



FAMILY FOCUS™

**November
December
2012**

PARTNERS IN PLANNING



FRIENDS FOR LIFE

**THE LAW OFFICES OF
HOYT & BRYAN**



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**Recent Social Security POMS Change and
How it Affects Special Needs Trusts**

In May of this year the Social Security Administration (SSA) published a change to its Program Operations Manual System (POMS). This change occurred in SI 01120.201. It is important to note that a change to the SSA POMS is not a change in the law. The POMS only suggest to SSA employees a process for carrying out their job responsibilities. Specifically, two examples were added under the section defining the term “sole benefit” as it applies to trusts. These new examples eliminated the previously provided examples in an effort to tighten the interpretation of the sole benefit rule and have had an effect on the SSA’s long-standing policy on sole benefit trusts. This new interpretation is important because it impacts specific language contained in special needs trusts (SNTs) in addition to how the funds of such trusts are to be used.

According to the SSA, first party special needs trusts (also known as (d)(4) A and (d)(4)C trusts and sole benefit trusts) must be established “for the sole benefit of the individual.” New Example 1 to POMS SI 01120.201 F2 indicates a change in SSA policy regarding what expenses will be allowed for sole benefit trusts. Prior to the change it was not uncommon for the travel of the beneficiary’s family member to be paid for by the special needs trust. Under the change, the SSA will consider a special needs trust that allows for payment of travel for family members to visit the beneficiary to be in violation of the sole benefit rule and therefore invalid. Additionally, the SNT will be considered invalid if it does not contain the specific language but the trustee nevertheless pays for the travel of visitors of the beneficiary.

If a SNT were to be deemed invalid, any Supplemental Security Income (SSI) recipient who is a beneficiary of the trust would lose SSI benefits. And, if the beneficiary’s Medicaid is linked to SSI, Medicaid would also be lost. Therefore, we are recommending that any trust containing language which allows for family members of the beneficiary to be paid for travel needs to be amended.

Further, we have learned from a top SSA official that the Administration is also closely reviewing SNT language which authorizes compensation to both family and non-family caregivers. This new SSA policy requires that any trust authorizing payment to caregivers contain language that limits payments only to caregivers who are “medically certified or medically trained or approved to provide care,” with “approval” coming from the application state Medicaid agency.

If you have any questions about the changes to the POMS or regarding the new SSA policies or if you would like for us to review your SNT in order to confirm it complies with the changes discussed in this Article please contact the Law Offices of Hoyt & Bryan at (407) 977-8080.



Facebook.com/HoytBryan
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**One Senior Place
Workshops**



Located at:
715 Douglas Ave
Altamonte Springs, FL 32714
Elder Law Workshop

Elder Law Workshops:
Pills & Bills: Avoiding Long Term Care Poverty
Wednesday, November 14, 2012 at 9:30 a.m.
**Nursing Home Bills: Ten Legal Strategies you
Must know to Survive**
Thursday, December 13, 2012 at 2:00 p.m.

Estate Planning Workshops:
**Estate Plans Just Don't Work! Truths you
Need to Know Now**
Wednesday, November 14, 2012 at 2:00 p.m.
**Family Dynamics: Why your Crazy Family
Impacts your Estate Planning**
Thursday, December 13, 2012 at 9:30 a.m.

Hoyt & Bryan Supports



Sponsored by the Marine Toys for Tots Foundation, Toys for Tots helps needy children throughout the United States experience the joy of the holidays.

If you would like to participate, please bring a new, unwrapped toy to our office beginning November 1, 2012 through December 11, 2012 to be included in our donation to Toys for Tots. We are also accepting donations of pet food and supplies for the SPCA.

UPCOMING EDUCATIONAL WORKSHOPS & EVENTS

NOVEMBER

The Truth About Medicaid Planning
Wednesday, November 7, 2012 at 9:30 a.m.

What To Do When Someone Dies
Tuesday, November 20, 2012 at 6:00 p.m.

The Truth About Estate Planning
Tuesday, November 27, 2012 at 9:30 a.m.

Office Closed - Thanksgiving
Thursday, November 22, 2012 and
Friday, November 23, 2012

DECEMBER

The Truth About Medicaid Planning
Wednesday, December 5, 2012 at 9:30 a.m.

2012 Holiday Open House
Tuesday, December 11, 2012 from 12:00 p.m. to
7:00 p.m.

The Truth About Estate Planning
Tuesday, December 4, 2012 at 6:00 p.m.

Office Closed- Christmas/ New Years
Our office will be closed from Monday,
December 24, 2012 to Tuesday, January 1, 2013
returning on Wednesday, January 2, 2013

JANUARY

The Truth About Medicaid Planning
Wednesday, January 9, 2013 at 9:30 a.m.

Advisor Lunch & Learn
Tuesday, January 8, 2013 at 12:00 p.m.

What To Do When Someone Dies
Tuesday, January 15, 2013 at 6:00 p.m.

The Truth About Estate Planning
Thursday, January 10, 2013 at 9:30 a.m.
Tuesday, January 22, 2013 at 6:00 p.m.

Office Closed - Martin Luther King, Jr.
Monday, January 21, 2013

All public workshops are complimentary and are held in our Learning Center.
To RSVP please call 407-977-8080 or visit HoytBryan.com for more information.

Christmas Chocolate Pretzels

- ◆ Pretzel rings
- ◆ Hershey's kisses (any variety)
- ◆ m&m candies (any variety)



Preheat the oven to 250 degrees. Line a baking sheet with parchment paper.

Arrange the pretzel rings in a single layer on the baking sheet. Place one Hershey's kiss (or as many chocolate chips or Andes baking chips as will fit) inside each pretzel ring.

Place in the oven for 5 minutes. The kisses don't lose their shape, so don't leave them in too long waiting for them to melt or they will burn!

Remove from the oven and immediately press an m&m into the top of each kiss. Allow to cool completely before removing from the parchment.



*We cordially invite you to
Join us on Tuesday, December 11th
12:00pm to 7:00pm
To celebrate the holidays at our 6th Annual Open House
To be held at:*

*The Law Offices of Hoyt & Bryan
254 Plaza Drive
Oviedo, FL 32765*

*We look forward to seeing you!
Kindly RSVP by December 4th
407-977-8080*



Whiskers and Paws, Inc.



Lending a Helping Paw..
Jingles

Color: Gray and white
Size: Medium
Age: Baby
Gender: Male

Jingles was found with his litter in an air vent in Winter Park. He is curious and loving. He is FeLV/FIV neg, current on vaccines, de-wormed, microchipped, and will be neutered in the near future.

If you are interested in adopting Jingles or to make a donation please call 321-262-4330 or email Ozzycat@hotmail.com.