

THE PENNSYLVANIA BAR INSTITUTE

*Presents*

SPECIAL NEEDS TRUSTS  
IN PENNSYLVANIA

A thick, horizontal red brushstroke graphic with a textured, painterly appearance, extending across the width of the slide below the main title.

## Edward L. Perkins, JD, LLM (Tax), CPA

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Mr. Perkins has been practicing as a tax and transactional attorney for over forty years.

He is a founding shareholder of the law firm - Gibson&Perkins, PC, and also a member of the faculty of the Graduate Tax Program of the Villanova Law School. In that program, he has taught “The Drafting Fundamentals of Estate Planning Documents”, “Comparative Taxation of Business Entities”, “Federal Estate and Gift Tax”, “Estate Planning”, “Tax Research”, “Taxation of Individual Taxpayers”, “Taxation of Corporations and Partnerships”, “Advanced Tax Accounting”, and “State and Local Taxation.”

Mr. Perkins is the author of “Drafting Wills that Work in Pennsylvania” (available on Amazon.com), “The Pennsylvania Trust Handbook”, and “Special Needs Trust in Pennsylvania”, as well as a number of other treatises on estate, business transactional and tax matters. Mr. Perkins is the author of several educational text for the American Institute of Certified Public Accountants.

Mr. Perkins is also the founder and president of YourOnlineProfessor.net, a Web-based provider of continuing education for attorneys and CPAs.

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## Anthony L. Marone, Esq.

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Mr. Marone is an associate with the McAndrews Law Offices in Berwyn, Pennsylvania. His practice areas include Medical Assistance eligibility, Special Needs Trusts, estate planning, estate administration, elder law, veterans' benefits, and guardianship in Pennsylvania and New Jersey.

Mr. Marone was an assistant counsel with the Governor's Office of General Counsel for the Pennsylvania Department of Public Welfare from 2007 to 2014. While with the Department, Mr. Marone was responsible for much of the Special Needs Trust and medical assistance litigation in eastern Pennsylvania.

He also represented several of Pennsylvania's state hospitals and centers, the Third Party Liability and Estate Recovery Programs, and the Office of Children, Youth and Families. He routinely reviewed legislative initiatives and advised the Department on policy matters relating to the Medical Assistance Long-term Care program.

Prior to joining OGC, Mr. Marone was a sole practicing attorney in Philadelphia for twelve years. Mr. Marone is licensed to practice in Pennsylvania, New Jersey, and the Eastern District of Pennsylvania. He received his B.S. from Drexel University and his J.D. from Temple University's School of Law. He is an accredited attorney for the preparation and presentation of claims for veterans' benefits before the Department of Veterans Affairs. Mr. Marone is also a veteran and retired from the military after 23 years of service.

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## Jan Colliton, Esq.

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Certified elder law attorney Janet Colliton has practiced law for over 38 years, 37 of them in Chester County, Pennsylvania. Her practice, Colliton Law Associates, PC, is limited to elder law, Medicaid, including advice, applications and appeals, and other benefits planning including Veterans benefits, life care and special needs planning, guardianships, retirement, and estate planning and administration. She practices in Chester County, Delaware County, and Lancaster counties

Janet Colliton was elected twice to the Board of Directors of the Chester County Bar Association and has been Chair of the Elder Law Section of the Chester County Bar for over ten years. She is a member of the National Academy of Elder Law Attorneys (NAELA), the Pennsylvania Association of Elder Law Attorneys (PAELA), the Pennsylvania Bar Association Elder Law Section, and the Chester County Estate Planning Council. She was a Charter Member of the Academy of Special Needs Planners.

For the past 19 years, Ms. Colliton has authored a popular weekly newspaper column, "Planning Ahead" on senior planning issues in West Chester's Daily Local News. She co-hosts with Phil McFadden, Home Instead Senior Care, a weekly radio program on Wednesdays on WCHE 1520, "50+ Planning Ahead."

