

FIDUCIARY MANAGEMENT AND BENEFITS, RECORDING KEEPING



2009 KGA Conference

SESSION OBJECTIVES

We will cover:

- Setting up a Bank Account
- Asset and Liability Management
- Types of Benefits and Fiscal Management Tools

LIABILITY OF A CONSERVATOR

- Not personally liable
- Responsibility for handling financial matters in a prudent manner – as a normal person would handle such matters
- KRS 387.660(5) & 700: Set out duties of a conservator

Duties Include:

- Real and personal properties
- Rents, incomes and benefits
- Protect and preserve estate
- Retain, sell and invest
- Defend actions, claims or proceedings to protect assets
- Apply money and property for payments of debts, taxes, claims, charges and expenses of conservatorship

Duties Include (Cont'd)

- Support, care, maintenance and education of the ward or, as appropriate, his/her dependents
- Sale of realty has to have court approval and is addressed in KRS 389A
- Mineral rights, oil and gas rights or sale of timber owed approval of the court

Gather Information

- Assets: Checking and Savings Accounts, Money Market Accounts, Deeds, Title to cars, boats, mobile homes, stocks and bonds, royalties, rental property, lockbox keys, life insurance, guns
- Liabilities: Mortgage and Equity Loan Papers, car loans, personal loans, monthly bills due
- Other Information: Health, Home and Auto Insurances, Mailing Address, Keys to Real and Personal Properties; copies of prior tax returns;

Where to Find Information

- Person's desk
- Lock Box and Safes
- Accountant/CPA
- Credit Reports
- Neighbors and Family Members
- Church Members
- IRS – can request last three years of tax returns
- Facility where ward lives

Opening A Bank Account and Keeping Receipts

- Bank of Your Choice
- Titled "Your Name for Name of Ward"
- Keep receipts (statements, invoices, sales receipts) in one place
- Keep medical records
- Never put any document or title to property into your name

Recording Keeping

- Simple ledger in the computer or on ledger paper
- Like a checkbook Transaction Register
- Column for income and a separate column for expenses
- A system such as file folders for maintaining receipts, statements, asset and liability information, personal information keep in one place

Representative Payee

Will need to be completed annually or as required for:

- Social Security Administration
- Veterans Administration
- Certain Pensions

Information Asked for can Include:

- Financial and
- Personal

Recap

- Keep it simple
- Gather information
- Set up system to organize financial and personal information
- Remember – you are not personally liable as long as you handle matters as a prudent person would

BENEFITS

SOCIAL SECURITY (aged, blind or disabled)
Retirement Benefits (regular SS/40 quarters)
Disability Benefits (SSDI)
Supplemental Security Income (SSI)
Medicare (automatic with retirement benef)
Medicaid (automatic in KY with SSI)

BENEFITS

MEDICARE

Dependents' benefits

Survivors' benefits

child vs spouse (Medicare timing)

BENEFITS

MEDICARE

SSDI: 2 year waiting period

Supplement policies

Part D (pharmacy)

BENEFITS

SSDI

Disabled Workers (20 quarters)

Does not cover minor children (they never worked)

Medicare after 2 years from date of qualifying (6 month delay)

BENEFITS

SS DEPENDENTS BENEFITS

Based on the worker's record

-worker is disabled or retired

-not survivors benefits

Medicare available

Not necessarily dependent on worker income

Spouse qualifies @60 years of age

BENEFITS

SS Survivors Benefits

Deceased worker's benefits

More generous than Survivors benefits

BENEFITS

SSI

Welfare (means tested)

\$2,000 resources

income limits

"disabled"

Disability payments

\$674 – single

\$1,011 – couple

Medicaid automatically attaches

BENEFITS

MEDICAID (means tested)

Welfare Medical insurance

\$2,000 resources

limited income

Waiver programs

Consumer Directed Options (CDO)

"Michelle P" waiver

Others

Long Term Care Benefits

BENEFITS

LONG TERM CARE BENEFITS

Nursing Home vs Assisted Living

Medicaid Planning

Special Needs Trusts

3rd party vs 1st party SNTs

Pooled Trusts

BENEFITS

VETERANS ADMINISTRATION BENEFITS

Pension

Aid and Attendance

Nursing Home

Medical

Preneed Burial Arrangements

Medicaid/SSI Guidelines

\$10,000 maximum unless approved by
Medicaid

Itemized

Burial plot and monument separate

General Issues
