

TAX CONCERNS FOR SPECIAL NEEDS



Consolidated
Planning Group

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WHO WE ARE



Consolidated
Planning Group

Consolidated Planning Group, Inc. is a holistic Special Needs Financial Planning Firm in Sugar Land, TX serving families across the U.S.

30 years experience with Insurance & Financial Services. MDRT- Top of the Table. Fully licensed Insurance & Securities. Members of the Special Needs Planning Academy and Nationally certified as Social Security Advisors.

Advisory/Consulting Firm

SPECIAL NEEDS PLANNING

- ✓ **Protection Plans**
- ✓ **Lifetime Care**
- ✓ **Transition Planning**
- ✓ **ABLE Accounts**
- ✓ **Advocacy**

Fewer than one-tenth of a percent of all financial advisors in the U.S. focus on Special Needs Planning.





Special Needs Planning

Who will care for your child when you no longer can?

- ✓ Developing a future care plan now will answer these questions
- ✓ Consider post High School educational and vocational options.
- ✓ Consider touring transition programs, partial-care and full-care residential communities. Waiting lists can be quite long, so plan early!
- ✓ Make careful consideration before naming siblings as a future caregiver.



The Misty Carol Project

You are loved
and appreciated





Our Story

Misty was born July 2, 1973, and after several surgery attempts, passed away on July 16, 1976.

Her **legacy** lives on through this organization.



The Misty Carol Project
YOU ARE LOVED AND APPRECIATED



What We Do

The Misty Carol Project specializes in **helping to educate and connect families with the resources** they need to protect and care for their loved ones.



The Misty Carol Project

YOU ARE LOVED AND APPRECIATED



KEEP IN TOUCH!

Get the latest information regarding our organization, programs, and events.



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The Misty Carol Project



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Types of Special Needs Trusts (SNT)

- First Party vs Third Party

Feature	1st Party Special Needs Trust	3rd Party Special Needs Trust
Source of Funding	Funded with the beneficiary's own assets (e.g., child support, SSI, personal savings, lawsuit settlements, inheritance).	Funded with assets from a third party (e.g., family members, friends, or other benefactors).
Ownership of Funds	The beneficiary owns the assets in the trust.	The beneficiary does not own the assets in the trust.
Payback Requirement	Requires a payback provision to Medicaid upon the beneficiary's death (any remaining assets go to repay Medicaid).	No payback requirement to Medicaid or other governmental agencies upon the beneficiary's death.
Eligibility	Must be established for a beneficiary who is disabled under Social Security definitions.	Can be established for any disabled individual, regardless of other government benefits received.
Control of Trust	The beneficiary cannot control or direct the use of funds.	The third party (often a family member or trustee) controls the use of funds for the beneficiary's benefit.
Medicaid Impact	Assets in the trust are not counted for eligibility, but Medicaid may seek reimbursement after death.	Does not affect eligibility for Medicaid or other public benefits for the beneficiary.
Trustee	The trust must be managed by a third-party trustee. The beneficiary cannot be the trustee.	Typically managed by a family member, friend, or professional trustee.
Flexibility of Fund Usage	Funds can be used to cover expenses like medical care, education, and housing, but cannot be used for items that would disqualify the beneficiary from government assistance.	Can be used more flexibly, as long as it benefits the disabled individual without disqualifying them from government benefits.

What tax form does a SNT file?



- 1st Party Special Needs Trust – Grantor Trust is typically ‘disregarded’ for taxes and is filed as part of the beneficiary’s personal 1040 (using their SSN).

Benefit – Lower Tax Brackets

Trust documents should allow for the trust to pay taxes on behalf of the beneficiary from the trust assets.

- 3rd Party Special Needs Trust (Grantor) – If a Grantor Trust, the income is taxed to the Grantor on their personal 1040.

Example – I set up a grantor trust for my special needs child. If it is determined to be a Grantor Trust then I will pay income tax on any income generated by the trust. I would typically be expected to pay the tax from my own assets or income.

