



DANNA MCKITTRICK, P.C.
ATTORNEYS AT LAW

Planning for the Future

2017 Special Needs Community Newsletter

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It's Official: ABLER Accounts Now Available in Missouri & Illinois

After much anticipation, Achieving a Better Life Experience (ABLE) accounts may now be opened in both Missouri (where they are called STABLE accounts) and Illinois.

These new accounts are designed for individuals with disabilities who developed their disability before age 26. Individuals who meet the age criteria and are currently receiving Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) benefits are automatically eligible for an ABLER account. Individuals not currently receiving benefits but who meet the age requirement can open an ABLER account if they satisfy SSI criteria for "functionality limitations."

The ABLER Act allows an individual with a disability – and his or her family – to put funds into a tax-advantaged account. ABLER account funds may be used for qualified expenses of living with a disability. In addition to medical expenses, funds may be used for basic living expenses, education, housing, transportation, employment, assistive and personal support services, health care, legal fees, health and wellness, financial management, and administrative services.

Earnings on savings are tax-deferred and tax-free when used to pay for qualified expenses. Subject to limitations,

ABLE account balances and distributions do not affect needs-based financial aid such as Medicaid or SSI as long as the balance is less than \$100,000. If the account exceeds \$100,000, SSI benefits will be suspended. Once the balance is below the \$100,000, SSI benefits will resume. Medicaid benefits are suspended in the event the account is greater than \$300,000.

Funds may be withdrawn from an ABLER account through electronic transfer or loaded onto an ABLER Card (a debit card that can be used anywhere Mastercard is accepted). ABLER cards do not pull funds from an ABLER account; you choose the amount you want to load from your account onto the card. Companion cards for parents or guardians are also available. Online ABLER Card accounts can be set up to manage card funds, track spending history, add notes regarding purchases for future reference, and categorize purchases as qualified or non-qualified.

To open a Missouri STABLE account or for more detailed information, go to www.moable.com.

To open an Illinois ABLER account or for more detailed information, go to <https://savewithable.com/il/home.html>. ♦

Questions? Call 314.726.1000

www.dannamckittrick.com

Legislation: Understanding the Special Needs Trust Fairness (SNTF) Act

With the passing of the Special Needs Trust Fairness (SNTF) Act, individuals with a disability under the age of 65 may establish a first party special needs trust on their own behalf. Prior to the SNTF Act, special needs trusts could only be established by a parent, grandparent, legal guardian, or court.

Special Needs Trusts

Special needs trusts are established for the benefit of individuals with a disability to supplement the financial assistance they receive from government programs, namely Medicaid. Special needs trusts are valuable tools for maintaining Medicaid and Supplemental Security Income (SSI) eligibility, as funds held in a special needs trust are not considered when determining an individual's eligibility for financial assistance under such programs.

Eligibility

To establish a SNT on their own behalf, the individual must be capable of making financial decisions and be under the age of 65. If eligible, individuals with disabilities

enjoy increased autonomy and self-direction under the SNTF Act, especially in cases where living relatives or guardians are unable or unwilling to establish a trust on the individual's behalf.

Medicaid Payback Provision

There are two general categories of special needs trusts: first party trusts and third party trusts. A first party special needs trust is funded with assets owned by the individual with a disability, oftentimes by funds received through a personal injury settlement or inheritance. A third party trust is established on behalf of an individual with a disability, but funded by a third party, such as a parent or legal guardian.

Under the SNTF Act, only first party special needs trusts must include a Medicaid payback provision. A Medicaid payback provision grants the state the right to recover an amount equal to the benefits received during the individual's lifetime from any funds remaining in the trust upon the individual's death. ♦

Medicaid Eligibility Expands for Elderly, Blind, Disabled

The elderly, blind, and individuals with disabilities will now find it a little easier to qualify for Medicare benefits - and to keep slightly more of their savings.

With the passing of Missouri House Bill 1565, which amended section 208.010 of the Missouri Revised Statutes, beginning in fiscal 2018 (effective July 1, 2017) the asset limit to qualify for Medicaid coverage increased to \$2,000 for individuals and \$4,000 for married couples living together. The asset limits will continue to increase through fiscal 2021 until asset limits reach \$5,000 and \$10,000, respectively.

By increasing the asset limits, by the end of 2021 an additional 10,000 Missourians will be eligible for Medicaid benefits—including in-home and community-based services. In addition to expanded coverage, the increased asset limits allow for current beneficiaries to hold more funds in savings without compromising Medicaid eligibility.

Previously, asset limits were capped at \$1,000 for individuals and \$2,000 for married couples living together. At such strict limits, beneficiaries are not only limited in their ability to work and live independently, but also in their ability to plan for future health needs or emergencies. While the increase is small, it represents the first increase in the limit for Missouri residents since 1967.

