



# Self Determination and CalABLE

October 20, 2021



# Webinar Setup

## ASL Interpreters

- View the speaker gallery to find a video feed of our ASL interpreters.

## Captioning

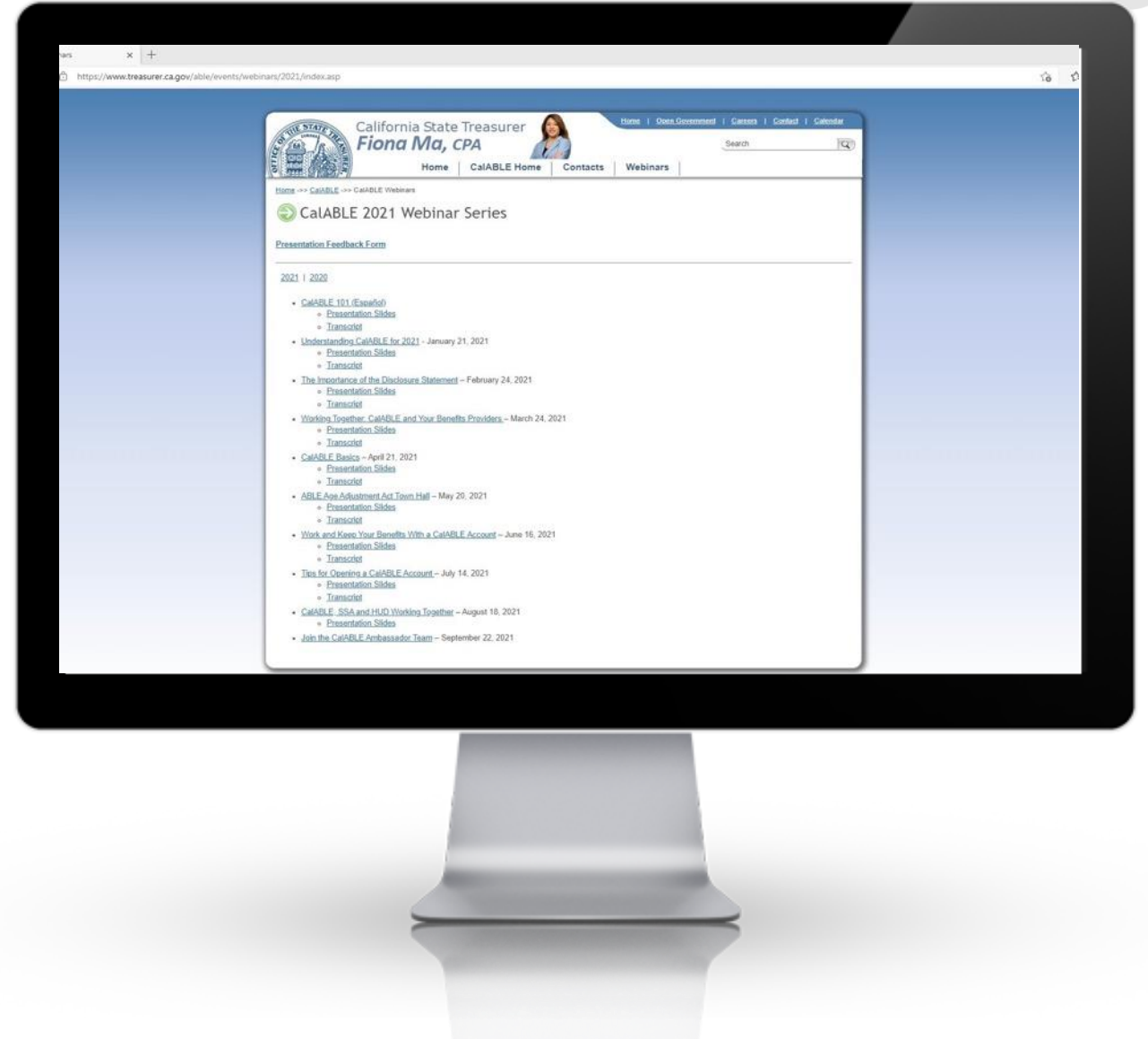
- Turn on Closed Captioning in the webinar controls.
- Adjust the captioning settings if needed
- A transcript view is also available.



# Webinar Setup

## Presentation Slides

Please visit the **CalABLE** website for a copy of today's slides.  
[treasurer.ca.gov/able/events/webinars/2021/index.asp](https://www.treasurer.ca.gov/able/events/webinars/2021/index.asp)



# Audio Options for the Webinar

## Via your computer speakers

- Please make sure your speakers are turned on or your headphones are plugged in.