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# Introduction to Special Needs Trusts





What is generally referred to as a “special needs trust” includes a number of different trust forms:

- † The Self-Settled (d)(4)(A) SNT
- † The (d)(4)(C) pooled trust
- † The Third-Party Trust



All “**Special Needs Trusts**” share the same basic objective:

- To provide a **source of support** for a disabled individual, and
- To do so in a way that **will not disqualify** that individual from receiving government benefits.

# The Beneficiary

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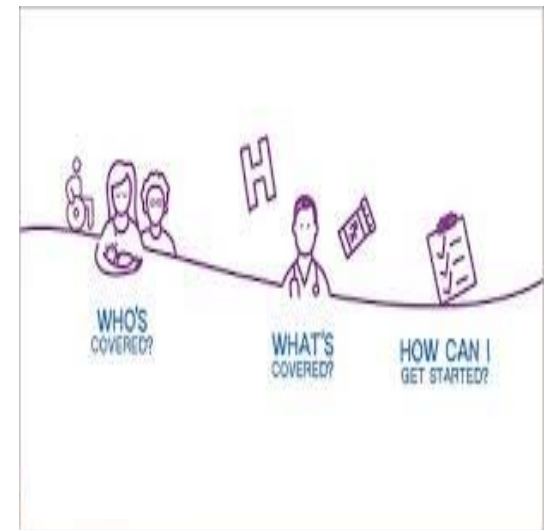
- ∠ You must have an understanding of the potential beneficiary
- ∠ The nature of their disability
- ∠ Their available financial resources
- ∠ The surrounding circumstances



# The Benefit Programs

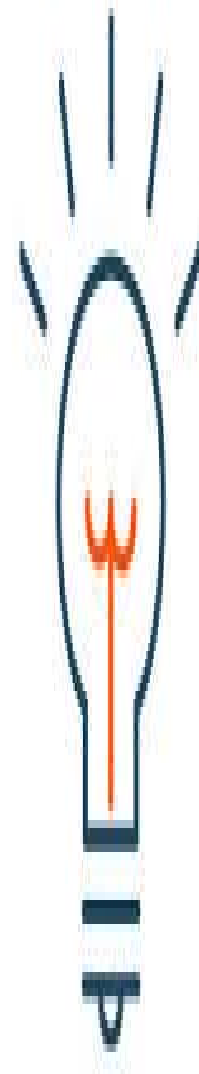
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- The Social Security Disability Insurance (SSDI) Program
- The Supplemental Security Income (SSI) Program
- Medicaid or Medical Assistance in Pennsylvania
- Medicare



## You should have an understanding of:

- } The eligibility requirements
- } Whether the available benefits are Means-Based or Non-Means-Based
- } The financial limitations associated with Means-Based Benefits
- } The Applicable Counting Method to be applied
- } The impact of trusts on eligibility
- } How to properly establish and administer the SNT



# The Applicable Law

- The Social Security Act
- The code of Federal Regulations
- Social Security Program Operations Manual System (POMS)
- Pennsylvania Statutes
- The Pennsylvania Code
- DHS's Medical Assistance Eligibility Handbook
- DHS's Long-Term Care Handbook



Agenda  
Philadelphia and simulcast  
Wednesday, September 12, 2018

- 12:00-12:15 **Introduction to Special Needs Trust and the Panel** - Ted Perkins
- 12:15-1:00 **The Public Welfare Programs - SSI/Medicaid – An Overview** - Jan Collition
- 1:00 – 1:30 **Trusts and Their Impact on SSI** - Jan Collition
- 1:30 – 2:00 **Trusts and Their Impact on MA** - Anthony Marone
- 2:00 – 2:15 BREAK
- 2:15-3:00 **Steps to Establish the Special Needs Trust and Common Problems Areas** - Anthony Marone
- 3:00 – 4:00 **Drafting the SNT - Self Funded and Third Party Trusts** - Ted Perkins
- 4:00 – 4:15 Questions for the Panel