

MSBA ELDER LAW SECTION E-NEWSLETTER
May 10, 2011

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E-Newsletter Editorial Staff:

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ITEM OF INTEREST

Understanding UTMA Accounts for Children with Disabilities

When working with clients who have a child with a disability, it is important for practitioners to be aware of potential issues with UTMA accounts. A Uniform Transfer to Minors Act (UTMA) account holds money that is gifted to a child who has not yet reached the age of majority. The minor child “owns” the account, but the account is controlled by a custodian.

For a child receiving SSI, the UTMA account will not be considered a resource until the account is considered available to the child under state law. Interest or dividend income generated by the account is also not counted as income of the SSI recipient. Any distribution of cash to the child is counted as income to the child for that month. Likewise, when a custodial account terminates, Medical Assistance will consider assets in the UTMA account as income in the month of termination and as an asset in the following month.

BE AWARE that under Minnesota law, UTMA accounts may terminate at age 18 or age 21, depending on how the account was established. See *Minn. Stat. § 527.40*.

Practitioners should review any UTMA accounts for a child with special needs who is approaching the age of majority. Serious eligibility issues can be avoided by transferring the UTMA account into a special needs trust before the account is available to the child under state law.

Submitted by Laura J. Zdychnec, Esq.

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LINK OF THE WEEK

DHS Website features managed care health contracting information

All public information about managed care plans that contract with the state to provide health care for enrollees in public programs is now available at:

www.dhs.state.mn.us/ManagedCareReporting.

The website, established by DHS under a March 23 executive order from Gov. Mark Dayton, includes all public data and reports related to managed-care plan contracts. More information is available in a [news release about the managed care health contracting information website](#).

Submitted by Peter M. Hendricks, Esq.

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ELDER LAW NEWS

Getting your affairs in order

<http://www.sleepyeyenews.com/news/x294378656/Getting-your-affairs-in-order>

So far, Medicare debate is muted here

<http://www.startribune.com/politics/national/121222989.html>

Hundreds of seniors rally at Capitol over threat of cuts

<http://minnesota.publicradio.org/display/web/2011/05/03/senior-rally/>

MINNESOTA CASES

There are no Minnesota Cases to report this week.

STATUTES, REGULATIONS, BULLETINS

There are no Statutes, Regulations, or Bulletins to report this week.

UPCOMING EVENTS AND CLE PROGRAMS

Hennepin County Bar Association

Webcast CLE

Live Replay: Elder Law, 2011 and Beyond

May 12, 2011

Contact information: <https://www.hcba.org/Calendar/Signup.aspx?EventNo=3584>

Minnesota State Bar Association

Probate & Trust Law Section Conference

June 6 & 7, 2011

Contact Information: <http://www.minncle.org/seminardetail.aspx?ID=100641101>

Ramsey County Bar Association

Dealing with Elderly Parents

June 8, 2011

Contact information:

https://netforum.avectra.com/eWeb/DynamicPage.aspx?Site=RCBA&WebCode=EventDetail&evt_key=50a28f4a-6eda-49a1-80d0-2f2aae562239

ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, June 28, 2011. Topics for the meeting may be submitted to MA Committee Chair, Cathryn Reher, at creher@mnelderlaw.com, or faxed to 952-542-9201. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622. Please be reminded that the meeting location is: Estate & Elder Law Services (formerly MAO Legal Services), Monroe Village, 1900 Central Avenue NE, Suite 106, Minneapolis, Minnesota 55418. There are a few parking spaces behind the building and lots of street parking. People should walk to the back of the building and come to the back door which faces directly into the meeting room.

GOVERNING COUNCIL: The next meeting of the Elder Law Section Governing Council will be 3:30 p.m. on Friday, June 17, 2011, in conjunction with the Elder Law Section Annual Meeting. The meeting will be held at Estate & Elder Law Services (formerly MAO Legal Services), Monroe Village, 1900 Central Avenue NE, Suite 106, Minneapolis, Minnesota 55418. There are a few parking spaces behind the building and lots of street parking. People should walk to the back of the building and come to the back door which faces directly into the meeting room. For further information, please contact Jennifer Wright, Chair, at jlwright1@stthomas.edu.

ELDER LAW SECTION ANNUAL MEETING: The 2011 Annual Meeting of the Elder Law Section will be held at 3:30 p.m. on Friday, June 17, 2011, at the offices of Estate & Elder Law Services (formerly MAO Legal Services), located at Monroe Village, 1900 Central Avenue NE, Suite 106, Minneapolis. Please note the meeting date and location changes. There are a few parking spaces behind the building and lots of street parking. People should walk to the back of the building and come to the back door which

faces directly into the meeting room. For further information, please contact Jennifer L. Wright at jlwright1@stthomas.edu.

DON'T FORGET THAT THE ELDER LAW WEBSITE IS A GREAT RESOURCE. Here's what you can find on the Website: Links to the DHS Health Care Programs Manual, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, Links to Federal and State Government Agencies, Statutes, and Regulations; Meeting Notices, Listings of Officers and Council Members, Section Bylaws, and more.

To access the ELDER LAW SECTION WEBSITE
Click here: <http://www.mnbar.org/sections/elder-law/index.asp>

Please send E-Newsletter contributions by 10 p.m. on Sunday of each week to Marjorie Austin at mj@mjaustinlaw.com.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Elyse Farnsworth at efarnsworth@statebar.gen.mn.us.

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available at: <http://www2.mnbar.org/sections/elder-law/newsletter.asp>.