- 3rd Party Special Needs Trust (Non-Grantor) – Non-Grantor Trust - File a Tax Return Form 1041. This form reports the income from the Trust (dividends, interest, etc) and distributes the income, as needed or required, to the beneficiary utilizing a Form K1. The income that is “carried out” to the beneficiary depends on the amounts distributed from the trust. Any income not distributed stays in the trust and is taxed a higher rates than an individual would pay.
- Each Trust is a calendar year taxpayer and must file a return by April 15th of each year.

Types of Income – Tax Purposes



The distinction between taxable income and SSI income for individuals with special needs is important because it impacts how their income is treated for tax purposes, as well as how it affects their eligibility for government benefits (such as Supplemental Security Income or Medicaid). Here's an overview of each term and how they differ:

Taxable Income

Definition: Taxable income refers to the income that is subject to federal (and possibly state) income tax. This includes wages, self-employment income, interest, dividends, rental income, and other sources of income that are not exempt from taxation.

- For Special Needs Individuals:
 - If an individual with special needs earns income from employment, investments, or other taxable sources, that income is considered taxable income.
 - Example: If a special needs individual works part-time and earns \$10,000, that \$10,000 is taxable income and will be subject to income tax (depending on their total income and deductions).
- Exemptions: Some income types might be exempt from taxation (like certain government benefits), but generally, any income the person earns (whether through work or investments) is subject to tax unless specified by law.

Types of Income – SSI Purposes



Types of income for SSI purposes:

- **Earned Income** is wages, net earnings from self-employment, certain royalties, honoraria, and sheltered workshop payments.
- **Unearned Income** is all income that is not earned such as Social Security benefits, pensions, State disability payments, unemployment benefits, interest income, dividends, and cash from friends and relatives.
- **In-Kind Income** is cash, gift cards, shelter, or others that you get for free or for less than its fair market value.
- For example:
 - **Housing:** If someone gives you free rent or a place to stay, the value of that housing might count as income for SSI.
 - **Clothing, transportation, etc.:** If someone provides you with non-cash support like clothing or transportation, the SSA may count the fair market value of these items as income.

What's NOT Considered Income (For SSI & SSDI)

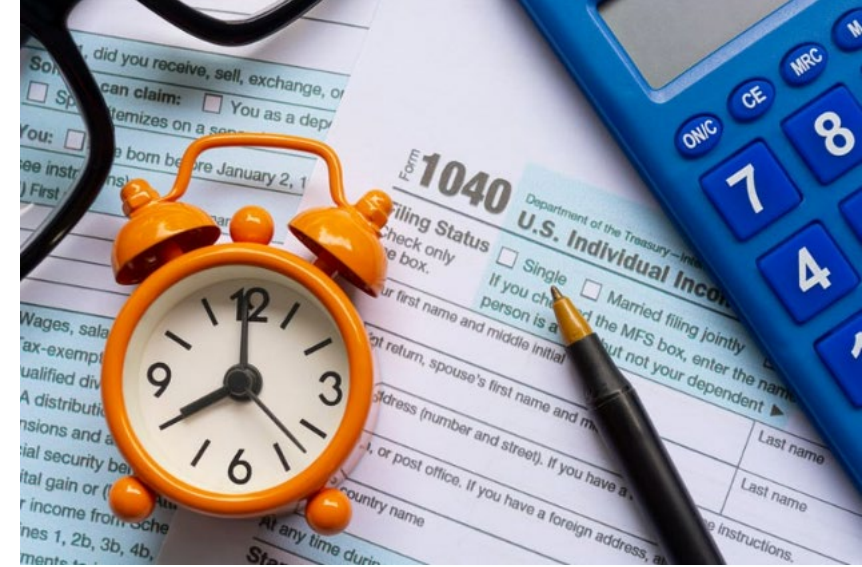
Some things are not considered income for the purposes of SSI or SSDI, including:

- **Medical expenses:** Out-of-pocket medical expenses are not counted as income.
- **Temporary Assistance for Needy Families (TANF):** Benefits received through TANF do not count as income for SSI, though TANF may be counted for SSDI.
- **Certain government assistance:** Some benefits like housing subsidies or food stamps (SNAP) are generally not considered income for the purposes of SSI.

