



PREGENZER
BAYSINGER
& WIDEMAN
SALE, PC

Ruth O. Pregenzer
Marcy G. Baysinger
Erin E. Wideman
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Sara R. Traub
Margaret A. Graham
Bridget L. Mullins
Martha J. Kaser
Daniel J. Monte

Fourth Annual Update on Special Needs Planning Seminar

Wednesday, April 11, 2018

3:00 – 5:00 pm

New Mexico CPA Society

3400 Menaul Blvd NE, Albuquerque, NM 87107

Emcee's Welcome & Introduction.....Elaine Solimon, Community Relations Director, ARCA
Types of Accounts for People with Disabilities.....Bridget Mullins, Attorney, PBWS Law
Government Health Benefits.....Marcy Baysinger, Partner, PBWS Law
Types of Special Needs Trusts.....Sara Traub, Attorney, PBWS Law
Affordable Care Act.....Bridget Mullins, Attorney, PBWS Law
Pooled Trust Administrators, Guardianship Statute, & ABLE..... Peggy Graham, Attorney, PBWS Law
How to set up a New Mexico ABLE Account.....Veronica Chavez Neuman, The Arc NM
Thank you to New Mexico State Treasurer..... Elaine Solimon, Community Relations Director, ARCA
Panel Case Studies..... All

460 St. Michael's Drive
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2424 Louisiana Blvd NE
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Albuquerque, NM 87110
505.872.0505

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Update on Special Needs Planning 2018

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 2424 Louisiana Blvd NE, Suite 200
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WATCH THE VIDEO ON FACEBOOK OR YOUTUBE!

Live streaming on Facebook during the seminar:
<https://www.facebook.com/PBWSLaw/>

The seminar video will be posted on the PBWS Facebook wall and YouTube by Wednesday, April 18th.

Email kknapp@pbwslaw.com for a link to the YouTube video and PDF of the seminar handouts.



TYPES OF ACCOUNTS FOR PEOPLE WITH DISABILITIES

- ▶ Revocable or irrevocable trusts created by beneficiary
- ▶ Discretionary support trusts created by third party
- ▶ Testamentary trusts
- ▶ Conservatorship
- ▶ Custodial account
- ▶ UTMA account
- ▶ Special Needs Trusts
- ▶ ABLE accounts



KNOW THE BENEFITS OF THE PERSON WITH DISABILITIES

- ▶ SSDI (Social Security Disability Income)
- ▶ SSI (Supplemental Security Income)
- ▶ Veterans' Benefits
- ▶ Medicare
- ▶ Medicaid, includes ACA eligibility
- ▶ Food Stamps
- ▶ Housing Subsidy
- ▶ Health Insurance



KNOW THE RULES

- ▶ Federal Statutes
- ▶ CMS Regulations
- ▶ IRS Regulations
- ▶ SSA POMS
- ▶ Case Law
- ▶ New Mexico Regulations



SSI	SSA	SSDI
Supplemental Security Income	Social Security Retirement Benefit	Social Security Disability Income
Disability	Retirement	Disability
Cash + Medicaid	Cash	Cash + Medicare (After 2 years)
No work history	Work history	Work history
Income Cap - \$750/month in 2018	Income Cap - \$17,040/yr in 2018, if under age 66	Earned Income Cap - \$1,180/month in 2018
Counts earned & unearned income	Counts earned income	Counts earned income
Resource cap \$2000.00	No resource cap	No resource cap
Minimum cash benefit	Insurance	Insurance
Food and shelter	Unrestricted	Unrestricted
State supplements (Not NM)	Uniform in all states	Uniform in all states
US citizens only	All workers	All workers
May also have SSDI	May not have SSI or SSDI	May also have SSI
No dependent coverage	Covers dependents	Covers dependents
May have ABLE acct up to \$15,000 per year		May have ABLE acct up to \$15,000 per year



GOVERNMENT HEALTH BENEFITS

SSI	SSA	SSDI
Supplemental Security Income	Social Security Retirement Benefit	Social Security Disability Income
Disability	Retirement	Disability
Cash + Medicaid	Cash	Cash + Medicare (After 24 months)
No work history	Work history	Work history
Income Cap - \$750/month in 2018	Income Cap - \$17,040/yr in 2018, if under 66 yr old	Earned Income Cap - \$1,180/month in 2018
Counts earned & unearned income	Counts earned income	Counts earned income
Resource cap \$2000.00	No resource cap	No resource cap
Minimum cash benefit	Insurance	Insurance
Food and shelter	Unrestricted	Unrestricted
State supplements (Not SSI)	Uniform in all states	Uniform in all states
US citizens only	All workers	All workers
May also have SSDI	May not have SSI or SSDI	May also have SSI
No dependent coverage	Covers dependents	Covers dependents
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TYPES OF SPECIAL NEEDS TRUSTS (SNT)

- ▶ Self-Settled SNT
- ▶ Self-Settled Pooled SNT
- ▶ Third-Party Settled SNT
 - ▶ Third Party Pooled SNT
- ▶ Testamentary SNT



REQUIREMENTS OF SNTs

- ▶ Written;
- ▶ Distributions discretionary by the trustee;
- ▶ Beneficiary not entitled to receive income or principal;
- ▶ Trustee prohibited from making any distributions that would jeopardize beneficiary's eligibility for benefits;
- ▶ Disabled individual must be the sole beneficiary of the trust during his/her lifetime; and
- ▶ Irrevocable



THIRD PARTY-SETTLED SNTs

- ▶ Either an inter vivos trust or a testamentary trust;
- ▶ Irrevocable;
- ▶ Should be approved by SS and/or Medicaid;
- ▶ Can direct corpus at death of beneficiary to any remainder beneficiaries;
- ▶ Not described in federal statute



SELF-SETTLED SNT 42 U.S.C § 1396p(d)(4)(A)

To not be counted as a resource, the trust must:

- ▶ Be established by the beneficiary, a parent, grandparent, court, or guardian;
- ▶ Be for the benefit of a disabled beneficiary, as defined in 42 U.S.C. § 1382c(a)(3);
- ▶ Have a beneficiary who is younger than 65 years old; and
- ▶ Provide that at the death of the beneficiary, the state must receive all amounts remaining in the trust up to the amount equal to medical assistance provided to the beneficiary by the state.