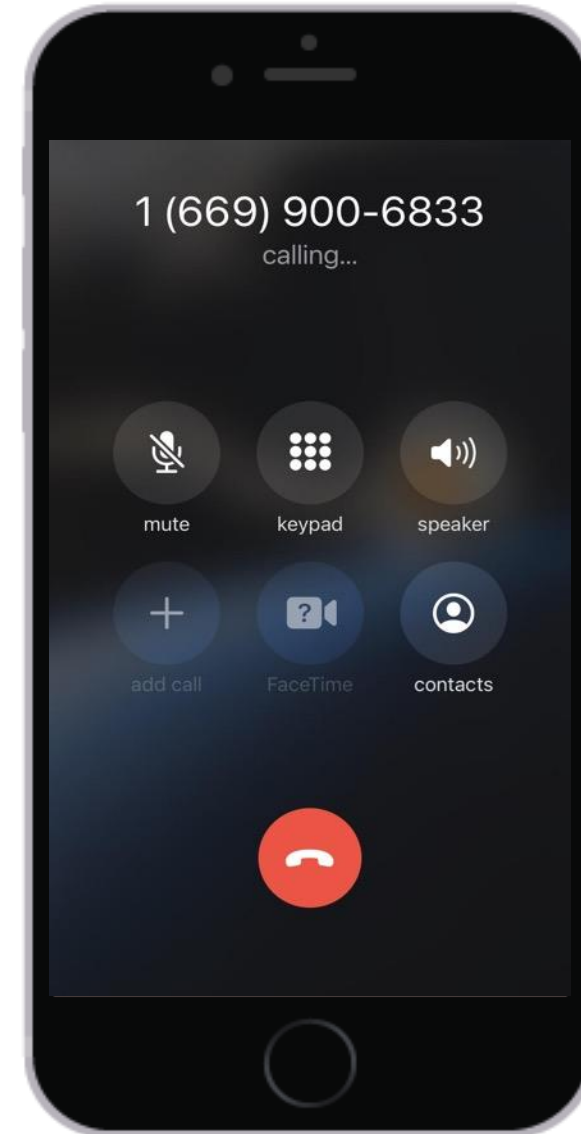
## Don't forget

- You can adjust the volume if needed.

# Audio Options for the Webinar

## Via telephone:

1. Call: [1-669-900-6833](tel:1-669-900-6833)
2. Enter Webinar ID: [98483146264](https://www.zoom.us/j/98483146264)



# Submitting Questions

We will address your questions at the end of the presentation.

## Q&A box

Submit your questions using the **Q&A box** at any time.

## Audio-only participants

Audio-only participants may email us at [CalABLE@treasurer.ca.gov](mailto:CalABLE@treasurer.ca.gov).



# Welcome

Fiona Ma  
*California State Treasurer*

## Poll #1

# What Are You Saving For?

Share your savings goal in the Zoom poll!

First home

Education

Service dog

Recreation and vacation

Accessible vehicle

Technology or equipment

Health and wellness





# Today's Topics

1 What is **ABLE**?

2 **ABLE** Basics

3 How do **ABLE** accounts work?

4 Investment options

5 Opening an account

6 Resources and contacts

7 Connect with CalABLE

8 Q&A

# What Is ABLE?

# Achieving a Better Life Experience (ABLE) Act

- **ABLE** offers a tax benefit specifically for people living with disabilities, helping them reach their financial dreams. The act allows states to offer savings and investment plans.
- **CaABLE** continues to experience double digit growth.\* It has helped thousands of people with disabilities in California save for their future.