Third Party SNT – Filing Taxes

For an Irrevocable Special Needs Trust an annual Form 1041 is due when income from the trust is more than \$600.00 in a calendar year.

- **Qualified Disability Trust**
 - A trust that is considered to be a Qualified Disability Trust receives a special, higher exemption amount than a standard trust. For 2024, the amount is \$5,000.00. This means the first \$5,000.00 of income is not taxable.



Requirements for a Q-SNT

Requirement	Description
Beneficiary's Disability	The beneficiary must be under age 65 and have a disability as defined by the Social Security Administration.
Trust Funded with Beneficiary's Own Assets	The trust must be funded with the assets of the beneficiary, such as personal savings, settlements, or inheritances.
Discretionary Trustee	The trust must be managed by a trustee who has discretion over how to use the trust assets for the beneficiary's benefit.
No Direct Cash Distribution	The trust cannot distribute funds directly to the beneficiary in a way that would make them ineligible for needs-based government benefits.
Medicaid Payback Provision	When the beneficiary passes away, the trust must include a payback provision to repay the state for Medicaid benefits received during their lifetime.
Purpose to Supplement Government Benefits	The trust must be set up to supplement, not replace, the government benefits (such as SSI or Medicaid) the individual is receiving.
No Limits on Types of Expenses	The trust can pay for any non-essential expenses like education, recreation, travel, and more, as long as it does not affect the beneficiary's eligibility for benefits.
Irrevocability	The trust must be irrevocable (cannot be changed or terminated by the beneficiary).
Asset Limit Exemption	The trust's assets do not count toward the beneficiary's resource limit for government programs like SSI and Medicaid, if structured correctly.

US Tax Form 1041 - QDT

Department of the Treasury—Internal Revenue Service
Form 1041 U.S. Income Tax Return for Estates and Trusts 2024 OMB No. 1545-0082
 Go to www.irs.gov/Form1041 for instructions and the latest information.

A Check all that apply: For calendar year 2024 or fiscal year beginning _____, and ending _____

Decedent's estate
 Simple trust
 Complex trust
 Qualified disability trust
 ESBT (S portion only)
 Grantor type trust
 Bankruptcy estate—Ch. 7
 Bankruptcy estate—Ch. 11
 Pooled income fund

