



# ABSOLUTE Advantage

## Trust and Estate Law Happening Now

FALL 2022



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## SPECIAL NEEDS: PLANNING FOR A LIFETIME OF CARE

By Kirsten Howe

For parents whose special needs child will always require the care of someone else, comprehensive Special Needs Planning should successfully replace the parents' support and effort after they pass away. Parents of a special needs child who is expected to depend on needs-based government benefits such as SSI and Medi-Cal for the remainder of their life need to carefully consider the following when planning their child's Special Needs Trust (SNT):

### Choosing an SNT Trustee

Parents of special needs children often presume a sibling is the best choice to serve as trustee. This may not be ideal for several reasons:

- Business dealings may cause strain on the sibling relationship.
- A trustee with other responsibilities may not be able to provide immediate attention when required.
- Trustees are geographically tied to special needs beneficiaries, limiting opportunities that require relocation.
- Administering an SNT **correctly** requires an understanding of the laws that govern SNTs and government benefits, which may be beyond the capability of a sibling.

A professional fiduciary may be the best choice to act as SNT trustee. If a sibling is determined to take on the role, parents should consider building an exit-strategy into the trust so that the sibling trustee can resign if the job becomes too difficult.

### The Right Financial Advisor

A solid financial plan is crucial. Funds will be needed to pay for the care and support the parents currently provide. A advisor with special needs experience

and the ability to create necessary resources is a must.

### Choosing a Guardian/Conservator

Parents of special needs children who have cognitive or other communication impairments must communicate on behalf of, advocate for and protect their children. Parents must put careful thought into choosing a guardian or conservator (depending on the child's age) to take over these roles.



### Advisory Committee

We encourage our SNT clients to create an advisory committee of people who know their child well and will continue to be present in the child's life after the parents' deaths. This group is meant to advise the SNT trustee and assist in decisions regarding the child's needs and quality of life. In addition, we suggest asking these advisors to review trustee activities on behalf of the child to help prevent errors or misuse of funds.

### Letter of Intent

We recommend parents write a letter of intent to explain important information to anyone who may have responsibility for the special needs beneficiary after the parents are gone. The letter of intent should include:

- Medical history and current status
- Food and entertainment preferences
- Important relationships, including friends and family members
- Any details that can assist in giving the child the best possible life

"GOOD FORTUNE IS WHAT HAPPENS WHEN OPPORTUNITY MEETS WITH PLANNING."

-THOMAS EDISON



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## SPECIAL NEEDS: PLANNING (Continued)

Special needs planning is an emotionally challenging process when parents are made to contemplate their child's life without them. However, with proper guidance and a solid support system in place, a Special Needs Trust will ensure that the child has the best possible care in the parents' absence.

## TOP 5 DOCUMENTS WE WISH EVERY CLIENT HAD ON HAND (BUT FEW DO)

By Madison Gunn

### 1. Life Insurance Policies and Annuity Contracts

Documents our clients have the most difficulty locating are life insurance policies and annuity contracts. Often old and buried under other paperwork, these documents have important information that is imperative to estate planning. In addition, some insurance companies require beneficiaries to submit the original documents to collect on a policy. If you own these types of contracts, keep them close, easily accessible and make sure your beneficiaries know where to find them.

### 2. Vital Records: Birth Certificates, Death Certificates, Marriage Certificates

Make sure you have certified copies of birth, death and marriage certificates close at hand. We also suggest saving death certificates of close relatives just in case proof of death is required to access certain benefits or release funds from an insurance policy. Although we live in a digital age, it is still important to have a physical copy of a certified vital record. We also recommend saving divorce decrees and adoption or guardianship orders.

### 3. Medi-Cal Determination Letters

A Medi-Cal determination letter, or Medi-Cal Notice of



Action letter, provides an explanation of Medi-Cal eligibility, type of Medi-Cal the beneficiary is receiving, effective date of coverage and any changes made since the previous year. A change in income (due to an inheritance, gift, settlement, etc.) can affect Medi-Cal eligibility. If you or one of your beneficiaries is receiving Medi-Cal, we need to review this document to prevent benefit disruption.

### 4. Social Security Correspondence

Social Security Administration (SSA) administers social security retirement benefits, social security disability insurance (SSDI), supplemental security income (SSI) and disabled adult child benefits (DAC). If you or your beneficiaries are receiving these benefits, you should have an eligibility letter and subsequent status update letters on file.

### 5. Military Discharge Papers and Separation Documents

If you or your spouse is a veteran, we may need to review your military service discharge forms. Most commonly a DD214 form, this document provides a summary of the recipient's military service and is required if a veteran or spouse wants to apply for the VA's aid and attendance pension or VA medical benefits. If lost, military discharge forms can take quite some time to replace. We suggest you locate this document and keep it in a safe place.