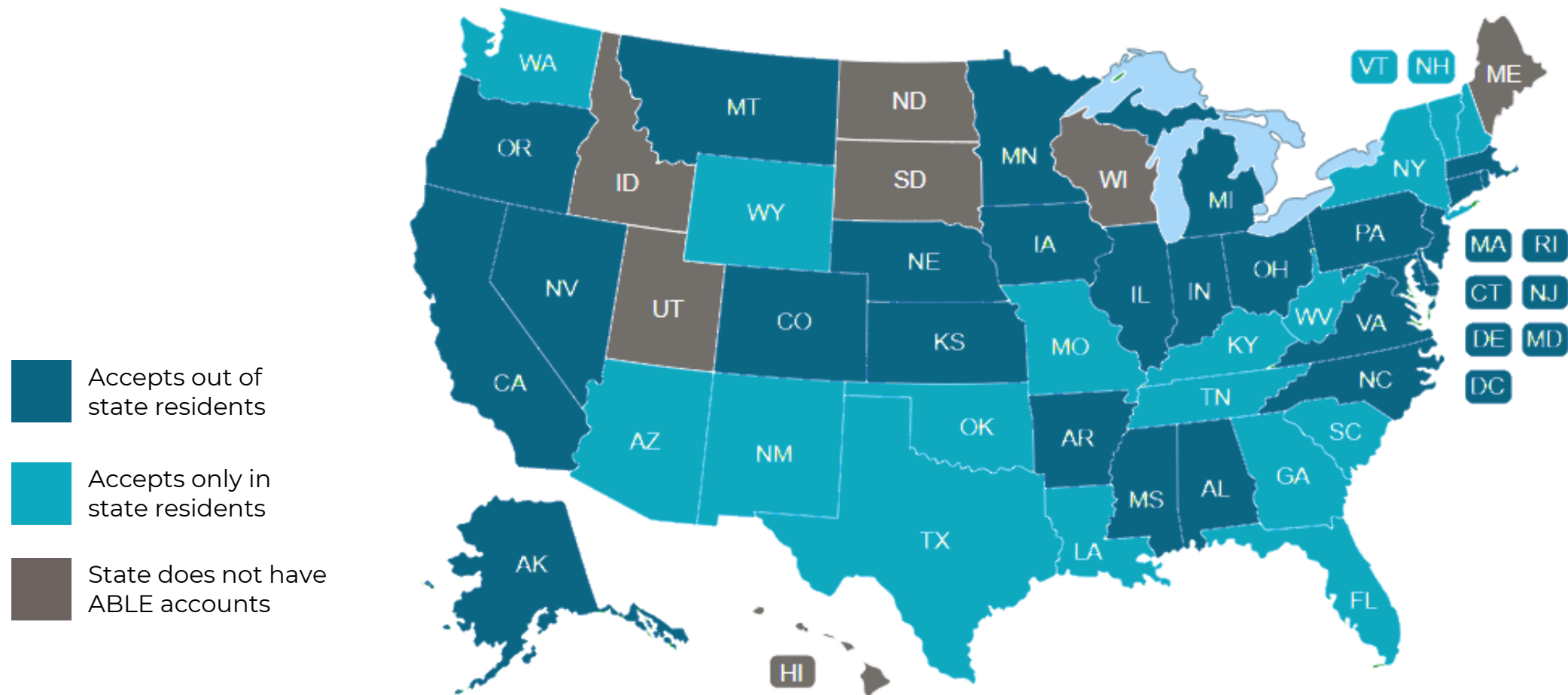
# Achieving a Better Life Experience (ABLE) Act

## Why save in an **ABLE** account?

- You can save up to \$100,000 without the risk of losing your other benefits.
- Offers a variety of professionally managed investment portfolios to fit your life situation, risk tolerance and savings goals
- Use money for qualified expenses without taxes and penalties.



# ABLE States



# ABLE Basics

# Who is Eligible?

- You can open an ABLE account if your disability began before age 26.
- If you meet the eligibility criteria for disability benefits like Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).
- Your disability is on the SSA List of Compassionate Allowances or Blue Book listing.



# What if I'm not on benefits?

- You can [self certify](#).
- You must confirm under penalty of perjury you were disabled [before age 26](#).
- You simply need a signed letter from a [qualified physician](#) that the applicant has a physical or developmental disability resulting in marked and severe functional limitations that is expected to last at least one year.



# Who can open an account?

- You can open an account any age, as long as the onset of [your disability began before age 26](#).



# More ABLE Basics

- Participants can only have **one ABLE** account
- **The person with a disability** is always the **ABLE** account owner and beneficiary
- Account can be opened by the person with a disability or an **Authorized Legal Representative** (parent, legal guardian/conservator, Power of Attorney)

## Poll #2

# Do you know anyone who has opened a **CalABLE** account?

Share your answer in the Zoom poll!

YES

NO



# How do **ABLE** accounts work?

# How do **ABLE** accounts work?

- Accounts **protect assets**, but cannot shelter income
- They can function like a **savings** account to potentially **grow your money** through investing
- Any earnings are tax free as long as they are spent on “Qualified Disability Expenses”
- Accounts holders can split their funds between savings and investments
- Anyone can contribute

# Account Contributions

## Before the ABLE Act

- A person with a disability could not save more than \$2,000 without impacting their SSI

## Now

- You can save up to \$15,000 per year (or more in certain cases) and up to \$100,000 in total before SSI is impacted.

# Account Contributions

**\$15,000**

**Annual  
contribution cap**  
*(contribution only)*

**\$100,000**

**Total cap for  
recipients of SSI  
benefits**  
*(contribution + earnings)*

**\$529,000**

**Total contribution  
cap for CalABLE**  
*(contribution + earnings)*

**CalABLE will automatically reject excess contributions**

# ABLE to Work

The ABLE to Work program permits working account owners to contribute above the \$15,000 annual contribution limit, if they or their employer are **not** contributing to a retirement plan **that calendar year.**



# ABLE to Work

## Account holders can contribute whichever is less:

- Amount equal to annual gross salary or
- Federal Poverty Level ( \$12,760 in 2021)
- For a potential maximum of \$27,760 per year (\$15k + \$12,760)



# Save, but also spend

- The money you save is for your needs and goals and can be spent any time for qualified expenses.
- No waiting until retirement age to take out money like a 401k or other accounts

# What Is a Qualified Disability Expense (QDE)?

Any expense related to the ABLE account owner as a result of living a life with a disability that helps maintain or improve health, independence or quality of life.

