

Jolene Blackbourn

Special Needs Planning



Bart Stevens

SPECIAL NEEDS PLANNING, LLC

Established 1993

Information/Educational Guide

Member

Special Needs Planning Institute

a 501(c)3 non-profit

www.snpinst.org

4652 Marellen Place
La Crescenta-Montrose, CA 91214
Phone: (818) 473-5325
Email: estates@joleneblackbourn.com

4121 E. Palo Brea Lane
Cave Creek, Arizona 85331
Phone: 480-991-0909 - Toll Free: 888-447-2525
Email: info@bssnp.com Fax: 480-556-0714
www.BSSNP.com

The Need to Plan for Today and Tomorrow

- Special Needs Planning is a greater necessity today than ever before.
- Your written plan plays an important role in the current daily life of the person with special needs and when the primary care providers are no longer able to care for them in the future.
- You wouldn't go out for an evening and not make sure that whoever is caring for your loved one with special needs knows what to do, how to do it, and how to reach you in an emergency.
- What would happen today if you were unable to provide care for an extended period of time or permanently?
- Without detailed information about the care of the person with special needs or the proper legal documents, care givers are going to have a difficult time trying to figure things out.
- Advances in medical science and social inclusion for people with developmental disabilities have increased their life expectancy resulting in children typically surviving their parents.
- The future guardianship or conservatorship of your child with special needs is a critical planning issue that should be discussed now. *Parents no longer have legal authority on behalf of their child, even though they may have special needs.*
- If family members do not make provisions for the supervision, care and security of the person with special needs, the courts will appoint guardians, trustees and decide the distribution of assets.

“On a personal note, I want to thank you for all of the guidance that you have given me over the years. I also want to be sure that you are aware that you have made a big difference in the lives of so many Families with a loved one with disabilities and their Special Needs Planning. Your dedication to this issue has helped improve the lives of the most vulnerable in our world.” *Brad Doyle*

What Will Happen If You Don't Plan

No Wills – No Special Needs Trust – No Letter of Intent

No Government Benefit Planning – No Budgeting

The Good News – The government has a plan for you.

The Bad News – The government has a plan for you.

- Guardians, Trustees and Conservators will be appointed by the State in which they live.
- Your estate will be distributed according to the laws of the State.
- If assets received in the name of the person with special needs exceed \$2000, they will be ineligible for SSI (Social Security Insurance) cash benefits and Medicaid.
- Assets received in the name of the person with special needs are subject to “Payback” to Medicaid for healthcare benefits previously received.
- Medicare may be the only healthcare benefit the person with special needs receives which does not offer the same benefits as Medicaid. For example, there is no prescription benefit.
- Assets left to others to care for the person with special needs could be lost to creditors, litigation, divorce or their death. There is no guaranteed security or protection.
- Support provided by others for the person with special needs could be considered income and/or assets reducing or terminating SSI and Medicaid.
- Not all assets pass through a Will. If you fail to make the necessary beneficiary changes and designations, your life insurance, retirement plans and annuities could pass directly to your person with special needs in his or her name resulting in termination and payback for government benefits.
- Without written information explaining the day-to-day care needs of the person with special needs and what your goals and wishes for their future care are, providers will only be able to do what they *think* you want not necessarily *what* should be done.

[niece. P & Past President of the Greater Phoenix Autism Society](#)

“Don't be afraid of planning...be afraid if you don't!”

Key Points of Special Needs Planning

- Special Needs Planning - start as soon as possible to avoid important decisions being made for the individual with disabilities by government agencies, the state and the courts.
- Lifestyle preferences, legal issues, financial security and access to government benefits should all be considered during the planning process.
- A Special Needs Trust, prepared by a professional with experience in estate and future needs planning for persons with disabilities, can preserve government benefits and avoid the loss of assets intended for the person with disabilities.
- A Letter of Intent creates a record of critical information about the day-to-day care needs, abilities, diet, activities, rights, and medical care for the person with a disability.
- Upon attaining age 18, individuals with disabilities are emancipated adults under the law. Leaving the parents or primary caregivers without any authority to act on the person's behalf. Understanding your legal options pertaining to guardianship and conservatorship are an important part of planning.
- A Guardian is a legally appointed person responsible for the care and decisions made on behalf of a person deemed unable to manage certain necessary functions for themselves. A Conservator manages the person's financial affairs. A Trustee manages the trust established for the individual. The same person can serve in one or all capacities.
- Starting Special Needs Planning early enables the family to build the Special Needs Trust fund and make plans that will serve the individual with disabilities well for years to come.