To ensure asset limits remain at appropriate levels, cost-of-living adjustments will occur each year beginning in fiscal 2022. ♦

Important Tips to Consider When Planning for the Future: Care Plans and Appointed Successor Guardian

Care Plans

A care plan is a document you prepare that contains information about how to best care for your child's daily needs. It may include a list of your child's medications and the times each is given, particular foods for your child to avoid, how often your child gets physical therapy, or what to do for your child in an emergency.

When you have a child (or other family member) with special needs, a care plan is an essential tool. A care plan conveys vital information to caretakers. This may include doctors, nurses, therapists, emergency medics, teachers, child care providers, respite providers, grandparents, friends, and neighbors.

In the event you are no longer able to care for your child and a legal guardian must step in, the care plan can be invaluable to the guardian. Information regarding medications, specialists, and even night time routines can give the guardian necessary information to provide a sense of comfort during a difficult time for the child.

If you would like a copy of a care plan for your child, please contact our estate planning team at estateplanning@dmfirm.com.



EMERGENCY INFORMATION FORM FOR CHILDREN OR ADULTS WITH A DIAGNOSIS

BASIC INFORMATION	
Child's Name:	Birthdate: Nickname:
Home Address:	
Home Phone:	Emergency Contact Names & Relationship:
Primary Language	
Phone Number(s):	
PHYSICIANS	
Primary Care Physician/Pediatrician:	Emergency (Exchange) Phone:
	Fax:
Current Specialty Physician:	Emergency Phone:
Specialty:	Fax:
Current Specialty Physician:	Emergency Phone:
Specialty:	Fax:
Closest Preferred Emergency Room:	Pharmacy & Phone:
DIAGNOSES/PAST PROCEDURES/PHYSICAL EXAM	
1. _____	Baseline physical findings: _____
2. _____	_____
3. _____	Baseline vital signs: _____
4. _____	_____
Synopsis: _____	Baseline neurological status: _____
_____	_____
_____	_____

Appointing a Successor Guardian

Appointing a guardian is a normal part of the process in estate planning, especially for parents of children with a disability. However, it is important for a successor guardian to also be named in the Last Will and Testament as well. A successor guardian is named as a replacement guardian in the event the appointed legal guardian dies or is unable (or unwilling) to serve as guardian.

A successor legal guardian cannot be named through the probate court. A guardian, however, can inform who to contact if personally unable to act as guardian. In addition, once appointed, a guardian should re-execute his or her own Last Will and Testament to appoint a successor guardian.

It is important to note that if no successor guardian is named or no one steps forward to become the successor guardian after the guardian's death or incapacitation, the public administrator will become the successor guardian.

Spotlight

I Can Go to College: The SUCCEED Program at University of Missouri–St. Louis

113 Lucas Hall
1 University Boulevard
St. Louis, MO 63121-4400
314.516.5911
succeed@umsl.edu
<https://www.facebook.com/umslsucceed/>
<http://www.umsl.edu/succeed/>

For many students with disabilities, high school is the end of their educational journey. However, some students in the St. Louis area are continuing their education through the **SUCCEED** program at the University of Missouri–St. Louis (UMSL).

SUCCEED is a two-year (four semester) residential, inclusive program located on the UMSL main campus. The program is open to students with intellectual and developmental disabilities ages 18–25. Students live on campus and take college courses each semester. The goals of the program are to help students become independent through “academics, vocational experience, and residential/student life.”

Each SUCCEED student takes four courses per semester: three SUCCEED electives and one UMSL course. Accommodations and modifications are provided as needed through both SUCCEED and UMSL.

SUCCEED students also gain vocational experience in areas of their interest through volunteer opportunities, internships, and paid employment) during three of their four semesters.



Upon successful completion of the SUCCEED program, students will receive a Chancellor’s Certificate.

For more information on the SUCCEED program, go to <http://www.umsl.edu/succeed/>.

SUCCEED Summer Camp

SUCCEED offers a summer experience for students ages 17–22. **SUCCEED Summer Enrichment Camp** is a residential camp on the UMSL campus. Camp is held in June and lasts from Monday morning through Thursday at 6:00 p.m.

Applications are due in early spring. Summer Camp Vouchers are available through The Recreation Council of Greater St. Louis (<http://www.plboard.com/a/SPEC10/applications.htm>).

For more information on the SUCCEED Summer Enrichment Camp, go to <http://www.umsl.edu/succeed/summercamp.html>.



DANNA MCKITTRICK, P.C.
ATTORNEYS AT LAW

7701 Forsyth Blvd., Ste. 800
St. Louis, MO 63105

Misty focuses her practice on estate planning and administration, including probate. She counsels individuals, families, and business owners in the creation of trusts, wills, financial and health care powers of attorney, guardianships and conservatorships.

Misty A. Watson

314.889.7155 (p)

314.725.6592 (f)

mwatson@dmfirm.com

[@mistywatsonesq](https://twitter.com/mistywatsonesq)



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