



BYRD & BYRD LLC
ATTORNEYS AT LAW

October 2016 Newsletter

Welcome to the latest edition of the Byrd & Byrd email newsletter. We hope that you enjoy this newsletter and find helpful information along the way. Happy Reading. If you want more information about Byrd & Byrd, please visit our website by clicking the link below:

[Visit Our Website](#)

Byrd & Byrd Voted the BEST for the 7th Time Running!



Byrd & Byrd was voted the "Best Attorneys" in Bowie by the Bowie Blade-News Reader's Choice Awards for 2016. Readers from Bowie voted for their favorite businesses and services from around the area and Byrd & Byrd came out on top for the area's Best Attorneys. This marks the SEVENTH year in a row that Byrd & Byrd has been crowned with this honor.

Thank you to all who voted for us and we will strive to serve our community even better in the years to come! Call us today at 301.464.7448 for a visit with the Best Attorneys in Bowie!

Let Your Voice Be Heard



If you or your family has been helped by Byrd & Byrd, would you please consider taking a minute to write a review on Facebook? To do so, please follow this link:

<https://www.facebook.com/Byrd-Byrd-LLC-116550268365145/reviews/>

We appreciate what our clients have to say and we want others to know about the quality of service you will receive when working with Byrd & Byrd. Thank you!

Don't Get Spooked By Scammers

by Jackie Byrd

Happy Halloween!!

This is a holiday where folks enjoy tricking each other. Pranks, costumes that don't reveal the person underneath, and skeletons and carved pumpkins for yard decorations. Generally, people have a lot of fun.

However, "tricking" folks is not always done with an honest intention, as much as we would like to think differently. This holiday is a wonderful time to remind you about scams - especially those that tend to target senior citizens. We know senior citizens are not stupid. In fact, remember they weren't born yesterday! However, sometimes as we



age, we become more gullible or lonelier, or our memories are not as sharp as they once were. We would like to have more money to leave our children and, we enjoy talking to a friendly person. So, please carefully read this reminder about scam artists.

To read this article in its entirety, [please click here](#).

Special Needs Planning

by Jessica Estes

October is Special Needs Planning Month. As an elder law attorney, a big part of my practice is devoted to special needs planning. Per the 2010 census and a recent study by the Centers for Disease Control and Prevention, one out of every five adults is disabled. And, this number is rising and will continue to rise as the baby boomer population ages. Thus, if you have not incorporated special needs planning into your estate plan already, you may want to reconsider.



There are programs available through the government, as well as certain non-profit organizations that can help address a variety of needs, including, but not limited to, assistance with housing and energy bills, health care costs and rent. But, many of these programs are needs-based, meaning that they have income and asset limitations. Probably the most popular of these programs is the Medical Assistance program, or "Medicaid," to which it is commonly referred.

But, Medicaid has a five-year "look-back period" during which the government has the right to look at all your financial information to see if you have given away assets during this time. If you have gifted any assets or money, the State will presume that it was for purposes of qualifying for Medicaid and you will be under penalty for a number of months based on the amount of the gift. During this penalty period, Medicaid will not pay benefits and you will be required to pay from your own funds until the penalty period has expired. So, it is imperative that you incorporate special needs planning into your estate plan in the event you or someone you love needs to apply for benefits in the future.

Depending on the situation - whether you need to qualify for benefits now, or whether you are planning for a future time when you might require long term care - there are a variety of trusts that can be set up to protect your assets while at the same time allowing you to qualify for these needs-based benefits.

Certain trusts are funded with assets owned by the special needs beneficiary, usually derived from litigation proceeds or other assets owned by the individual. Often, these trusts are used to supplement any government benefits the beneficiary may be receiving. However, there are special rules as to who can fund these trusts and some require a payback provision upon death to reimburse the State for any benefits paid out while the beneficiary was alive.

Other trusts are funded with assets of a person other than the beneficiary (e.g. a parent or sibling). There are also irrevocable asset protection trusts which can be funded by anyone, including the beneficiary, but where the beneficiary only has direct access to the income, not the principal. These trusts do not require a payback provision, but may be subject to the five-year "look back period."

Overall, your estate plan should encompass special needs planning.

Jessica's Article in "Outlook by the Bay"

"Fiduciary Access to Digital Assets" - check out what Jessica has to say in her latest article that was published in the [Fall 2016 edition of Outlook by the Bay](#). Her article is found on page 10 of the magazine.

Jackie Honored by Appointment to Advisory Committee on Aging



Jackie was honored to be sworn in for a third term on the Prince George's County Advisory Committee on Aging last week.

The twenty-four citizen Committee Members are appointed by County Executive, Rushern L. Baker, III, then interviewed and confirmed by the County Council. The Commission has oversight of county aging programs including review of the Aging Area Plan to ensure that goals and objectives are met and that the plan addresses the needs of seniors residing in Prince George's County.

If you want to bring an issue to the attention of this committee, please call 301-265-8450 to be directed to a Committee member. All meetings are open to the public.

Fall in Love with Autumn



Jackie and two of her grandkids (Lillie and Timothy) are pictured here enjoying the hay and festivities at Bowie's Patuxent Nursery Fall Festival!



Medicaid Mondays

On the second Monday of every month, Jessica Estes hosts a "Medicaid Monday" where she presents information to help you better understand the basic guidelines, requirements and process of Medicaid. This is a FREE informal seminar where you will be able to ask any questions you may have regarding Medicaid. Light refreshments will be provided at each event so we ask that you please RSVP as space is limited. The next Medicaid Monday is scheduled for November 14, 2016. To RSVP for the November seminar, [please click here](#).

YouTube Video of the Month

Ever find it hard to talk to your parents about the real issues that may be facing them? Hopefully this month's video can provide you with a few tips on how to have those important conversations with your loved ones:



Testimonial of the Month

"Byrd & Byrd, LLC is an exceptional law firm. Mr. Byrd and his associates (Val) provide top notch legal representation. We appreciate your passion for justice. Thank you!"

- F. Hill of Upper Marlboro, MD

STAY CONNECTED:



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