10 of 19* Common Mistakes Families and Advisors Make in Special Needs Trusts and Planning

1. Fail to ask every client, “Are you now or will you be financially or personally responsible for a person with special needs?”
2. Try to create their version of a Special Needs Trust.
3. Do not specifically exclude, without disinheriting, the person with special needs by name from Wills and Trusts.
4. Think that excluding the person with special needs from wills and traditional trusts are sufficient planning.
5. Exclude person with special needs and give money to others for their care.
6. Give the person with special needs authority in trust provisions, (ie. change trustees and remainderman, request reports, and include the “Crummy” Trust withdrawal provision).
7. Coordinating the plan with other advisors (legal, financial, tax, insurance, and government agencies) is not addressed.
8. Not familiar with the different types of Special Needs Trusts and the appropriate circumstances or need for their use.
9. Not aware of Miller or Qualified Income Trusts and their use in planning.
10. Fail to change beneficiaries on their life insurance, pensions, annuities, etc. and do not transfer assets into their traditional Revocable Living Trust.

*For the remaining 19 Common Mistakes, visit our website at www.BSSNP.com

Where are you today in the planning process?

- Do you have a written plan to let others know what you want in the future?
- Have you asked anyone to serve as a Guardian, Conservator or Trustee?
- Do you understand all the available government benefit programs for basic care and supervision?
- Have you identified resources to fund the future needs of the person with special needs?
- Do you have a properly drafted Special Needs Trust that will protect and manage assets provided for the person's lifetime?
- There are several types of Special Needs Trusts, is your trust the correct type for your intended purpose?
- Do you have current Wills? Does the Will name the person with special needs as a direct beneficiary?
- Is the person with special needs named as a direct beneficiary in your life insurance, annuities, 401(k) or IRA?
- Have monies been paid directly to the person with special needs from a structured settlement because of an accident or malpractice suit?
- Is your Special Needs Trust approved for compliance with Social Security and Medicaid?
- Have you made final arrangements for the person with special needs?
- Have you met with relatives and friends to let them know about your plan?
- Have you reviewed your plan in the last year?
- Do you feel you have done everything possible for your person with special needs to ensure their supervision, security, care and quality of life?

The Impact of Government Benefits

When people talk about disability benefits, there is often confusion about Social Security and Supplemental Security Income (SSI). This is understandable because the Social Security Administration (SSA) administers both programs. However, the programs are different.

SSI disability benefits are paid to people who have a disability and who do not have assets valued over \$2,000 and/or have a limited income. SSI and Medicaid are very important for people with disabilities in need, as they provide cash benefits as well as important medical coverage and long-term supports and services.

Cash benefits are paid by Social Security to a person with special needs through SSI (Supplemental Security Income), SSA (Social Security Survivor/Retirement Benefits) and/or SSDI (Social Security Disability Income).

Lifetime Cash Benefits
between ages 18 and 80 will exceed

\$1,000,000!

**Without proper planning
these funds and healthcare benefits
may be reduced or lost!**

2025 SSI Monthly Cash Benefit
\$967*

Some states add an additional benefit ie. CA +\$219.73/mo)

About Jolene Blackburn

Jolene Blackburn is a virtual estate planning attorney and funeral planner based in California.

Jolene has dedicated her professional career to assisting families who have a loved one with special needs. She is the devoted mom to two children with special needs and two rescue dogs as well.

Jolene brings compassion and personal insight to her work by showing families how to protect their assets and properly provide for their loved one's future care, supervision and quality of life. She works with her clients from the comfort of their home.

In her free time, she enjoys reading, playing soccer, hiking with her dogs, and exploring the hidden gems of Los Angeles. A passionate Halloween enthusiast, she is also an active member of the local Halloween community.

