

# STETSON UNIVERSITY

Center for Excellence in Elder Law

ACCESS AND JUSTICE FOR ALL<sup>®</sup>

## 2011 Special Needs Trust The National Conference Special Needs Trusts Friday, October 21, 2011

<b>8-8:45 a.m.</b>	<b>Registration</b>	<b>Buena Vista</b>
<b>8:45-9 a.m.</b>	<b>Welcome and Announcements</b> <i>Rebecca C. Morgan</i>	<b>Grand Ballroom</b>
<b>9-9:50 a.m.</b>	<b>Update from SSA</b> <i>This session will provide an update from the SSA by Eric Skidmore, the Team Supervisor of Deeming, Income, Resources, and State Supplementation Team with the Office of SSI and Representative Payee Policy Eric R. Skidmore (by video conference)</i>	<b>Grand Ballroom</b>
<b>9:50-10:10 a.m.</b>	<b>Break and Visit Sponsors and Exhibitors</b>	<b>King Charles</b>
<b>10:15-11:05 a.m.</b>	<b>Breakout Sessions</b> <b>SNTs and Retirement Benefits</b> <i>This session will explore how various retirement benefits interface with first-and third-party SNTs, and propose discussion language to be included in the trust documents and beneficiary designations, should a person on needs-based benefits be the owner or beneficiary of a retirement benefit. Laurie Hanson</i>	<b>North Terrace</b>
	<b>Trust Protectors: Should You Use Them?</b> <i>This session will provide an analysis of options available when considering the use of a trust protector. Topics include how to decide what powers to grant to the trust protector, who should serve, and how to design the trust protector provisions to accomplish the objectives (while not needlessly exposing the trust protector to liability). Craig C. Reaves</i>	<b>South Terrace</b>
	<b>The Affordable Care Act: What Attorneys and Trustees Need to Know</b> <i>The ACA makes many changes to Medicaid. This session will discuss those changes, what the impact will be on SNT beneficiaries and their families, and what SNT practitioners need to know about these upcoming changes. William Browning and Mary Alice Jackson</i>	<b>Del Prado</b>
<b>11:10 a.m.-12 p.m.</b>	<b>Breakout Sessions</b> <b>Family Catastrophes, Trustees, and Trust Administration</b> <i>Life happens. Natural disaster and a whole host of things may happen. The SNT attorney needs to be aware of, and prepare for, the variety of catastrophes that</i>	<b>North Terrace</b>

*may occur to the family of an SNT beneficiary, including a parent losing a job or unemployment benefits, a parent falling ill, the home being foreclosed on, an upside-down mortgage, and more. This session will offer various case studies of family catastrophes, the impact on the trustees, trust administration and the beneficiary, and possible solutions.*

*Patricia F. Sitchler*

**When the Trustee Hires Others:**

**South Terrace**

**Thinking About and Drafting Employment Agreements**

*This session will examine the issues that must be covered when a trustee hires others to provide services to a beneficiary, including background checks, insurance, services, taxes, liability to the trustee and others and considerations in drafting these agreements.*

*Lauchlin Waldoch*

**SNTs and the Grantor Trust Rules**

**Del Prado**

*This session will cover the grantor trust rules including how grantor trust rules work with third-party trusts, what it actually means to be QDTs, the tax treatment, the IRS allowing continued tax deferral for IRA transferred to an SNT and the PLR on the first-party SNT as the owner of an IRA.*

*Lawrence Eric Davidow*

**12-1 p.m.**

**Networking Lunch**

**Poolside**

*Rain Location: Grand Ballroom*

**1-1:15 p.m.**

**Visit Sponsors and Exhibitors**

**King Charles**

**1:15-2:05 p.m.**

**Breakout Sessions**

**Minor Beneficiaries, Growing Up and Going to**

**North Terrace**

**Work: Child Benefits, Aging Out and Working Beneficiaries**

*This session will examine the issues presented, the changes in programs and what the SNT attorney needs to know.*

*David J. Lillesand*

**The Changing Law and Regulations:**

**South Terrace**

**State Statutes and Regional Decisions**

*This session will provide an overview of the regional decisions, how what happens in one region seems to “creep” over into other regions, what statutes are being enacted, the pros and cons of those statutes, and what the SNT practitioner and Trustee needs to know about these changing laws and regulations.*

*Scott C. Suzuki, Patricia F. Sitchler and Jason A. Frank*

**The Role of Life Care Plans in SNTs and  
MSA Calculations**

**Del Prado**

*Life care plans play an important role in the settlement of a personal injury case, but the plans also have an important role in the SNT administration and the calculations for MSAs. This session will examine that role and how the drafting attorneys and the trustees must keep the life care plans in mind.*

*Janet L. Lowder*

**2:10-3 p.m.**

**Breakout Sessions**

**Drafting a Medicare Set-Aside Subtrust into the SNT**      **North Terrace**

*SNT attorneys need to pay careful attention when Medicare Set Aside is created for a beneficiary receiving means tested public benefits. This session will look at drafting considerations when you need to incorporate a MSA allocation as part of a first party SNT.*

*Bradley J. Frigon*

**Using Technology to Enhance Independence,  
Safety and Quality of Life for Beneficiaries**

**South Terrace**

*There are an increasing number of ways that technology can be used for beneficiaries to enhance independence, safety and overall quality of life. How does a Trustee know about the technology, and more importantly, how is technology paid for? This session will look at a number of different approaches and how the Trustee can learn more.*

*G. Mark Shalloway*

**Splits, SNTs and Public Benefits:**

**Del Prado**

**An Overview of Special Needs Planning in Family Law**

*This session will provide an overview of the issues that may arise in divorce cases in which a party has special needs or disabilities, and will discuss advocacy opportunities associated with alimony, child support, and long-term care.*

*Scott C. Suzuki*

**3-3:30 p.m.**

**Break and Visit Sponsors and Exhibitors**

**King Charles**

**3:30-4:30 p.m.**

**Tips and Trends in the SNT Practice—  
The 2011 Update**

**Grand Ballroom**

*This session will look at the past year's developments, both through case law, statutes, regulations and administrative developments, and offer tips for the SNT practitioner and Trustee in dealing with these trends.*

*Robert B. Fleming*