SELF-SETTLED POOLED SNTs 42 U.S.C. § 1396p(d)(4)(C)

- ▶ Beneficiary transfers his/her own funds to a non-profit 501(c)(3) organization as Trustee;
- ▶ Trustee manages the funds as part of a pooled trust for disabled persons;
- ▶ Must be irrevocable;
- ▶ Trust can be created by the beneficiary, by a parent, grandparent, court or guardian;
- ▶ Beneficiary may be over 65 depending on the state;
- ▶ At the death of beneficiary, the non-profit organization may retain a portion of the trust fund



ACA PROVIDES HEALTH INSURANCE COVERAGE FOR PEOPLE WITH DISABILITIES

- ▶ No exclusion for pre-existing conditions
- ▶ No lifetime caps of coverage
- ▶ No annual caps of coverage
- ▶ Cannot rescind coverage
- ▶ Monitoring increases in premiums by health insurance companies
- ▶ Closes the "doughnut hole" in Medicare



ACA ESSENTIAL HEALTH BENEFITS

- ▶ Hospitalization
- ▶ Prescription drug coverage
- ▶ Rehabilitation
- ▶ Mental Health Services
- ▶ Substance Abuse Treatment
- ▶ Preventative and Wellness Health Coverage
- ▶ Chronic Disease Management
- ▶ Pediatric Coverage (including dental and vision)
- ▶ Maternity Coverage



EXPANSION OF MEDICAID COVERAGE

- ▶ Based on Modified Adjusted Gross Income (MAGI) of household
- ▶ 138% of Federal Poverty Level
- ▶ No resource criteria
- ▶ No other health insurance coverage
- ▶ Persons age 19 up to 65
- ▶ No disability requirement; similar to New Mexikids



LICENSING REQUIRED OF POOLED TRUST ADMINISTRATORS IN NEW MEXICO

- ▶ Fraud committed by Ayudando Guardians Inc. and Desert States discovered in 2017
- ▶ Financial Institutions Division of New Mexico
- ▶ Amended statute in 2018 attempts to include non-profit trustees of pooled trusts
- ▶ Two pooled trusts required to be licensed, ARCA and The Arc of New Mexico



CHANGES TO GUARDIANSHIP STATUTE

- ▶ Attempts to include more interested parties in the proceedings
- ▶ Attempts to contain isolation of protected person
- ▶ Provide greater protection for property of protected person
- ▶ Impact on persons with disabilities



ABLE: ACHIEVING A BETTER LIFE EXPERIENCE ACT OF 2014

- ▶ Amendment of Section 529 of Internal Revenue Code
- ▶ Income tax deferred account
- ▶ Anyone including beneficiary can contribute funds
- ▶ Qualified disabled beneficiary requirement
- ▶ Beneficiary can control account
- ▶ Qualified disability distributions allowed including housing



LIMITATIONS OF ABLE ACCOUNTS

- ▶ One account per beneficiary
- ▶ Total contributions from everyone limited to \$15,000 per year
- ▶ Disability must have been evident prior to age 26
- ▶ Maximum account balance \$100,000 for SSI eligibility
- ▶ At death of beneficiary, balance goes to Medicaid



NEW BENEFITS FOR ABLE ACCOUNTS

2017 Tax Act added:

- ▶ Earned income of beneficiary can be added to ABLE over \$15,000 limit up to federal poverty amount (\$12,140 in 2018) and grow income tax deferred like an IRA
 - ▶ Beneficiary may not have another IRA
 - ▶ Amount of wages still subject to limitations depending on Social Security benefit being received
- ▶ 529 plan can be rolled over into ABLE account

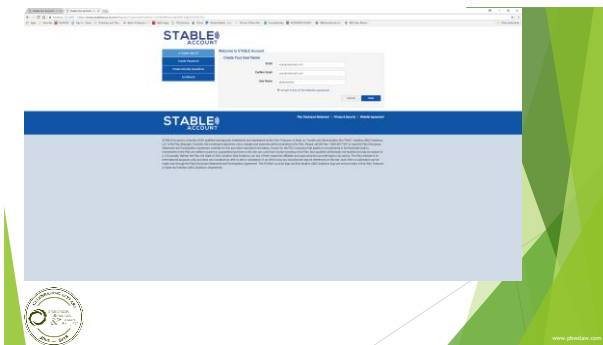


ABLE

- ▶ States must pass enabling legislation
- ▶ New Mexico Legislature passed the bill in 2016; Governor signed March 3, 2016
- ▶ Many other states have implemented ABLE accounts
- ▶ New Mexico created portal in January 2018