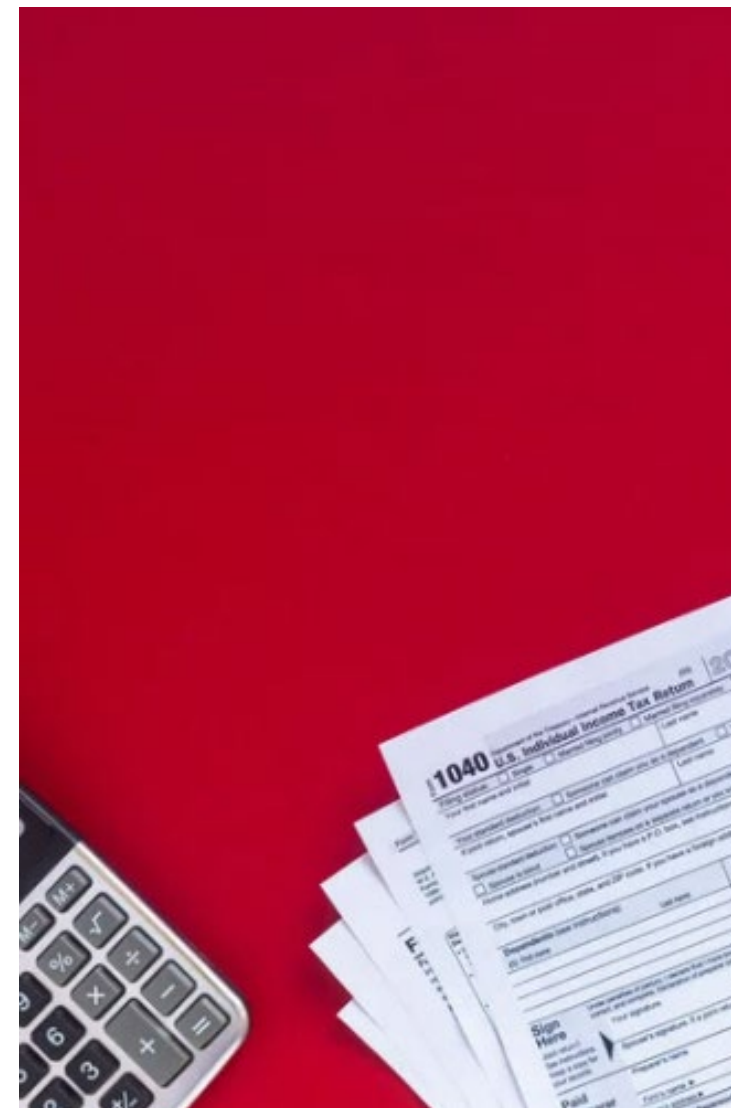
Name of estate or trust (if a grantor type trust, see the instructions.) _____
 Name and title of fiduciary _____
 Number, street, and room or suite no. (if a P.O. box, see the instructions.) _____
 City or town, state or province, country, and ZIP or foreign postal code _____

C Employer identification number _____
D Date entity created _____
E Nonexempt charitable and split-interest trusts, check applicable box(es). See instructions.
 Described in sec. 4947(a)(1). Check here if not a private foundation
 Described in sec. 4947(a)(2)

B Number of Schedules K-1 attached (see instructions) _____
F Check applicable boxes:
 Initial return
 Final return
 Amended return
 Net operating loss carryback
 Change in trust's name
 Change in fiduciary
 Change in fiduciary's name
 Change in fiduciary's address

G Check here if the estate or filing trust made a section 645 election _____ Trust TIN _____

Income			
1	Interest income		1
2a	Total ordinary dividends		2a
b	Qualified dividends allocable to: (1) Beneficiaries _____ (2) Estate or trust _____		
3	Business income or (loss). Attach Schedule C (Form 1040)		3
4	Capital gain or (loss). Attach Schedule D (Form 1041)		4
5	Rents, royalties, partnerships, other estates and trusts, etc. Attach Schedule E (Form 1040)		5
6	Farm income or (loss). Attach Schedule F (Form 1040)		6
7	Ordinary gain or (loss). Attach Form 4797		7
8	Other income. List type and amount _____		8
9	Total income. Combine lines 1, 2a, and 3 through 8		9
Deductions			
10	Interest. Check if Form 4952 is attached <input type="checkbox"/>		10
11	Taxes		11
12	Fiduciary fees. If only a portion is deductible under section 67(e), see instructions		12
13	Charitable deduction (from Schedule A, line 7)		13
14	Attorney, accountant, and return preparer fees. If only a portion is deductible under section 67(e), see instructions		14
15a	Other deductions (attach schedule). See instructions for deductions allowable under section 67(e)		15a
b	Net operating loss deduction. See instructions		15b
16	Add lines 10 through 15b		16
17	Adjusted total income or (loss). Subtract line 16 from line 9	17	
18	Income distribution deduction (from Sch. B, line 15). Attach Schedules K-1 (Form 1041)		18
19	Estate tax deduction including certain generation-skipping taxes (attach computation)		19
20	Qualified business income deduction. Attach Form 8995 or 8995-A		20
21	Exemption		21 5,000
22	Add lines 18 through 21		22 5,000