Categories are intentionally broad and include education, employment, housing, transportation, healthcare expenses and more.

# Examples of QDEs

- Education
- Housing
- Transportation
- Employment training and support
- Assistive technology and related services
- Personal support services
- Basic living expenses
- Health
- Prevention and wellness
- Financial management and administrative services
- Legal fees
- Expenses for ABLE account oversight and monitoring
- Funeral and burial

IMPORTANT NOTE: If CalABLE money is used for a non-qualified disability expense (non-QDE), the expense would be subject to regular income taxes, plus a 10% tax penalty on account earnings – and benefits may be at risk. Money used for non-QDEs may now be considered a resource.

# Investment Options

# Risk

In general, investing always comes with some risk. When choosing investments, understanding your tolerance for risk is important.

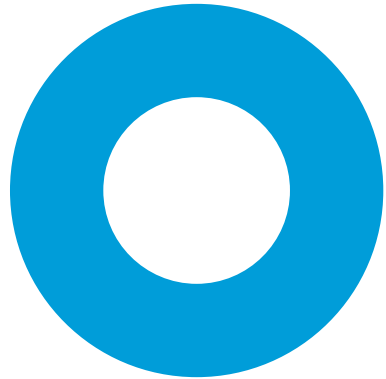
At CalABLE, we've designed our investment portfolios to be easy to understand with clear information on the risk level for each.

We also offer educational resources about our portfolios to help you assess the risk you may face depending on the investments you choose.

# Saving and Investing

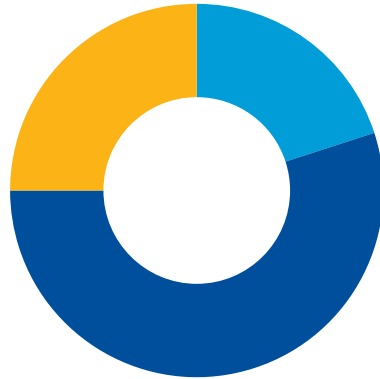
- Investments managed by TIAA-CREF
- Money can be deposited into an FDIC-insured portfolio or invested in any of three Target Risk Investment Options
- Fees vary based on the savings / investment options selected
- Funds may be transferred between portfolios two times annually

# Saving and Investing



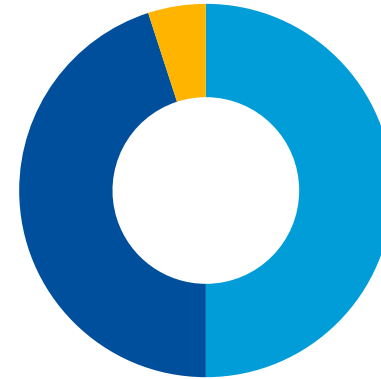
**FDIC- Insured Portfolio**

- 100% Interest-Bearing



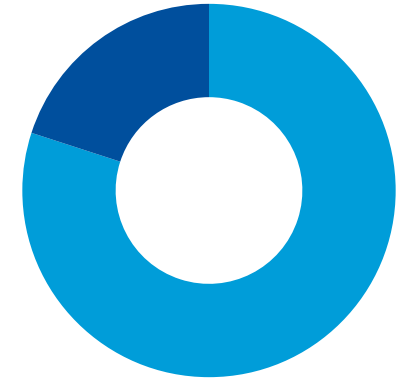
**Conservative Portfolio**

- 20% Stocks
- 55% Bonds
- 25% Funding Agreement



**Moderate Portfolio**

- 50% Stocks
- 45% Bonds
- 5% Funding Agreement



**Aggressive Portfolio**

- 80% Stocks
- 20% Bonds



# CalABLE Fees

## \$3,000 Assumed Assets

Investment Option	FDIC-Insured Portfolio	Investment Portfolios
Account Maintenance Fee	\$37	\$37
Underlying Investment Fee 0.00% FDIC 0.09% Conservative 0.09% Moderate 0.08% Aggressive	\$0	\$2.40 to \$2.70
State Administrative Fee	\$0	\$13.20
<b>Total Annual Fees*</b>	<b>\$37</b>	<b>\$52.60 to \$52.90</b>

*\*Paper statements will include an additional annual \$10 fee*



# Medicaid & ABLE

Medi-Cal, California's Medicaid Program, provides health care services including medical, dental, mental health, substance use treatment, long-term care services and support for low-income adults, children, seniors, pregnant women, and persons with disabilities.

- ✓ Any outstanding QDEs, including funeral and legal expenses, may be paid using ABLE funds.
- ✓ The account is then transferred into the deceased individual's estate.

# Medi-Cal Recovery

## SB 833

Medi-Cal will only attempt recovery if (**ALL** must apply):

- ✓ The deceased was age 55 or older
- ✓ The individual was a user of comprehensive Medicaid services (in home support, skilled nursing, etc.)
- ✓ The individual's estate is required to go into probate (\$150,000 or more)
- ✓ The individual is not survived by a spouse or children under 21 or a disabled child of any age.