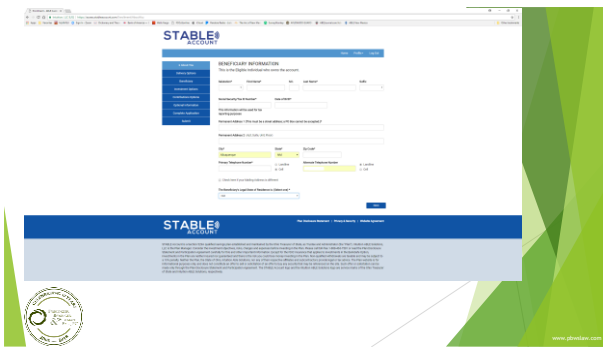


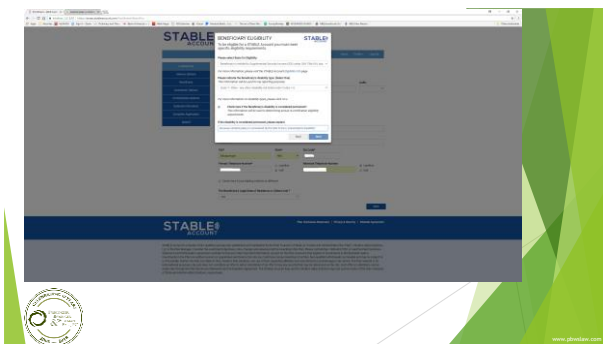


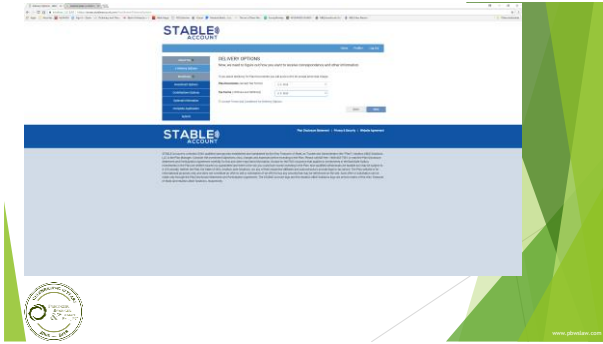




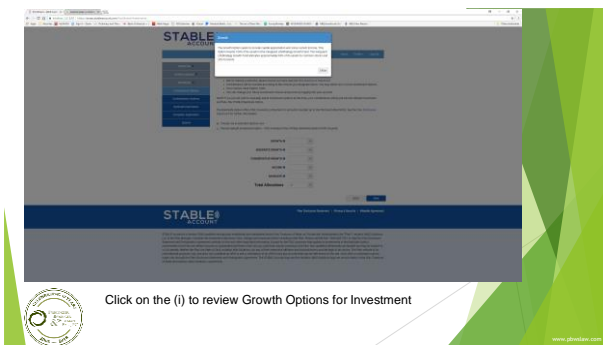




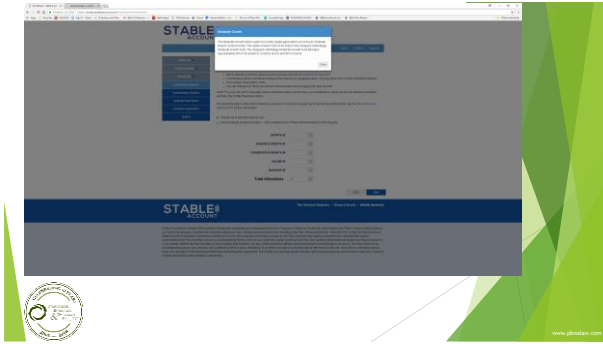




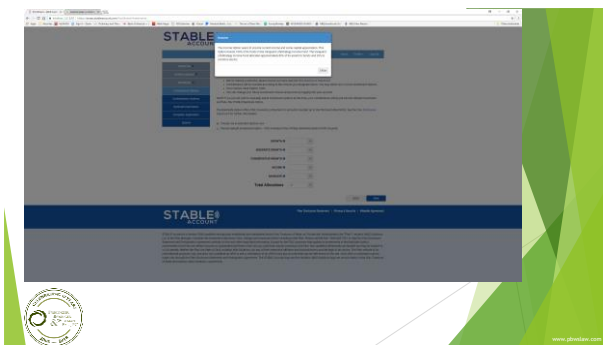




Click on the (i) to review Growth Options for Investment









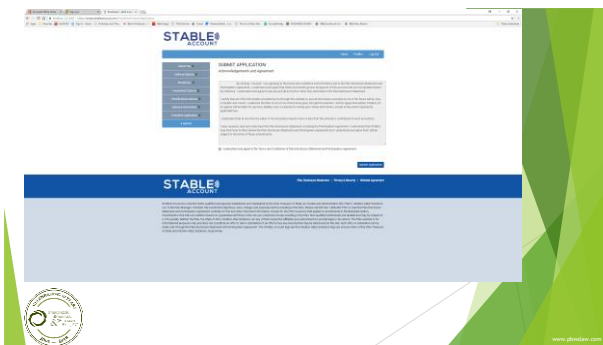












THANK YOU, TIM EICHENBERG AND
HEATHER BENAVIDEZ!!!

Thank you for your hard work and
making it possible for New Mexico to
provide ABLE Accounts!



CASE STUDY #1

"Bill" is on SSI, 33 years old, on the autism spectrum,
not working right now. His uncle has been providing
him with \$1,000 per month to help with his housing.
Bill's SSI check has been reduced by 1/3 as a result.

Can having an ABLE account help Bill?



CASE STUDY #2

"Sheila" was injured in a car accident when she was
21. While no longer able to walk, she is competent,
receives SSDI, and works for her father. She also
receives Medicaid and has a self-settled Special
Needs Trust.

How would an ABLE account benefit Sheila?



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STATE OF NEW MEXICO
ABLE PROGRAM

[OPEN AN ACCOUNT](#)[LOGIN](#)[RESOURCES](#)[HELP](#)[STABLE ACCOUNTS](#)[BENEFITS](#)[ELIGIBILITY](#)[QUALIFIED EXPENSES](#)

- ✓ Offering ABLE Accounts to New Mexicans with disabilities
- ✓ Tax-free savings plan for disability-related expenses
- ✓ Save and invest without losing federal needs-based benefits

[OPEN AN ACCOUNT](#)

Already Have An Account?

[LOGIN](#)



- » Create User ID
- Create Password
- Create Security Questions
- Enrollment

Welcome to STABLE Account

Create Your User Name

Email

user@myemail.com

Confirm Email

user@myemail.com

User Name

abletobefree

☒ Accept Terms of the Website Agreement

Cancel

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Create User ID

» Create Password

Create Security Questions

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Create Your Password

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Re-type Password

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Create User ID ✓

Create Password ✓

» Create Security Questions

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Create Your Security Questions

Security Question

Answer

Security Question

Answer

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BENEFICIARY INFORMATION

This is the Eligible Individual who owns the account.

Salutation*	First Name*	M.I.	Last Name*	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Social Security/Tax ID Number*	Date of Birth*
<input type="text"/>	<input type="text"/>

This information will be used for tax reporting purposes

Permanent Address 1 (This must be a street address; a PO Box cannot be accepted.)*

Permanent Address 2 (Apt, Suite, Unit, Floor)

City*	State*	Zip Code*
<input type="text" value="Albuquerque"/>	<input type="text" value="NM"/>	<input type="text"/>
Primary Telephone Number*	<input type="radio"/> Landline <input checked="" type="radio"/> Cell	Alternate Telephone Number <input checked="" type="radio"/> Landline <input type="radio"/> Cell
<input type="text"/>		<input type="text" value=""/>

☐ Check here if your Mailing Address is different

The Beneficiary's Legal State of Residence is: (Select one) *

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BENEFICIARY ELIGIBILITY

STABLE
ACCOUNT

To be eligible for a STABLE Account you must meet specific eligibility requirements.