## WATCH US LIVE ON OUR ABSOLUTE TRUST TALK PODCAST

The Absolute Trust Talk Podcast is a resource to help you make informed planning decisions for today and tomorrow. Each episode delivers relatable interviews and easy-to-consume insights with actionable steps allowing you to move through your unique journey in life with intention. Tune in every other Thursday at 11:00 AM to watch Kirsten or Madison interview a featured guest LIVE on Absolute Trust Counsel's Facebook page: [www.facebook.com/AbsoluteTrustCounsel](https://www.facebook.com/AbsoluteTrustCounsel). If you miss the Facebook Live interview, you can listen to the podcast version on our Absolute Trust Talk podcast page: [www.AbsoluteTrustCounsel.com/Podcast](https://www.AbsoluteTrustCounsel.com/Podcast).



## SPOTLIGHT ON SANDY

With over 20 years of experience, Sandy Tanhuanpaa is our Paralegal extraordinaire. When she isn't busy working our Trust Administration and Probate cases, you will likely find her trekking the trails of Lake Chabot in Oakland.



### Four Fun Facts About Sandy:

1. Sandy loves the outdoors, and she is an avid hiker. She once hiked 14 miles in one day! She has great memories from trekking Desolation Wilderness in Tahoe and other local spots, but the Camino de Santiago along the Pyrenees in Spain and France is on her climbing wish list.
2. Sandy has eclectic taste in entertainment. While she loves the theater and has season tickets to several local playhouses, she doesn't miss a Marvel movie.
3. Sandy grew up in Oakland, but raised her three boys (yes, three!) in Ohio. Sandy's youngest (15) plays JV football and stands a full foot taller than her!
4. Sandy is currently planning a vacation to Estonia, her husband's homeland. If you've been to Estonia, please pass your "must see" destination list to her asap.

Sandy is kind, generous, a pleasure to work with and a very important member of the ATC team. We are lucky to have her.

## SALVATION ARMY DONATIONS

The first kettle "campaign" was initiated in 1891 by Salvation Army Captain Joseph McFee. McFee wanted to raise funds to put on a Christmas dinner for the community's poor and homeless. McFee set up shop at the Oakland Ferry landing with a large pot and a, "Keep the Pot Boiling," sign.



For the 4th year in a row, Kettle Captain Kirsten Howe is following McFee's lead, and Absolute Trust Counsel will once again have a Red Kettle on the front desk if you want to stop by and make cash or check donations to the Salvation Army. Also, don't be surprised if you run into Kirsten ringing the bell with her Red Kettle right before Christmas in front of your favorite shops.

For more information on how to donate, please visit The Salvation Army, Alameda County website: <https://Alameda.SalvationArmy.org>

## UPCOMING EVENTS & ONLINE PRESENTATIONS



### East Bay Walk to End Alzheimer's

**Date:** October 29, 2022

**Time:** Ceremony at 9:30 AM, Walk Begins at 10:00 AM

**Location:** Bishop Ranch - 2700 Camino Ramon, San Ramon, CA

To join or donate to the Absolute Trust Counsel team, please visit our team page:

[ACT.Alz.org/GoTo/AbsoluteTrustCounsel](https://ACT.Alz.org/GoTo/AbsoluteTrustCounsel)

For more information on the Alzheimer's Association and additional ways to donate, please visit:

[ACT.Alz.org](https://ACT.Alz.org)



**"Special Needs Planning: Much More than Government Benefits" with Kirsten Howe**

Walnut Creek Library Foundation Finance 101 Lecture Series

To watch a recording of this free presentation, please visit: [www.WCLibrary.org/Finance](https://www.WCLibrary.org/Finance).



## THE EASIEST WAY TO STAY INFORMED

Please "like" or "follow" us on our social media pages for quick access to our blogs, announcements, and events:

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## PERSONAL NOTE FROM KIRSTEN

Dear Clients and Other Friends,

Fourth quarter already – time truly does fly! We are almost to Halloween, Thanksgiving is right around the corner and my favorite holiday (well, after Mother’s Day), Christmas, will be here before you know it.

I hope you can take the time to enjoy each day. And remember, you can always stop by the office for a treat. We keep the candy dish full, even if it’s not Halloween.

Enjoy the season.

Warm regards,

Kirsten Howe, Attorney at Law

**PLEASE RECYCLE, REDUCE AND REUSE.  
SHARE THIS NEWSLETTER WITH FRIENDS AND FAMILY.  
TO UNSUBSCRIBE, EMAIL US AT  
INFO@ABSOLUTETRUSTCOUNSEL.COM.**

