Special Needs: Harnessing AI in the Legal Representation of Clients with Special Needs

The potential for AI in the special needs community is truly life-changing. AI has the potential to significantly increase inclusivity and independence and to transform the way attorneys and advocates communicate and interact with clients with special needs.

Melissia Riddle, Hardie Alcozer - Austin, TX

1:45 pm

15-Minute Break

2:00 pm
0.75 hr ethics

What We Say and Do Matters: People First or Identity First, Appropriate Behavior of Us and our Staff

Discuss the various approaches to ensuring that clients with disabilities are treated with the respect and dignity they deserve and is ethically required. Gain insight on how to approach family members, clients, and other professionals as well as practical dos and don'ts when handling cases where the client has limitations.

Amanda E. Carter, Matthew Harris Law, PLLC - Lubbock, TX
Jennifer L. Coulter, Townsend Allala, Coulter & Kludt, PLLC - El Paso, TX

2:45 pm
0.50 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

3:15 pm

15-Minute Break

3:30 pm 0.50 hr	**Unraveling the Nuances of ABLE Accounts with Real-Life Examples** Learn how to creatively use ABLE accounts through real world examples alongside SNTs. Explore the nuances of ABLE accounts, the changes coming, how to use an ABLE account to enhance quality of life and encourage saving, while protecting benefits. Ashley Melero, The Arc of Texas - Austin, TX Peter J. Wall, True Link Financial - Denver, CO
4:00 pm 1.00 hr 0.25 hr ethics	**Medicaid in Depth – the Battle to Preserve Benefits** In The Trenches: The battle to establish and maintain Medicaid benefits happens not only at the law office, but also at the client's home, with financial planners, and corporate trustees. Gain insight into how parents, professionals, and family members protect and fight for Medicaid eligibility for the most vulnerable population, while focusing on the day-to-day care needs of the individual. Moderator: Christina Lesher, The Law Office of Christina Lesher, PC - Houston, TX Panelists: Haley D. Greer, The Arc of Texas - Austin, TX Laurie Mann, Cedar Park, TX Allison Schaberg, Consolidated Planning Group - Sugar Land, TX
5:00 pm In Austin Only	**Adjourn to Reception (5:00 p.m. - 6:00 p.m. CT)** Join program faculty and attendees for drinks and hors d'oeuvres.
	Thank You to Our Reception Sponsor **Legacy Enhancement Trust**

Friday Morning, Feb. 16, 2024

Presiding Officer:
Margaret Svoboda, American National Bank of Texas - Rockwall, TX

8:00 am In Austin Only	**Conference Room and Exhibit Hall Opens** Includes continental breakfast.
8:30 am 0.75 hr	**A Quick Trust Tax Tutorial** You don’t need to be a tax lawyer, but every special-needs planner should know at least the basics of trust income tax. Explore key rules in an accessible way for non-tax practitioners. Eric Reis, UNT Dallas College of Law - Dallas, TX

9:15 am 0.75 hr 0.25 hr ethics	**Maximizing Public Benefits: New Developments** A discussion of new developments in the law of disability benefits, and of recent updates to this paper, that trustees of Special Needs Trusts need to know about. H. Clyde Farrell, Farrell & Johnson PLLC - Austin, TX
10:00 am	**15-Minute Break**
10:15 am 1.00 hr	**SSA Regional Trust Leads Presentation Regarding SSI Trusts** For trusts established with the assets of an individual on or after 01/01/00, the Social Security Administration follows specific policy regarding disbursements from the trust, earnings on and additions to the trust, and posteligibility changes in the trust's resource status. This session provides a summary of the policy for trust principal that is not a resource and for trust principal that is a resource, including examples. Please submit your questions in advance to ConferenceQA@utcle.org. Moderator: Pi-Yi Mayo, Mayo & Poland PLLC - Baytown, TX Panelist: Amanda Flood, U.S. Social Security Administration - Dallas, TX
11:15 am 1.00 hr 0.50 hr ethics	**Supported Decision-Making Concepts in a SNT** States are passing Supported Decision-Making laws across the country to assist persons with disabilities to be more engaged in decision making that affects their lives and supports. Join a panel of practitioners who cover the basics of Supported Decision-Making and how to incorporate Supported Decision-Making concepts in a special needs trust. Also, explore challenges a trustee might encounter while working with a Supported Decision-Making agreement in meeting their fiduciary duties. Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA Lindsey S. Drake, Drake Law, PLLC - Austin, TX Haley D. Greer, The Arc of Texas - Austin, TX Peter J. Wall, True Link Financial - Denver, CO
12:15 pm In Austin Only	**Pick Up Lunch (in Austin)** Included in registration.

Friday Afternoon, Feb. 16, 2024

Presiding Officer:
Nancy Sosa, Cadence Bank - Austin, TX

LUNCHEON PRESENTATION

Thank You to Our Luncheon Sponsor
Happy State Bank & Trust Co.

12:45 pm
0.75 hr

Overcoming School Challenges – A Collaborative Approach

Having school-aged clients with a disability can provide unique challenges in their care. Discuss these challenges and potential solutions from the collaborative perspective of an education consultant and a nurse case manager.

Ann Koerner, National Care Advisors - Morgan Hill, CA
Kristen Sabo, National Care Advisors - Philadelphia, PA

1:30 pm

30-Minute Break and Exhibitor Announcements

2:00 pm
0.50 hr

Leaving Non-IRA Retirement Benefits to SNTs

Many clients leave retirement benefits to an SNT for a disabled child. We know the rules for IRAs and 401(k)s, but this presentation covers the different rules for other retirement plans. Learn about the specific requirements for naming an SNT as a beneficiary of Teacher Retirement System (TRS), Military Survivor Benefit Program, and other government pensions.

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

2:30 pm
0.75 hr

Common Benefits Termination Problems

Public Benefit programs for the disabled such as Medicaid and Supplemental Security Income are income and resource-tested, meaning that the disabled individual must also maintain eligibility based on specific income and resource criteria to continue receiving benefits. When changes to income and resources occur, the disabled individual (or their representative payee) may receive letters from Social Security and/or HHS notifying them that their benefits are being terminated, and worse, that an overpayment has occurred and they must return some of the benefits paid to them. Practitioners in special needs and elder law learn the common causes for changes to a disabled individual's income and resources that cause cessation of benefits and overpayments; how to respond to Social Security when a cessation and overpayment notice is received; tools for re-establishing eligibility for benefits; and how to properly advise fiduciary caregivers and supporters of the disabled who are involved in the process (guardians, trustees, and representative payees).

Adriane S. Grace, Law Office of Adriane S. Grace, PLLC - Plano, TX

3:15 pm 0.75 hr	**Welcome Home! Best Practices with Special Needs Trust Real Estate Ownership** Trustees of special needs trusts have unique considerations when purchasing and owning real property. Learn about the pros and cons of owning real estate in a trust. Kristen Quinney Porter, Kristen Quinney Porter, LLC - New Braunfels, TX
4:00 pm	**Adjourn**