Please select Basis for Eligibility:

Beneficiary is entitled to Supplemental Security Income (SSI) under SSA Title XVI, due

For more information, please visit the STABLE Account [Eligibility Info](#) page

Please indicate the Beneficiary's disability type: (Select One)

This information will be used for tax reporting purposes.

Code 7—Other - any other disability not listed under Codes 1-6

For more information on disability types, please click [here](#).

☒ Check here if the Beneficiary's disability is considered permanent?
This information will be used in determining annual re-certification eligibility requirements.

If the disability is considered permanent, please explain:

because cerebral palsy is considered by the SSA to be a "presumptive disability"

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City*

Albuquerque

State*

NM

Zip Code*

Primary Telephone Number*

☐ Landline

☒ Cell

Alternate Telephone Number

☐ Landline

☐ Cell

☐ Check here if your Mailing Address is different

The Beneficiary's Legal State of Residence is: (Select one) *

NM

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DELIVERY OPTIONS

Now, we need to figure out how you want to receive correspondence and other information.

If you select eDelivery for Plan Documents you will avoid a \$10.00 annual print/mail charge.

Plan Documents *(except Tax Forms)*

U.S. Mail

Tax Forms *(1099-QA and 5498-QA)*

U.S. Mail

☐ Accept Terms and Conditions for Delivery Options

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INVESTMENT OPTIONS

How would you like the money in your STABLE Account to be invested?

- Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).
- Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.
- Your choices must total to 100%.
- You can change your future investment choices at any time by logging into your account.

NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

- ☒ Choose my Investment Options now
- ☐ Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-Insured)

GROWTH ⓘ	<input type="text"/>	%
MODERATE GROWTH ⓘ	<input type="text"/>	%
CONSERVATIVE GROWTH ⓘ	<input type="text"/>	%
INCOME ⓘ	<input type="text"/>	%
BANKSAFE ⓘ	<input type="text"/>	%
Total Allocations	<input type="text" value="0"/>	%



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Investment Options

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Growth

The Growth Option seeks to provide capital appreciation and some current income. This Option invests 100% of its assets in the Vanguard LifeStrategy Growth Fund. The Vanguard LifeStrategy Growth Fund allocates approximately 80% of its assets to common stocks and 20% to bonds.

Close

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- ☐ Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-insured)

GROWTH ⓘ	<input type="text"/>	%
MODERATE GROWTH ⓘ	<input type="text"/>	%
CONSERVATIVE GROWTH ⓘ	<input type="text"/>	%
INCOME ⓘ	<input type="text"/>	%
BANKSAFE ⓘ	<input type="text"/>	%
Total Allocations	<input type="text" value="0"/>	%

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Moderate Growth

The Moderate Growth Option seeks to provide capital appreciation and a low-to-moderate level of current income. This Option invests 100% of its funds in the Vanguard LifeStrategy Moderate Growth Fund. The Vanguard LifeStrategy Moderate Growth Fund allocates approximately 60% of its assets to common stocks and 40% to bonds.

Close

Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).

Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.

Your choices must total to 100%.

You can change your future investment choices at any time by logging into your account.

NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

Choose my Investment Options now

Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-Insured)

GROWTH

%

MODERATE GROWTH

%

CONSERVATIVE GROWTH

%

INCOME

%

BANKSAFE

%

Total Allocations

0

%

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STABLE ACCOUNT

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Conservative Growth

The Conservative Growth Option seeks to provide current income and low-to-moderate capital appreciation. This Option invests 100% of its funds in the Vanguard LifeStrategy Conservative Growth Fund. The Vanguard LifeStrategy Conservative Growth Fund allocates approximately 60% of its assets to bonds and 40% to common stocks.

Close

Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).

Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.

Your choices must total to 100%.

You can change your future investment choices at any time by logging into your account.

NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

Choose my Investment Options now

Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-insured)

GROWTH

%

MODERATE GROWTH

%

CONSERVATIVE GROWTH

%

INCOME

%

BANKSAFE

%

Total Allocations

0

%

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Investment Options

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Income

The Income Option seeks to provide current income and some capital appreciation. This Option invests 100% of its funds in the Vanguard LifeStrategy Income Fund. The Vanguard LifeStrategy Income Fund allocates approximately 80% of its assets to bonds and 20% to common stocks.

Close

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- Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).
 - Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.
 - Your choices must total to 100%.
 - You can change your future investment choices at any time by logging into your account.
- NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

- ☒ Choose my Investment Options now
- ☐ Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-insured)

GROWTH ⓘ

%

MODERATE GROWTH ⓘ

%

CONSERVATIVE GROWTH ⓘ

%

INCOME ⓘ

%

BANKSAFE ⓘ

%

Total Allocations

0

%

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BankSafe

The BankSafe Option offers a conservative investment strategy, and is designed to protect your principal investment. This Option invests 100% of its funds into an FDIC-insured account.

Close

Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).

Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.

Your choices must total to 100%.

You can change your future investment choices at any time by logging into your account.

NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

Choose my Investment Options now

Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-insured)

GROWTH

%

MODERATE GROWTH

%

CONSERVATIVE GROWTH

%

INCOME

%

BANKSAFE

%

Total Allocations

0

%

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INVESTMENT OPTIONS

How would you like the money in your STABLE Account to be invested?

- Before making a selection, please ensure you have read the [Plan Disclosure Statement](#).
- Contributions will be invested according to the choices you designate below. You may select one or more Investment Options.
- Your choices must total to 100%.
- You can change your future investment choices at any time by logging into your account.

NOTE: If you do not wish to manually select investment options at this time, your contributions will be put into the default investment portfolio, the STABLE BankSafe Option.

The BankSafe Option offers FDIC Insurance protection for amounts invested up to the FDIC-permitted limits. See the [Plan Disclosure Statement](#) for further information.

- ☒ Choose my Investment Options now
- ☐ Choose default investment option - 100% invested in the STABLE BankSafe Option (FDIC-Insured)

GROWTH

%

MODERATE GROWTH

%

CONSERVATIVE GROWTH

50

%

INCOME

%

BANKSAFE

50

%

Total Allocations

100

✓

%

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CONTRIBUTION OPTIONS

Please tell us how you would like to contribute to your STABLE account. You may select more than one option.