Medi-Cal will not seek recovery from a CA resident and CalABLE account holder.

# Ready to Open Your Account?

Get started at [CalABLE.ca.gov](https://CalABLE.ca.gov)



# Meet Amy

**Amy Westling, Executive  
Director**

*Association of Regional Center Agencies*

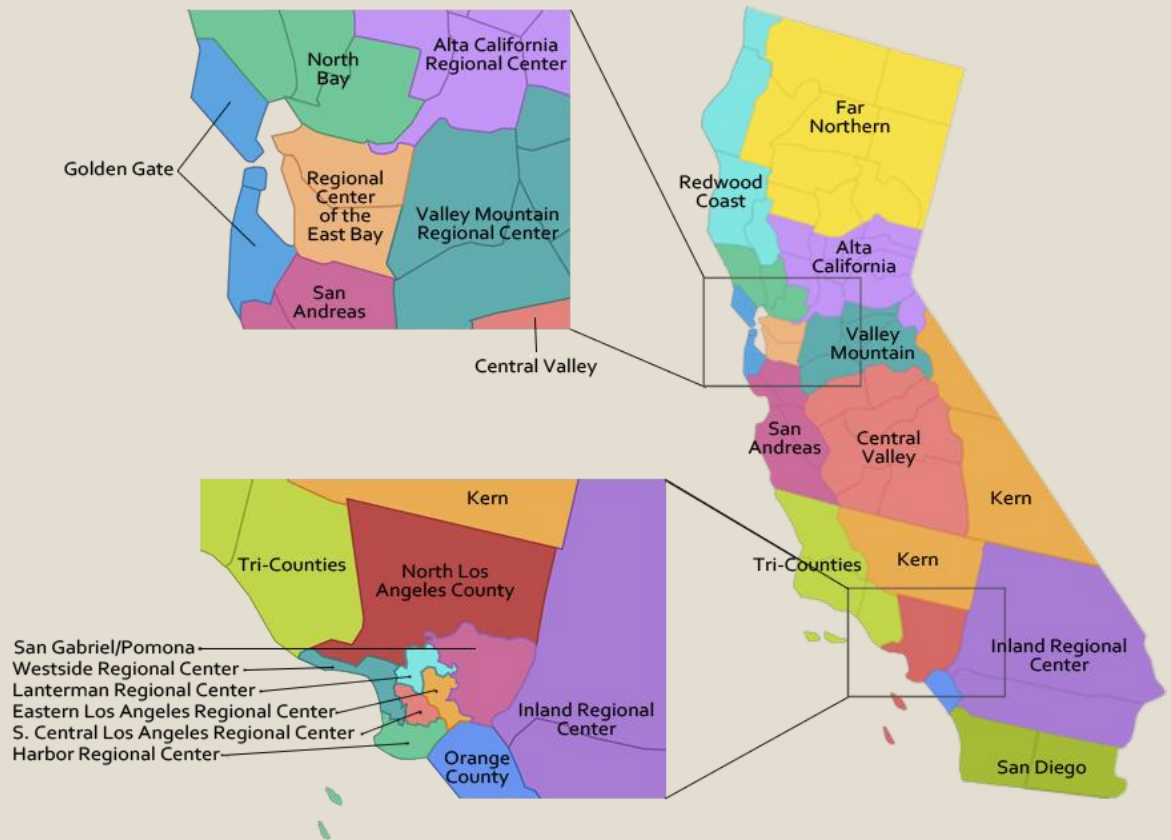


# A BRIEF OVERVIEW OF THE REGIONAL CENTER SYSTEM

Amy Westling, Executive Director  
Association of Regional Center Agencies

# California's Regional Centers

- 21 regional centers support more than 360,000 individuals with developmental disabilities.
- Each regional center is an independent non-profit overseen by a volunteer Board of Directors
- Approximately half of individuals are adults and half are children.



# Who Do Regional Centers Serve?

- Early Start Program serves infants 0-3 with:
  - A significant developmental delay;
  - An established risk condition; or
  - At high-risk





# Who Do Regional Centers Serve? (Continued)

- Lanterman Act program serves individuals with substantially handicapping developmental disability that is:
  - Intellectual Disability
  - Autism Spectrum Disorder
  - Cerebral Palsy
  - Epilepsy
  - Conditions Similar to or Requiring Care Similar to Intellectual Disability



# Three Major Goals

- Help infants and toddlers to catch up to same age peers;
- Help children to remain in the family home; and,
- Help adults to be as independent as possible.



# Exploring Individual Needs

The planning process for each individual includes:

- Determining hopes and dreams;
- Setting goals;
- Exploring available resources;
- Purchasing services to meet remaining needs; and,
- Monitoring progress.