Testimonials

"I highly recommend Jolene to handle estate matters. On a third party's recommendation, I called her from out-of-state and asked her to draft time-sensitive estate planning documents for a terminally ill relative. Jolene was extremely responsive, efficient and knowledgeable on thorny legal issues. Perhaps even more importantly, she was kind and compassionate to me and my relative. She went above and beyond to get documents signed and to make sure that my relative understood those documents. I definitely will rely on her as we go forward." - Deborah

"Jolene is the best estate planning attorney. She was recommended to us by a friend of our daughter's. Even though, we live in Northern California and she is located in Southern California, it worked easily.

From our first phone conversation, she explained everything to us in terms we could easily understand. She was very responsive when we had questions. Additionally, our whole experience felt like we were talking to a long time family friend!

If anyone is looking for a knowledgeable and personable attorney, it's Jolene." - Carol

"Estate planning can be quite the intimidating and dark experience as no one wants to think about the inevitable, death. But with Jolene's expertise, patience, professionalism, and fun personality, our experience of putting our trust/will together was anything but positive!

We can't control when we will leave this earth but what we can control is to get our affairs in order so our loved ones will be taken care of when that time comes. Jolene will there for you to walk you through this uncomfortable realm. We really enjoyed working with Jolene!" - Sandy

About Bart Stevens

- In 1993, established Bart Stevens Special Needs Planning, LLC, the first company in Arizona dedicated exclusively to providing Special Needs Planning Services. In 2007, he formed the Special Needs Planning Institute, a non-profit offering educational seminars.
- Special Needs Planning Author, Educator, Trainer and Consultant
- Arizona Certified Legal Document Preparer (AzCLDP), California Legal Document Assistant (LDA)
- Associate Member Arizona Bar Association and Maricopa County Bar Association
- Past Seminar and Conference Speaker for the Autism Society of America National Conference, Greater Phoenix Autism Society, Los Angeles Autism Society, National Down Syndrome Society and Congress, National Spina Bifida Association, The Arc, the Epilepsy Foundation, World Congress on Disabilities; SARRC (Southwest Autism Research & Resource Center), Crecer Con Amor AZ State Conference; YMCA Law Day; Learning Disabilities Association; and the AZ State University Special Ed Teachers Program
- Speaker to Professional Organizations including: the Arizona College of Estate Planning Attorneys, Arizona Association of Independent Paralegals, the Arizona and Oklahoma Departments of Developmental Disabilities, Certified Financial Planners Association, The Society of Financial Service Professionals of Phoenix, The National Association of Insurance and Financial Advisors (NAIFA), and AZ Partners in Policymaking Conference
- Author of the book, "*The Beginner's Guide to Special Needs Planning* ©" and the Special Needs Estate Planning brochure for the National Down Syndrome Society.
- Published Articles include *The Advocate* (The Autism Society of America's newsletter), *Exceptional Parent* magazine and *Paraplegia News*.
- Interviewed by *The New York Sunday Times*; *Mature Outlook Magazine*; *Kiplinger Reports*; *The Washington Times*; *The Chicago Tribune* and the *Arizona Republic*
- U.S. Army veteran
- Services: Special Needs Trusts and related Legal Documents, Guardianship, Letter of Intent (Information/Care Directive), Government Benefits, Funding Budgetary needs

Credentials

Past Fellow of the National Institute on Life Planning for Persons with Disabilities
Past Arizona State Director – Estate Planning for Persons with Disabilities
Past Member Board of Directors and Advisory Board – STARS
Past Committee Member – AZ Dept. of Economic Security Guardianship Work Group

Conference/Seminar Speaker

"Dynamic and heartfelt, Bart Stevens brings personal anecdotes and technical expertise, with an engaging sense of compassion to the sensitive topic of Special Needs Planning. He is available for local, state, regional, national and international speaking events for families and professionals. Please call for information and availability."

Testimonials

For more than two decades, Bart has answered every one of my calls – too many to count, for sure! Eager to help educate families when we were building SARRC (Southwest Autism Research and Resource Center) back in 1997 and when starting First Place AZ in 2012, he has always been a first responder fielding questions about how we smartly plan for today and the future for our special needs children and adults. Through all the seasons and cycles, we remain enormously grateful to Bart for his trusted counsel, timely information and compassionate approach to business, directly impacting our family and families everywhere...