Initial Contribution

- ☒ **Initial Contribution via ACH**
\$50 minimum. Make a one-time payment from your checking or savings account.
- ☐ **Initial Contribution by Check**
\$50 minimum. You will need to send a check to the STABLE Account. Mailing instructions can be found on the final step of this application.

Recurring Contributions: You may also set up future contributions at this time.

- ☐ **Automatic Recurring Contributions**
Set up repeating contributions to be deducted from your checking or savings account on a regular basis.

Rollover Contribution from another ABLE Plan

- ☐ **Rollover or Transfer**
Rollover Contribution instructions can be found on the final step of this application.



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CONTRIBUTION OPTIONS

Total contributions may not exceed \$15,000 per year.

Initial Contribution Amount

The minimum initial contribution amount is \$50

\$

Bank/Financial Institution

Bank Nickname*

Routing Number*

Account Number*

Re-type Account Number*

Account Type*

Select One

☐ [I agree to the Online ACH Terms and Conditions.](#)

Before we can process this contribution, you will need to verify ownership of the bank account you have entered above. As part of this verification process, STABLE will make two small deposits into your bank account within 1-2 business days. Once you see these deposits appear, you will need to log back into your STABLE Account and verify the amounts of the deposits online. We will then complete processing of your contribution. For more information, see [Bank Account Verification Process](#).

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Automatic Recurring Contributions

You can sign up for Automatic Recurring Contributions.

- ☐ Yes, I would like to sign up for Automatic Recurring Contributions.
- ☒ No, I'm not ready to sign up now, but may consider it later.

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Are you ready to complete your application?

You are almost done. We just need you to agree to the Attestations on the next page and review the information you provided for accuracy.

Yes, Ready to Proceed

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CERTIFICATIONS & ATTESTATIONS

Great job, almost done!

Based upon the information you provided in the application, we need you to review and attest to the following:

Certification Under Penalties of Perjury

I certify under the penalties of perjury that I have correctly reported the Beneficiary's legal state of residence.

I certify under the penalties of perjury that the Beneficiary's disability information is true and accurate and that I will report any change in disability status that could affect STABLE Plan eligibility.

I certify under the penalties of perjury that the Beneficiary's disability onset occurred prior to the Beneficiary turning 26 years old.

[Applicable only if you are an Authorized Legal Representative opening an account for someone other than yourself]: I certify under the penalties of perjury that I am authorized to open this account for the Beneficiary because I am either the Beneficiary's parent, guardian, or agent under a financial power of attorney. If I am a parent opening an account for my child, and my child is 18 or older, I certify that my child does not have capacity to open and administer this account on his or her own. If I am a guardian opening an account for my ward, I certify that I am a court-appointed guardian, that my appointment as guardian has not been revoked, and that my authority as guardian includes opening this account on behalf of the ward. If I am an agent acting pursuant to a power of attorney, I certify that the Beneficiary is alive, that the Beneficiary has not revoked the power of attorney or my authority to act pursuant to the power of attorney, that my authority to act pursuant to the power of attorney has not been otherwise terminated, and that if the power of attorney was drafted to become effective upon the happening of an event or contingency, that the event or contingency has occurred.

I certify under the penalties of perjury that I understand the maximum STABLE Account limits, the consequences for excess contributions, and how account values in excess of \$100,000 may affect the Beneficiary's eligibility for the Supplemental Security Income program.

I certify under the penalties of perjury that all of the information above and all other information contained in this application is true and correct.

☒ * I certify under the penalties of perjury that the above information is true.

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REVIEW YOUR INFORMATION - STEP 1

Here are the accounts you are opening today: Click 'Review Information' below to proceed.

Jane Doe's

Account

Edit

Delete

	Contributions	Amount	Contribution Method
Individual Account	Initial Contribution	\$50.00	ACH

Review Information



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SUBMIT APPLICATION

Acknowledgements and Agreement

By clicking "I accept", I am agreeing to the terms and conditions set forth below and in the Plan Disclosure Statement and Participation Agreement. I understand and agree that these documents govern all aspects of this account and are incorporated herein by reference. I understand and agree to pay any and all account or other fees described in the Plan Disclosure Statement.

I certify that all of the information provided by me through this website is, and all information provided by me in the future will be, true, complete and correct. I authorize the Plan to act on my instructions given through the website. I further agree that neither STABLE nor its agents will be liable for any loss, liability, cost or expense for acting upon these instructions, except to the extent required by applicable law.

I understand that at any time the value of my account(s) may be more or less than the amounts I contributed to such account(s).

I have received, read and understand the Plan Disclosure Statement, including the Participation Agreement. I understand that STABLE may from time to time amend the Plan Disclosure Statement and Participation Agreement and I understand and agree that I will be subject to the terms of those amendments.

☒ I understand and agree to the Terms and Conditions of Plan Disclosure Statement and Participation Agreement.

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Account Statistics

Total – 44

Locations – account owners reside in 12 out of 33 counties, Bernalillo (21), and Doña Ana (10) have the highest number of accounts.

Average balance - \$6,071 (national average - \$4,100)

Total contributions - \$49,201

Total withdrawals - \$6,637

Average age of account owner – 34 (national average - 30)

Eligibility/Demographic Information:

86% of account owners claimed SSI/SSDI as their basis for eligibility.

32% of account owners are living with developmental disorders, 22% - intellectual disabilities, 22% - psychiatric disorders.

95% of disabilities stated are permanent.

36% of account administrators are legal guardians, 25% are parents, 25% are self-administered, and 14% are Powers of Attorney.

'BankSafe' is the most popular (and default) investment option for account owners in New Mexico and throughout the U.S. The second most popular investment option is 'Growth'.

22 account owners stated they learned about ABLE New Mexico from an attorney, 7 by mail, and 5 from a disability advocacy organization.



New Mexico State Treasurer's Office—Tim Eichenberg, Treasurer
PO Box 5135, Santa Fe, NM, 87502

505.955.1120

www.nmsto.gov

ABLE Act – Accounts for Persons with Disabilities Act

New Mexico

What is the ABLE Act?

The ABLE Act is a federal law that allows eligible people with disabilities to open an ABLE investment and savings account. The "Bank Safe" option is a saving account and there are four investment options available. They range from aggressive to conservative (Growth, Moderate Growth, Conservative Growth, and Income Options). It allows a person with a disability to save money without losing eligibility for Medicaid, Supplemental Security Income (SSI), and other programs. The money in this account may be used for qualified disability-related expenses.