# Person-Centered Planning

“The person-centered service plan must reflect the services and supports that are important for the individual...as well as what is important to the individual...”





# Meet Maricris

**Maricris Acon**, Deputy Director of  
the Federal Programs Division  
*Department of Developmental Services*

# Self-Determination Program and CalABLE

October 20, 2021



# Department of Developmental Services

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The California Department of Developmental Services (DDS) works to ensure Californians with developmental disabilities have the opportunity to make choices and lead independent, productive lives as members of their communities in the least restrictive setting possible.

# Services and Supports

The Lanterman Developmental Disabilities Services Act establishes the rights of people with developmental disabilities (consumers) and their families to receive services and supports.

DDS contracts with 21 non-profit regional centers to coordinate and monitor these services and supports.





# Self-Determination Program

# Self-Determination Program

The Self-Determination Program (SDP) is an alternative service delivery model administered by regional centers. SDP provides participants and their families with more freedom, control, and responsibility in choosing services and supports to meet objectives in their Individual Program Plan (IPP).

# Principles of Self-Determination

SDP is based on the foundation of five principles:

1. Freedom
2. Authority
3. Support
4. Responsibility
5. Confirmation



# Self-Determination Program Participant Eligibility

To be eligible to participate in the SDP, the individual:

- Must be a consumer served by a regional center;
- Must have a developmental disability;
- Must not live in a licensed long-term health care facility.
- May receive Medi-Cal; and...



## Self-Determination Program Participant Eligibility (continued)

- Must agree to the following requirements:
  - Receive orientation prior to enrollment;
  - Use generic services and supports first;
  - Only purchase services and supports necessary to implement their IPP and that are eligible for federal funding;
  - Manage services and supports within their individual budget; and
  - Use the services of a regional center-vendored Financial Management Services (FMS) provider of their choosing.



# Participation in the Self-Determination Program

Consistent with the five principles and subject to the SDP requirements, a participant:

- Has greater control over the decisions, resources, and which services and supports to purchase to implement their IPP.
- May purchase existing services from regional center service providers, local businesses, agencies, local community resources and/or people in the community to best meet their needs.
- May voluntarily withdraw from SDP at anytime
- May choose the vendored FMS provider they will use
- May utilize the services of an independent facilitator of their choosing



# Differences between the two service delivery models

## Traditional

- Person-Centered Planning
- Individual Program Plan (IPP)
- Regional Center Support
- Vendored Providers

## Self-Determination

- Person-Centered Planning
- Individual Program Plan (IPP)
- Regional Center Support
- Vendored Providers or non-vendored providers
- Individual Budget and Spending plan

# Self-Determination Program and CalABLE

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# Self-Determination and CalABLE share common goals including:

- Helping individuals successfully live in the community;
- Making choices about the services and goods they need; and
- Managing their own funds (i.e. individual budget or funds in CalABLE account).



# How can CalABLE and the Self-Determination Program work together?

- CalABLE has a list of qualified expenses that is broader than the SDP.
  - Therefore, funds could be used to purchase items that are not allowed in the SDP because they are not Medicaid eligible.
- CalABLE is like other bank accounts a regional center consumer may have. It is not a generic resource.
- Generally, regional center consumers do not have to use CalABLE accounts for services which the regional center can purchase.
- CalABLE allows individuals to deposit money in their account without it impacting their eligibility for public benefits.
- Participants, however, may choose to use CalABLE resources to fund items that the regional center cannot purchase.



## Resources

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More information about DDS, regional centers, and services and supports can be found at:

[www.dds.ca.gov](http://www.dds.ca.gov)

More information about the Self-Determination Program can be found at:

