

# THE B&B ALERT

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**BEGLEY &  
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## ***SPECIAL NEEDS TRUST CONFERENCE STETSON LAW SCHOOL***

***By Thomas D. Begley, Jr.***

On October 18, Tom Begley, Jr., attended the Special Needs Trust Conference held at Stetson University Law School in Gulfport, Florida. The Conference was an advanced seminar on Special Needs Trusts. These trusts are used to enrich the quality of life of recipients of public benefits such as SSI and Medicaid. These recipients are not allowed to have assets in excess of \$2,000. Income received by these public benefits recipients generally reduces or even eliminates their public benefits. The solution is a Special Needs Trust. Trusts are often established by parents for disabled children. They can also be established with the funds of the disabled person, for example, when a disabled person receives a settlement from a personal injury claim or an inheritance or even equitable distribution or alimony. The Stetson Conference had classes on a number of interesting topics:

- Drafting SNTs,
- Taxation of SNTs,
- SSI rules concerning SNTs,
- SNT distribution clauses,
- Health Insurance and COBRA issues,
- Testamentary trusts and the elective share or augmented estate statutes, and
- SNT ethical issues

## **SPECIAL NEEDS ALLIANCE ANNUAL MEETING**

At the conclusion of the Special Needs Trust Conference, approximately thirty members of the Special Needs Alliance held its First Annual Education Conference and Business Meeting at Stetson. The Alliance is composed of outstanding attorneys throughout the country. In most states membership is limited to one attorney. The goal of the alliance is to be the premier provider of Special Needs Trust services in the United States. Members assist in the drafting of third party and self-settled Special Needs Trusts. They work closely with members of the disability community and with

Personal Injury attorneys and Structured Settlement companies in mediating personal injury settlements, drafting trust documents, applying for public benefits for disabled persons, estate planning for disabled persons and their families, and Medicaid planning for disabled persons. Most members also serve as trustees of special needs trusts when called upon to do so. Currently, the Alliance has members in thirty-six states and will likely expand to approximately forty-five states in the near future.

**The website is [www.specialneedsalliance.com](http://www.specialneedsalliance.com)**

One of the goals of the Alliance is to provide educational programs to bring members the latest information on laws, cases and other latest developments in the area of Special Needs Trusts. At the conference educational programs were presented on:

- Working with Personal Injury attorneys,
- Medicare Set-Aside Trusts,
- Servings as fiduciary

The Alliance is seeking to develop very high standards for all members. A Systems and Standards Committee has been appointed with the goal of developing uniform national standards for its members. Best Practices will also be developed for members to follow. The Alliance is also attempting to develop systems for use by its members. These will not ensure efficiency but also uniformity and the highest quality.

The Alliance has Marketing and Selling Committees and is working with a marketing firm to develop a marketing plan and materials and to contact Personal Injury firms, Structured Settlement firms, and Disability Organizations. The initial response has been very positive as those contacted have indicated a need for a national organization of this type.

**The Fiduciary Administration Committee has developed a system for trust administration.** Each member received a binder with a hard copy of the system and will receive a disk with an electronic version of the system for use by members in their own offices. The system was prepared by the Fiduciary Administration Committee.

Membership is limited to one lawyer in each state except for very large states such as California, Pennsylvania and Texas where it is impossible for one attorney to adequately serve as the entire state. To be accepted for membership, an application form must be completed and approved by the Membership Committee.



Begley & Bookbinder, P.C. is a law firm that concentrates on Estate & Tax Planning, Elder Law, Estate Administration, Guardianship and Will Contests, Real Estate, as well

as Medicaid Planning. We are based in Moorestown, NJ, with offices in Stone Harbor, Lawrenceville & Philadelphia, PA.

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Our web site contains a library of firm newsletters, articles, on-line forms for Medicaid, Estate Planning and Guardianship, as well as our upcoming speaking engagements, our products, and other relevant information.

**If you are interested in having an Elder Law Attorney from Begley & Bookbinder speak at an event, please contact Laura Dickens at (856) 787-4233.**

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