Why open an ABLE account?

Many people with disabilities rely on Medicaid, SSI, and other public programs. To qualify for these programs, someone generally must have a low monthly income and no more than \$2,000 in countable assets. The ABLE Act allows a person to save more than this usual asset limit in an ABLE account without losing these important benefits, and to use those savings to pay for qualified expenses related to his or her disability.

Who is eligible?

An eligible person is someone whose disability began before the age of 26, and who has been living with their disability for at least one year, or expects it to last for at least a year. The applicant must also meet one of the following criteria:

- Be entitled to SSI because of their disability
- Be entitled to Social Security Disability Insurance (SSDI) because of their disability
- Have a condition listed on the Social Security Administration's List of Compassionate Allowances Conditions at www.ssa.gov/compassionateallowances/conditions.htm
- Self-certify their disability and diagnosis when opening an ABLE account.

How can someone open an ABLE account?

The ABLE account process is online. Visit www.ablenewmexico.com to register and open an account. Enrollment is free; however, a minimum deposit of \$50.00 is needed to open an account. Any deposits after that can be as little as \$1.00. Currently, there is a \$3.50 fee per month to have an account. There is also an asset fee between 0.19% and 0.34% depending on the options chosen. Any earnings on the account are free of state and federal taxes

Key facts:

- Anyone, such as a family member or friend, may contribute to the account.
- Up to \$15,000 may be put into an ABLE account each year. More than one person can contribute, but the total contributions from all sources is limited to \$15,000 per year.
- If the beneficiary is employed, the maximum yearly contribution is \$27,060 per year.
- If the total amount in the ABLE account exceeds \$100,000, then SSI benefits will be suspended until the amount in the account drops back down to \$100,000 or less.
- ABLE account funds do not affect eligibility for Medicaid, SSI and other programs.
- ABLE account funds must be spent on costs related to living with a disability.
- Disability-related expenses may include health care, education, housing, personal support services, transportation, employment training, assistive technology and other services.
- If Medicaid benefits were used while an account is open, it may be possible for Medicaid to seek repayment after a person's death. However, there are a number of things that the account can be used for before Medicaid could be repaid, such as funeral costs. Be sure to ask for more details.



State of New Mexico ABLE Program

www.ablenewmexico.com

**ABLE National
Resource Center**
202-296-2040

www.ablenrc.org/

Questions?

Call the CDD
Information Network

1-800-552-8195

or visit our website at

www.cdd.unm.edu/infonet

Informational Tip
Sheets:

www.cdd.unm.edu/infonet/tip-sheets.html



What is ABLE?

- The ABLE Act (The Stephen Beck, Jr. Achieving a Better Life Experience Act) passed the U.S. Congress in December 2014 and was enacted in New Mexico in March 2016.
- It allows eligible individuals with disabilities to open ABLE investment accounts.
 - Hybrid of 529 college savings accounts, checking accounts, and Special Needs Trusts.
 - Funds can be used for qualifying disability-related expenses (education, housing and transportation, healthcare, assistive technology, and employment training and support)
 - Will not interfere with Medicaid, Supplemental Security Income, and Supplemental Security Disability Income eligibility unless account exceeds \$100,000.

Benefits of ABLE New Mexico Accounts

- The account is owned by the person with the disability; one account per person.
- Provides financial independence for individuals with disabilities; contributions can be made by friends and family.
- Provides a new investment opportunity and tax-free earnings.
- It dramatically increases their ability to save:
 - Before ABLE, individuals could save approximately \$2,000 of their own money before risking the loss of healthcare and other benefits (SSI and SSDI).

Eligibility

- Individuals whose disability developed before their 26th birthday.
- Who have been living with the disability for at least one year, or expect the disability to last at least one year.
- Who are entitled to SSI and/or SSDI due to their disability.

Things to Consider

- Account contributions are limited to \$15,000 per year.
- If funds exceed \$100,000, SSI benefits will be suspended.
- If account holder passes away, Medicaid can request reimbursement from the ABLE account for assistance provided since inception of the account.
- *ABLE New Mexico*, administered by the State Treasurer's Office, will begin January 18, 2018. For more information go to **www.ableNewMexico.com**.



New Mexico State Treasurer's Office—Tim Eichenberg, Treasurer

PO Box 5135, Santa Fe, NM, 87502

505.955.1120

www.nmsto.gov



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Circle of Promise Membership

ARCAs Circle of Promise membership program was created in 2012 to recognize those who have made lasting, critical legacy gifts to ARCA. Our Circle of Promise members include families of individuals ARCA serves, Board members, staff, volunteers and community members who have a common vision and commitment for a better life for future generations served by ARCA. Membership is voluntary and your gift can remain anonymous.

Benefits of Membership

- Circle of Promise lapel pin
- ARCAs Outlook delivered to your home or business
- ARCAs Annual Report
- Invitation to an annual ARCA event for Circle of Promise members
- Invitations to special ARCA events throughout the year



A Strong Future

Thanks to the foresight of our founding families, ARCA has provided nationally recognized services to hundreds of children and adults with intellectual and developmental disabilities in the greater Albuquerque area since 1957. Our generous community partners are continuing this tradition with planned gifts to provide for a bright future for ARCA and the cherished individuals we will serve as long as the need exists.



Working together to open doors for people with intellectual and developmental disabilities to be valued members of the community.

11300 Lomas Blvd. NE
Albuquerque, NM 87112
(505) 332-6700

www.ARCASOpeningDoors.org

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Circle of Promise



The planned gift you make today will assure a **bright future** for hundreds of children and adults with intellectual and developmental disabilities.

Leaving a Legacy

Planned gifts grow the ARCA Foundation's endowment fund creating a strong future for cherished children and adults with intellectual and developmental disabilities as long as there is a need. You may designate all or a portion of your gift as an unrestricted contribution to the ARCA Foundation Endowment or for a specific program or purpose within ARCA. You may also leave a legacy in memory of a loved one or choose to give anonymously. Your financial advisor and ARCA can help determine the best option for you and your family, including:

Bequests: including the ARCA Foundation in your will for a specific dollar amount or percentage of your estate.