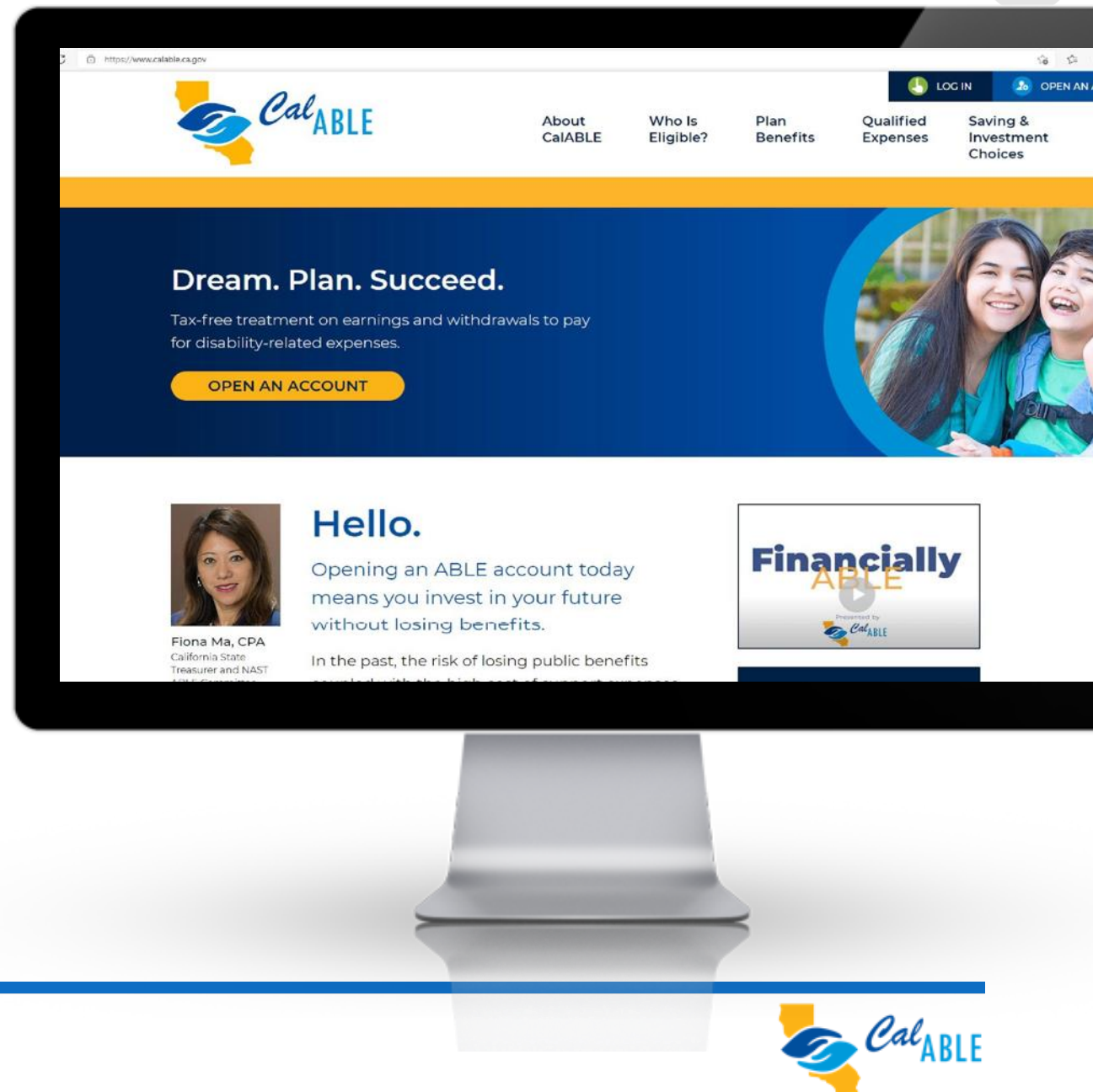
[www.dds.ca.gov/initiatives/sdp](http://www.dds.ca.gov/initiatives/sdp)

Thank you



# Resources

- A collaboration between NDI and CalABLE:  
[nationaldisabilityinstitute.org/achievable-corner](https://nationaldisabilityinstitute.org/achievable-corner)
- **CalABLE** Resources:  
[treasurer.ca.gov/able/resources.asp](https://treasurer.ca.gov/able/resources.asp)
- **ABLE** National Resource Center: [ABLENRC.org](https://ABLENRC.org)
- Disability Benefits 101: [DB101.org](https://DB101.org)
- **POMS**:  
<https://secure.ssa.gov/poms.nsf/lnx/0501130740>



# CalABLE Staff



**Dante Allen**  
Executive Director



**Anne Osbore**  
Program Manager



**CalABLE Act Board Office**  
[CalABLE@treasurer.ca.gov](mailto:CalABLE@treasurer.ca.gov)  
(916) 653-1728



GET IN TOUCH

# Need Help?

## CalABLE

 1-833-Cal-ABLE (1-833-225-2253)

 [CalABLESupport@CalABLE.ca.gov](mailto:CalABLESupport@CalABLE.ca.gov)

**Open**  
9:00 am to 5:00 pm (Pacific Time)  
Monday - Friday

# Connect with CalABLE

Stay in the know with  
our latest updates!

## Follow CalABLE on social media:



<https://www.facebook.com/CalABLE/>



[https://twitter.com/calable\\_board](https://twitter.com/calable_board)



<https://www.linkedin.com/company/california-able-act-board/>



[https://www.instagram.com/calable\\_act\\_board/](https://www.instagram.com/calable_act_board/)

**[Sign up for our emails here.](#)**





# Share your story with us!

- CalABLE account holders have incredible stories about how saving is impacting their financial future
- As we continue to promote this important program, we need your help!
- Stay tuned for an invite soon on how to share your story with us in a testimonial video, interview or on social media

### Poll #3

# Will you tell three people about CalABLE?

Share your answer in the Zoom poll!