Tax Rates – Trust vs Individual

Category	Individual Tax Rates	Trust Tax Rates
Tax Bracket Ranges	Tax rates are based on progressive brackets, with income taxed at increasing rates as it rises.	Trusts are subject to higher tax brackets and face the top rates much more quickly than individuals.
Tax Brackets (2025)	10%, 12%, 22%, 24%, 32%, 35%, 37%	10%, 24%, 35%, 37%
Tax Bracket for Income (\$0 to \$11,000)	10% on income up to \$11,000 (for single filers).	10% on income up to \$2,700 (trusts).
Tax Bracket for Income (\$11,001 to \$44,725)	12% for income between \$11,001 and \$44,725 (single).	24% on income between \$2,701 and \$9,450 (trusts).
Tax Bracket for Income (\$44,726 to \$95,375)	22% for income between \$44,726 and \$95,375 (single).	35% on income between \$9,451 and \$13,450 (trusts).
Tax Bracket for Income (\$95,376 to \$182,100)	24% for income between \$95,376 and \$182,100 (single).	37% on income above \$13,451 (trusts).
Tax Bracket for Income (\$182,101 to \$231,250)	32% for income between \$182,101 and \$231,250 (single).	
Tax Bracket for Income (\$231,251 to \$578,100)	35% for income between \$231,251 and \$578,100 (single).	
Tax Bracket for Income (\$578,101 and above)	37% on income over \$578,101 (single).	

Example - \$50,000.00 in Interest Income

Department of the Treasury—Internal Revenue Service
Form 1041 U.S. Income Tax Return for Estates and Trusts 2024 OMB No. 1545-0092
 Go to www.irs.gov/Form1041 for instructions and the latest information.

A Check all that apply: For calendar year 2024 or fiscal year beginning _____, and ending _____

Decedent's estate
 Simple trust
 Complex trust
 Qualified disability trust
 ESBT (S portion only)
 Grantor type trust
 Bankruptcy estate—Ch. 7
 Bankruptcy estate—Ch. 11
 Pooled income fund

B Number of Schedules K-1 attached (see instructions) _____

C Employer identification number _____

D Date entity created _____

E Nonexempt charitable and split-interest trusts, check applicable box(es). See instructions.
 Described in sec. 4947(a)(1). Check here if not a private foundation.
 Described in sec. 4947(a)(2).

F Check applicable boxes: Initial return Final return Amended return Net operating loss carryback
 Change in trust's name Change in fiduciary Change in fiduciary's name Change in fiduciary's address

G Check here if the estate or filing trust made a section 645 election _____ Trust TIN _____

Income	1 Interest income	1	50,000
	2a Total ordinary dividends	2a	
	b Qualified dividends allocable to: (1) Beneficiaries _____ (2) Estate or trust _____		
	3 Business income or (loss). Attach Schedule C (Form 1040)	3	
	4 Capital gain or (loss). Attach Schedule D (Form 1041)	4	
	5 Rents, royalties, partnerships, other estates and trusts, etc. Attach Schedule E (Form 1040)	5	
	6 Farm income or (loss). Attach Schedule F (Form 1040)	6	
	7 Ordinary gain or (loss). Attach Form 4797	7	
	8 Other income. List type and amount _____	8	
9 Total income. Combine lines 1, 2a, and 3 through 8	9	50,000	
Deductions	10 Interest. Check if Form 4952 is attached <input type="checkbox"/>	10	
	11 Taxes	11	
	12 Fiduciary fees. If only a portion is deductible under section 67(e), see instructions	12	
	13 Charitable deduction (from Schedule A, line 7)	13	
	14 Attorney, accountant, and return preparer fees. If only a portion is deductible under section 67(e), see instructions	14	
	15a Other deductions (attach schedule). See instructions for deductions allowable under section 67(e)	15a	
	b Net operating loss deduction. See instructions	15b	
	16 Add lines 10 through 15b	16	
	17 Adjusted total income or (loss). Subtract line 16 from line 9	17	50,000
	18 Income distribution deduction (from Sch. B, line 15). Attach Schedules K-1 (Form 1041)	18	
Credits	19 Estate tax deduction including certain generation-skipping taxes (attach computation)	19	
	20 Qualified business income deduction. Attach Form 8959 or 8955-A	20	
	21 Exemption	21	5,000
	22 Add lines 18 through 21	22	5,000
	23 Taxable income. Subtract line 22 from line 17. If a loss, see instructions	23	45,000
	24 Total tax (from Schedule G, Part I, line 9)	24	15,818