Charitable Remainder Trusts (CRT): establishing a CRT to provide you or a loved one with either a variable or fixed dollar amount annually from the assets in the trust. The ARCA Foundation will receive all or part of the balance.

Charitable Lead Trusts: transferring assets to a trust that pays a yearly amount to the ARCA Foundation for a specified number of years and then returns the remaining assets to your designated beneficiaries.

Gifts of Real Property: donating your home or other real estate to the ARCA Foundation even if you continue to live in your home during your lifetime.

Life Insurance: transferring ownership of a paid life insurance policy to the ARCA Foundation can provide tax savings and help eliminate estate taxes.

Bank Accounts and Certificates of Deposits: naming the ARCA Foundation as the "payable-on-death" beneficiary allows these assets to pass directly to ARCA at your death.

Retirement Benefits: naming the ARCA Foundation as a beneficiary of your IRA or other retirement plan assets provides 100% use of those assets without income tax.



To include ARCA in your Will or Estate Plan, please use the following language:

"The ARCA Foundation, a nonprofit corporation organized and existing under the laws of the State of New Mexico and with principal business address of 11300 Lomas Blvd., NE, Albuquerque, NM 87112."

Our Tax ID is **85-0437970**

Date of Incorporation is **January 1, 1996**



CONTACT: **Elaine Solimon**
ARCA Community Relations Director

(505) 332-6805
ESolimon@ARCASpirit.org



Honoring those who build
bright futures through
Planned Gifts to ARCA.

ENROLLMENT FORM

☐ I am interested in learning more about leaving a legacy through my will or estate plan.

☐ Please enroll me as a member of ARCA's Circle of Promise. I have left a gift through my:

- ☐ Will
- ☐ Living Trust
- ☐ Insurance
- ☐ Retirement Plan
- ☐ Charitable Trust
- ☐ Other _____

NAME (Please Print) _____

ADDRESS _____

TELEPHONE _____

EMAIL _____

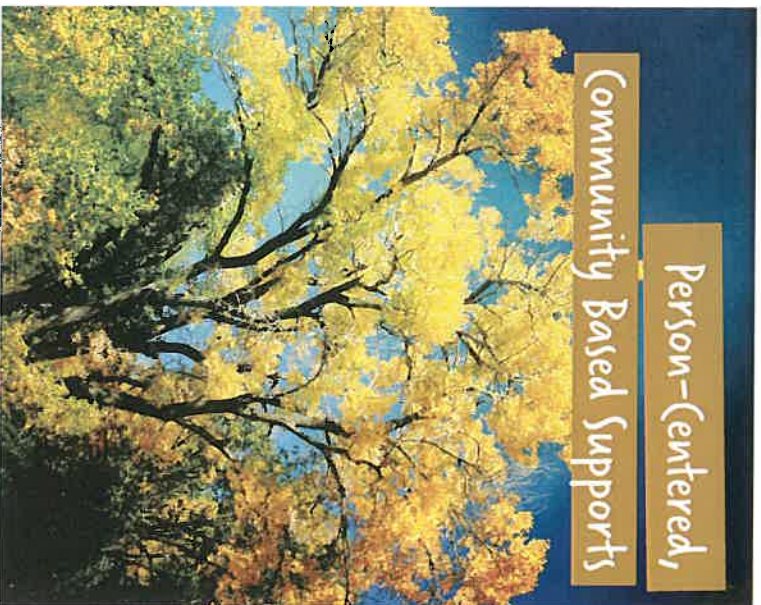
After completing, please send to:
Elaine Solimon, c/o ARCA

11300 Lomas Blvd NE • Albuquerque, NM 87112

www.ARCASpirit.org

Person-(entered,

Community Based Supports



Finding a new way of life...

At ARCA, every step forward has a functional component. Functional activities are the core of a meaningful life and compassionate, trained staff provide the repetitive training and positive behavior supports needed to help a person meet their individual potential as an active member of the community. Working with families while the person is in a residential rehabilitation program supports a smooth transition in realizing successful cognitive outcomes.

At ARCA, we are dedicated to supporting individuals with cognitive, intellectual and developmental disabilities by focusing on customized, multidisciplinary care based on each person's unique needs. Our programs and services have been developed over time to encourage independence, instill confidence and create an overall feeling of well-being.

From residential services to day treatment supports, our mission at ARCA is to ensure everyone has the tools and support they need to live great lives.

**For more information about ARCA's
Community Based, Cognitive Functional
Rehabilitation or to schedule an assessment,
please contact Michael Langford at
(505) 235-7478 or MLangford@ARCASpirit.org.**



A R C A

Opening Doors.

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(505) 332-6700 • fax (505) 332-6800
ARCAOpeningDoors.org

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Opening Doors.



Community Based,

Cognitive Functional

Rehabilitation

*Specializing in functional
skills development and
self-management strategies
for people living with
cognitive challenges.*



The impact of a brain injury is as unique to each person as the level, type and duration of care should be. ARCA's person centered, community based program provides a full continuum of care including residential rehabilitation, long-term, in-home services, community inclusion and day treatment services. Our model provides options based on the needs of the individual and welcomes the family into the rehabilitation process.

We will:

- **Conduct personal assessments**
- **Develop an individualized plan to enhance quality of life.**
 - Outcomes are based on each person's strengths, interests and needs
 - Outcomes provide the tools to enhance lost skills
- **Provide a structure to accomplish the goals of the plan including:**
 - 24-hour, fully staffed, residential support in small homes in the community
 - Independent, with supports, community based living
 - Family based residential supports
- **Perform 90-day evaluations and adjust plans as appropriate**
- **Offer subject specific training to families**

Rehabilitation is a process and the journey to successful cognitive outcomes is filled with opportunities, both great and small, to achieve individual potential. The goal of ARCA's comprehensive continuum of care is to help each person achieve their potential at every stage of their journey.

ARCA's community based, residential services are customized for each person based on an initial assessment and may be modified based on subsequent 90-day evaluations.