**Yes** - I'm excited about the value this program offers!



**Not yet** - I need to learn more about **CalABLE**.



# Your To-do List:

- ☑ **Explore** important resources, Disclosure Statement, investment options, and financial education
- ☑ **Open** your CalABLE account
- ☑ Share with **three** other people how CalABLE can help
- ☑ Consider a circle of support of people who can **contribute** to your CalABLE account



# Become a CalABLE Ambassador

**Sign up at [CalABLE.ca.gov](https://CalABLE.ca.gov)**  
*Application closes October 31, 2021*

# November Webinar

CalABLE and Special Needs Trust

November 17, 2021

2:00-4:00pm

Register today:

[https://us06web.zoom.us/webinar/register/WN\\_kuH3dlmlRqmqGoQqu4Ry6A](https://us06web.zoom.us/webinar/register/WN_kuH3dlmlRqmqGoQqu4Ry6A)



Guest presenter



Stephen W. Dale Esq.,  
Special Needs Attorney

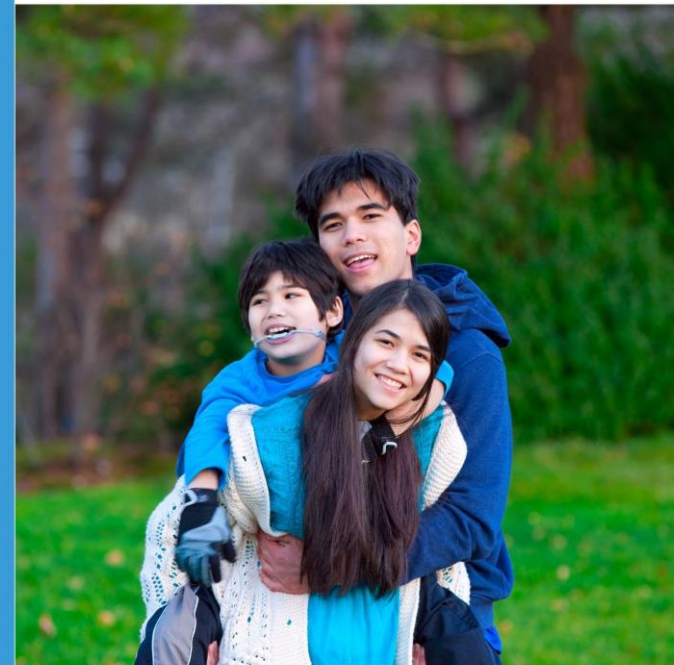
This program is free and open to the general public. For more information about CalABLE events and to register now, visit:

[https://us06web.zoom.us/webinar/register/WN\\_kuH3dlmlRqmqGoQqu4Ry6A](https://us06web.zoom.us/webinar/register/WN_kuH3dlmlRqmqGoQqu4Ry6A)

## CalABLE and Special Needs Trusts

November 17, 2021

2:00 pm- 4:00 pm



### CalABLE Monthly Webinar Series



At CalABLE, we frequently are asked if a Special Needs Trust (SNT) or an ABL account is a better option. Both have their benefits and limitations. Many are finding that an SNT and a CalABLE account work very well together. In this webinar we will explore the similarities between ABL accounts and Special Needs Trusts. We will examine when one might choose one option over the other. We will also provide guidance on how to take advantage of using an ABL account and an SNT tandem. Please join CalABLE and guest, Stephen W. Dale, special needs attorney as we discuss these options.



# Submitting Questions

Please use the Q&A box to submit any questions you have. We will try to answer them all.

## Additional Resources

- Frequently Asked Questions: [treasurer.ca.gov/able/final.pdf](https://treasurer.ca.gov/able/final.pdf)
- **CalABLE** YouTube channel: [youtube.com/channel/Uck02cbbE8PCkHATIvrsTfIA](https://youtube.com/channel/Uck02cbbE8PCkHATIvrsTfIA) has additional information on topics such as **CalABLE** 101, Special Needs Trusts, Qualified Disability Expenses, and Rollovers.

# Disclaimer

Consider the investment objectives, risks, charges and expenses before investing in the California 529A Qualified ABLE Program (CalABLE Program). Please call toll-free 833-CAL-ABLE for a Disclosure Statement containing this and other information. Read it carefully.

Before investing in any ABLE program, you should consider whether your home state provides its taxpayers with favorable state tax or other benefits that are only available through investment in the home state's ABLE program. You also should consult your financial, tax, or other adviser to learn more about how state-based benefits (or any limitations) would apply to your specific circumstances. You also may wish to directly contact your home state's ABLE program, or any other ABLE program, to learn more about those plans' features, benefits and limitations. State-based benefits should be one of many appropriately weighted factors to be considered when making an investment decision.

The CalABLE Program is offered by the State of California. TIAA-CREF Tuition Financing, Inc. (TFI), program manager. TIAA-CREF Individual & Institutional Services, LLC, Member FINRA, distributor and underwriter.

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**Thank You.**