Denise D. Resnik, Matt's Mom, SAARC and First Place AZ Founder/CEO

I have had the pleasure of working with Bart Stevens for over fifteen years. I never dreamed when I began working for Bart back in 2004, that one day I would welcome my own child with special needs into the world, and gain an even greater appreciation for the important and valuable work Bart does. My son, Drew, was born in 2008, and a few years later we learned of his significant health issues. It was such a relief for my husband and I to know Bart could handle the critical future planning our son would need. Drew is now nine years old and doing remarkably well, but his unique health issues require specialized medical care and multiple therapies. There is a great sense of comfort that comes in knowing a plan is in place to care for him, should the need arise. *Tara Boedigheimer, Scottsdale, AZ*

Bart Stevens has been a beacon of hope to our family in helping to defend the Special Treatment Trust and Special Needs Trust with the Social Security Administration. Resolution seemed impossible, but Bart defended our Trusts and presented arguments that helped us receive a favorable decision. Bart's respectful demeanor, expert testimony, and continued support helped us with our case. We are very grateful for Bart's service and I recommend Bart Stevens without reservation.

Robyn and Jeff Getz, Phoenix, AZ

Working with Bart Stevens has been a delight. We've found him to be knowledgeable, patient and always willing to help us with any questions we might have. He really has a passion for his work, which is evident in his demeanor. BSSNP has offered us an affordable way to care for the needs of our daughter, in securing her future when we are gone. If you are in search of someone to help you with a Special Needs Trust, look no further.

Lisa and Nilesh Patel, Cave Creek, AZ

A few years ago, our son Brian, who has special needs, received a cash gift. We discovered that the Special Needs Trust we had an attorney prepare was drafted incorrectly. Our advice to anyone who has a loved one with special needs is to contact Bart Stevens immediately so he can educate you on how money, care, and guardianship affects the entire family, not just the person with special needs. It is imperative that you have someone with the knowledge and expertise to outline the possibilities of things that can go wrong if certain issues are not addressed properly.

Ken & Jenny Hicks, Gilbert, AZ

Planning Services Available Nationwide

- Complimentary Initial Consultation -
 - ~ Discuss abilities and needs of your loved one with special needs
 - ~ Identify your primary concerns, objectives, address questions
 - ~ Define roles of Guardians, Conservators, Trustees, etc
 - ~ Review Current Legal Documents
 - ~ Provide Course of Action

- Planning Process
 - ~ You will receive:
 - Life Planning Data forms
 - Letter of Intent forms
 - ~ Schedule Meeting with family, care givers and advisors
 - The purpose of this meeting is to review the provided information, ask, and answer additional questions
 - ~ Contact other involved family members and/or friends: Grandparents, Siblings, Aunts and Uncles, etc to explain process and obtain their legal documents for review
 - ~ Prepare plan including drafts of legal documents (includes codicils and amendments for all family members involved)
 - ~ Legal Documents: Special Needs Trust, Wills, Family Trust, Living Will, Powers of Attorney for Healthcare, Mental Health, and Legal and Financial issues
 - ~ Present/Finalize/Implement your plan
 - ~ Steps after signing legal documents:
 - Obtain Tax ID# for the Special Needs Trust
 - Change Beneficiaries: Life Insurance, Pensions, Annuities, etc
 - Confirm other family members have signed codicils/amendments
 - Review plan and administration of Special Needs Trust

- Additional Services
 - ~ Guardianship/Conservatorship Filing
 - ~ Government Benefits
 - Assistance regarding eligibility and other issues related to Social Security, AHCCCS/Medi-Cal (Medicaid), DES/DDD, Reg. Ctrs.
 - ~ Divorced or Separated Parents
 - If agreed to by parents working together, an additional Special Needs Trust is included
 - ~ Special Treatment Trusts/Disability Trust CA (Medicaid Payback) if person with special needs under age 65 has assets in their name (gifts, inheritance, structured settlements)
 - ~ Miller Trust (Medicaid Qualified Income Trust) if person with special needs income causes ineligibility for ALTCS or Medi-Cal (CA)
 - ~ ABLE Act Accounts & SNT Fairness Act Information and Assistance

*Fees are typically tax deductible, consult your tax advisor. We accept all major credit cards