Form 1040 Tax Return Reconciliation Worksheet, Page 2 2024

Name _____ Tp TIN _____

38 Amount from line 37 (adjusted gross income)	38	50,000
Tax and Credits		
39a Check <input type="checkbox"/> You were born before January 2, 1960, <input type="checkbox"/> Blind. <input type="checkbox"/> Spouse was born before January 2, 1960, <input type="checkbox"/> Blind. Total boxes checked 39a		
b If your spouse itemizes on a separate return or you were a dual-status alien, check here 39b		
40 Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	14,600
a	40b	
41 Subtract line 40 and 40b from line 38	41	35,400
42 Qualified business income deduction (see instructions)	42	
43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	35,400
44 Tax (see instr.). Check if any from: a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4972 c <input type="checkbox"/>	44	4,019
45 Alternative minimum tax (see instructions). Attach Form 6251	45	
46 Additions to tax (Excess advance premium tax credit repayment and clean vehicle repayment)	46	
47 Add lines 44, 45, and 46	47	4,019
48 Foreign tax credit. Attach Form 1116 if required	48	
49 Credit for child and dependent care expenses. Attach Form 2441	49	
50 Education credits from Form 8863, line 19	50	
51 Retirement savings contributions credit. Attach Form 8880	51	
52 Child tax credit/credit for other dependents	52	
53 Residential energy credits. Attach Form 5695	53	
54 Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	54	
55 Add lines 48 through 54. These are your total credits	55	
56 Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-	56	4,019
Other Taxes		
57 Self-employment tax. Attach Schedule SE	57	
58 Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	58	
59 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59	
60a Household employment taxes from Schedule H	60a	
b First-time homebuyer credit repayment. Attach Form 5405 if required	60b	
61 Taxes from: a <input type="checkbox"/> Form 8959 b <input type="checkbox"/> Form 8960 c <input type="checkbox"/> Instructions, enter code(s)	61	
62 Section 965 net tax liability installment from Form 965-A	62	
63 Add lines 56 through 61. This is your total tax	63	4,019

Federal income tax withheld from _____

Deductions at the Trust Level

- Fees/Expenses deductible by the Trust on the 1041
 - Fiduciary Fees
 - Attorney Fees
 - Accountant Fees
 - Trustee Fees



Getting Money out of the Trust-The Right Way

- “Carrying out” income to the beneficiary is the most tax efficient way to plan for tax in a trust. But, we must be sensitive to other benefits the beneficiary is receiving.
- A SNT beneficiary CANNOT control the trust assets or receive DIRECT distributions. Direct Distributions can compromise their eligibility for need-based benefits.
- Generally permissible distributions from a SNT include:



Acceptable Distributions

Automobile/van

Accounting services

Appliances (TV, microwave, stove, refrigerator, washer/dryer)

Bottled water or water service

Bus pass/public transportation costs

Camera, film, recorder and tapes, development of film

Clubs and club dues (sports clubs, book clubs, health clubs, service clubs, zoo, advocacy groups, museums)

Computer hardware, software, programs, and Internet service

Curtains, blinds, and drapes

Dental work not covered by Medicaid, including anesthesia

Down payment on home or security deposit on apartment

Dry cleaning and/or laundry services

Education expenses including tuition and related costs

Elective surgery

Eye glasses

Fitness equipment

Funeral expenses

Furniture, home furnishings



Gasoline and/or maintenance for automobile

Haircuts/salon services

Home alarm and/or monitoring/response system

Home improvements, repairs, and maintenance (not covered by Medicaid), including tools to perform home improvements, repairs, and maintenance by homeowner

