



So March 2017- started like a lamb and went out like a lion... it appears that this means everything is back-wards this year! In Dudek and Associates' continuing effort to assist you to get your estate planning in order we present the March newsletter. As you start to consider spring cleaning and preparing your income tax returns, please consider making sure that:

- 1) if you have a Revocable Living Trust, please make sure you have funded your trust and confirmed all beneficiary designations;
- 2) you have secured a Durable Power of Attorney and Patient Advocate for your children that are now over the age 18 in case something happens to them on spring break or at school; &
- 3) you have had the discussion with your family members and loved ones about you wishes for end of life services.

As always if you need our assistance with these things just reach out.

Happy Almost Spring!

## A Look at Three New ABLE Programs Available Nationwide

The Achieving a Better Life Experience (ABLE) Act, [signed by President Obama in 2014](#), allows individuals who meet certain criteria to open and hold assets in an account that will not be counted as a resource for the purposes of public benefits. At the same time, the account beneficiary has more control and access to the funds than with a traditional special needs trust.

Although [only 17 states have created ABLE programs](#) so far (see map from the [ABLE National Resource Center](#)), this does not mean that you or a loved one is barred from opening an ABLE account if you do not live in one of these states. A person with disabilities may open an account in *any* state that has an ABLE program allowing out-of-state residents to open ABLE accounts.

The following article provides details on the programs of three states that allow out-of-state residents to open accounts: Michigan, Oregon, & Virginia.

—> [Click for Full Article](#)

## Family and Individual Needs for Disability Supports (FINDS) Survey

January 17-March 30, 2017

The Arc is inviting people to participate in the 2017 FINDS survey. The goal of the survey is to learn more about the experiences of parents and family members who provide support to a family member with an intellectual or developmental disability.

To participate, the caregiver must be 18 years or older and provide primary paid/unpaid and frequent support to a family member or friend with an intellectual or developmental disability living in the United States (and U.S. territories). This survey is not for direct support professionals—we need the perspective of family caregivers, paid or unpaid. [Click here to learn more about the 2017 FINDS Survey.](#)

[Take the 2017 Survey](#)

For more information on this survey go to the [FINDS 2017 site.](#)

## OSERS Publishes Transition Guide to Postsecondary Education

The Office of Special Education and Rehabilitative Services (OSERS) has published a guide designed to help students and youth with disabilities, as well as their parents, transition from school to post-school activities. Called "A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities," the guide includes information on postsecondary education, vocational training, and other career goals. It contains not only transition planning and programs, but also addresses education and employment options for students with disabilities and includes advice on how to support the decisions made by students and youth with disabilities. The goal is to ensure a seamless transition between life stages.

—> [Click Here to Access the Guide](#)

## SICK, DYING AND RAPED IN AMERICA'S NURSING HOMES

"The unthinkable is happening at facilities throughout the country: Vulnerable seniors are being raped and sexually abused by the very people paid to care for them."

In this sobering and disturbing article from CNN, the author outlines the widespread issue of sexual assault inflicted on some of our nation's most helpless citizens.

"In cases reviewed by CNN, victims and their families were failed at every stage. Nursing homes were slow to investigate and report allegations because of a reluctance to believe the accusations -- or a desire to hide them. Police viewed the claims as unlikely at the outset, dismissing potential victims because of failing memories or jumbled allegations. And because of the high bar set for substantiating abuse, state regulators failed to flag patterns of repeated allegations against a single caregiver."

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## Four Reasons Why Dropping Medicaid Is Usually Not a Good Idea, Even After a Large Award or Settlement

Many newly "wealthy" clients ask what the value is of staying on Medicaid. After all, shouldn't millions of dollars be sufficient to pay for health care? Why do we need a special needs trust?

There are a number of reasons why this is usually not a good idea and staying on Medicaid is the far better choice.

First, without health insurance, the person with special needs may not be able to get any treatment at all.

Second, even the best private health insurance does not provide the full range of home and community based services that Medicaid often provides.

Third, with Medicaid you will not be paying the provider's regular "fee-for-service" rate but rather the state's far lower pre-negotiated rates for services.

Finally, Medicaid's bill doesn't come due until the beneficiary dies, which could be 40 or 50 years down the road. And there is no interest on this Medicaid debt.

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## Trump Delays Rule That Retirement Advisers Put Their Client's Interests Ahead of Their Own

President Trump signed an executive order calling for a review of the so-called fiduciary rule, which was intended to prevent financial advisers from steering their clients to bad retirement investments by requiring advisers to act in the best interests of their clients. The order delays the rule, which was scheduled to go into effect in April 2017, and the rule may ultimately be repealed.

Prompted by concern that many financial advisers have a sales incentive to recommend to their clients bad retirement investments with high fees and low returns because they get higher commissions or other incentives, the Department of Labor drew up rules in April 2016 that would require financial advisers to act like fiduciaries.

The rule required all financial professionals who offer advice related to retirement savings to provide recommendations that are in a client's best interest. Currently, financial advisers only have to recommend suitable investments, which means they can push products that may benefit them more than their clients.

—> [Click Here for Full Article](#)

## Things to Remember at Tax Time

Tax day, which is April 18th in 2017, is approaching and it is time to begin crossing T's and dotting I's in preparation for paying taxes. As tax time draws near, you want to make sure you file all the proper forms and take all deductions you're entitled to. The attached article contains some things to keep in mind as you prepare your tax form.

—> [Click Here for Article](#)

## Costs of Some New Long-Term Care Insurance Policies Rise in Latest Survey

According to the 2017 Long Term Care Insurance Price Index, an annual report from the [American Association for Long-Term Care Insurance](#), an industry group, a couple who are both age 60 and who purchase new long-term care insurance coverage can expect to pay between 6 and 9 percent more compared to a year ago. But rates for single men and women remained fairly level or, in some instances, actually declined compared to 2016, reports the association.

—> [Click Here for Full Article](#)



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