ARCA also provides Day Treatment (Outpatient) Supports including:

- Cognitive Behavior Training
- Life Skills Training
- Pre-vocational
- Supported Employment
- Money Management
- Socialization
- Individualized Transportation
- Technology
- Allied Health Services

Residential services include:

- Program Coordination
- Nursing and Health Promotion
- Supported Employment
- Respite
- Recreation
- Individualized Transportation
- Assistive Technology
- Custom Therapies

Allied Health Services include:

- Speech and Language Pathology
- Occupational Therapy
- Physical Therapy
- Counseling
- Nursing and Nutrition



For more information or to schedule an assessment, please contact Michael Langford at (505) 235-7478 or MLangford@ARCASpirit.org.

Special Needs Pooled Trusts



A special needs trust assures a more secure future for your loved one with intellectual and developmental disabilities. For many families, the choice of a competent and caring trustee can be difficult to find.

ARCA's special needs pooled trusts are secure; they are isolated from operational accounts, with each individual trust established as a sub-account. Oversight of ARCA's special needs pooled trusts is vested in the ARCA Foundation Board of Directors.

ARCA has established a multidisciplinary process to assure fund withdrawals meet the needs of the individual and are in accordance with applicable regulations.

ARCA is honored to continue providing life-long services to the cherished individuals in our care.

*Creating opportunities
for a bright tomorrow*



*Working together to open doors for people with
intellectual and developmental disabilities to be
valued members of the community.*

11300 Lomas Blvd. NE
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www.ARCACreatingDoors.org

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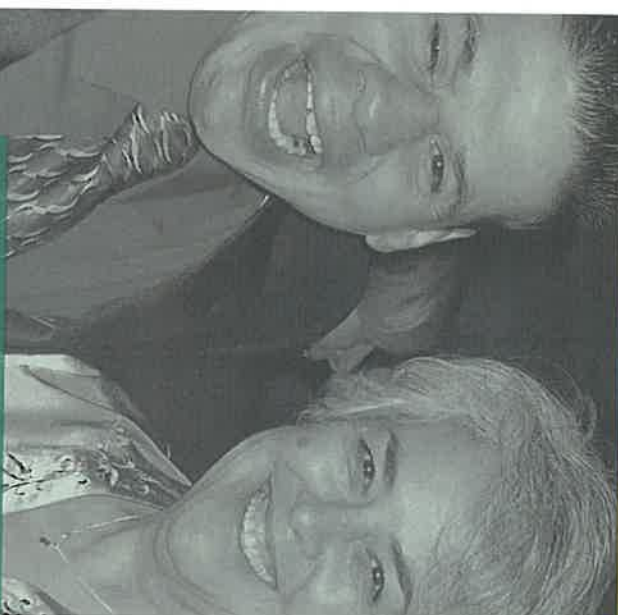


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www.facebook.com/ARCAOpeningDoors

Special Needs Pooled Trusts



Helping your loved ones with intellectual and developmental disabilities **live great lives** is your goal, and ours. As partners in this ongoing journey, ARCA can work with you to simplify the process of providing for your family member living with a disability throughout his or her lifetime.

Providing for our loved ones with special needs

ARCA's special needs grantor and donor pooled trusts were established to help our individuals and families reach their individual goals of providing long-term financial support for loved ones. We invite you to learn more about these opportunities to:

- protect your family member from future financial hardship
- assure your family member will maintain government benefits
- supplement government benefits with quality of life services such as trips to see family, cultural and educational experiences, non-covered medical or dental costs, special nursing care or therapy ~even basic supplies.

Designed to meet the needs of people of moderate means, either special needs pooled trust:

- can be established with minimum balance of only \$100
- can receive additional contributions.



ARCA Foundation Grantor Pooled Trust

Any person with intellectual and developmental disabilities under 65 years of age who depends on publicly funded programs for basic needs should consider a special needs Grantor Trust for money received in his or her own right. This Trust will assure money received by your loved one will be available for quality of life activities not covered by government funding.

For example, if your brother receives a Social Security back payment, an inheritance settlement or has accrued wages in excess of \$2,000, opening an ARCA special needs Grantor Trust would ensure he continues to receive essential government resources and has access to funds for special needs.

Any balance remaining at the death of the beneficiary remains with ARCA.



ARCA Foundation Donor Pooled Trust

Any person wishing to provide supplemental funding to a person with intellectual and developmental disabilities should consider a special needs Donor Pooled Trust, which can be funded today, or upon the death of the donor.

This Trust will assure money intended for your loved one will be available for quality of life activities not covered by government funding.

ARCA's special needs Donor Pooled Trust is perfect for both families with financial resources now and families who might wish to name the special needs Trust in their will. Funds are available for the benefit of your loved one during his or her lifetime. Any amount remaining after his or her death can go to benefit others, including ARCA.

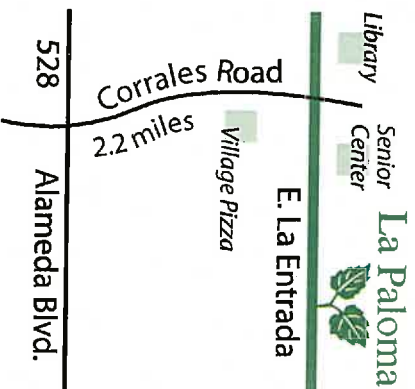


CONTACT: **Elaine Solimon**
ARCA Community Relations Director

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ESolimon@ARCASpirit.org

www.ARCASpirit.org

ARCA was founded in Albuquerque in 1957 by parents wanting opportunities for their children with intellectual and developmental disabilities. Governed by volunteer Boards and Councils, ARCA is the largest private, nonprofit provider of community supports in New Mexico. ARCA is privileged to serve nearly 700 cherished individuals ranging in age from 0-87+. Every day, individuals in ARCA's care give back to our community through dedicated employment and countless hours of volunteerism.



Working together to open doors for people with intellectual and developmental disabilities to be valued members of the community.

11300 Lomas Blvd NE, Albuquerque, New Mexico 87112
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Hosted by
ARCA Buddies Civitan Group



**181 East La Entrada Lane
Corrales, New Mexico**
(map on back)

Tours will be available.

*Convenient parking available on site, on the north side of
La Entrada or a short walk away at the Corrales Senior Center.*

Light brunch fare and beverages will be available.

Please RSVP by April 16th to MCody@ARCASpirit.org.



Spring is here! We hope you and your family will join us in celebrating ARCA's remarkable gardeners and this year's crop of 12,000 geraniums.

Saturday, April 21st, 2018
Open House
9 AM to NOON