Home purchase (to the extent not covered by benefits)

House cleaning/maid services

Insurance (automobile, home and/or possessions)

Legal Fees

Magazine and newspaper subscriptions

Nonfood grocery items (laundry soap, bleach, fabric softener, deodorant, dish soap, hand and body soap, personal hygiene products, paper towels, napkins, Kleenex, toilet paper, and household cleaning products)

Over-the-counter medications (including vitamins and herbs)

Personal assistance services not covered by Medicaid

Pet and pet supplies, veterinary services

Physician specialists if not covered by Medicaid

Private counseling if not covered by Medicaid

Sporting goods/equipment/uniforms/team pictures

Storage units



Expenses that may impact Benefits

- Food-Historically has been counted
SSA amended this in October 2024 and food is no longer being counted.
- Shelter
- The above expenses would create a 1/3 reduction to SSI Benefits
- No reduction if getting SSDI or Childhood Disability Benefits





The ABLE Account (529a)

An ABLE account is a tax-favored account (like a 529 College savings account).

- **Eligibility:** Beneficiary must have a disability that started before age 26 (Age 46 beginning 1/1/26).
- **Contribution Limits:** Up to \$19,000 (2025) annually from all sources, with additional contributions allowed for employed individuals.
- **Qualified Expenses:** Must be used for disability-related expenses that improve quality of life and independence.
- **Impact on Benefits:** An ABLE account will not disqualify the individual from SSI or Medicaid, with some rules about how balances affect SSI eligibility.
- **Tax Benefits:** Earnings grow tax-free when used for qualified expenses.
- **Account Owner:** The child/disabled individual – ONE account per person.

**If an ABLE account exceeds \$100,000, SSI benefits may be impacted but Medicaid is not impacted.*

Minimizing Tax Exposure for a 3rd Party SNT

- Tax Planning
 - Review the estimated taxable income for the SNT each year
 - Interest
 - Dividends
 - Capital Gains
 - RMDs from Traditional IRAs
 - Run calculations on how much income needs to be distributed from the SNT to minimize taxes at the Trust level.
 - Consider how much tax the beneficiary will owe on their personal taxes
 - Taxable Income exceeding \$25,000.00 will subject Social Security Income to taxes
 - Distribute income for expenses or fund the ABLE account



Disability Deductions at the Individual Tax Return Level

- Disability Related Deductions are reported on Schedule A as part of the Itemized Deduction Calculation.
 - Standard Deduction 2025 = 15,000.00
 - Standard Deduction 2026 = 8,300.00 (if TCJA act expires)
- Deductions (subject to a 7.5% floor) include*:
 - Medical Expenses
 - Home/car modification (increase in value)
 - Conference/seminar expenses
 - Special School expenses

*Not paid for by the Trust

- Day Camps/Day Care (regardless of age) – 600.00 credit
- Child Tax Credit – 500.00



Claiming Dependents on Your Personal Return



- Typically, a child dependent is:
 - Under 19 (or 24 if full-time student)
 - You provide more than ½ of their support
 - They reside in your home more than 6 months out of the year (or will return there from a temporary absence)
 - Not file as married filing jointly
- For Disabled Children:
 - They can live outside the home but
 - Gross income cannot exceed \$5,200 (2025)
 - Cannot provide for more than ½ of their own support
 - Must be permanently/totally disabled
- IRS Worksheet for determining support:
https://apps.irs.gov/app/vita/content/globalmedia/teacher/worksheet_for_determining_support_4012.pdf

Gifts to a 3rd Party Special Needs Trust

- Gifts limits for 2025 are \$19,000.00
 - Gifts under that amount typically are not required to be reported; however...
 - Gifts to a 3rd Party SNT are required to be reported on a Gift Tax Return, regardless of amount, as the Beneficiary cannot own the assets in the Trust.
- In lieu of gifts to a 3rd Party SNT, gift to an ABLÉ account.
 - Because the beneficiary owns the account, it is a completed gift, not reported if under \$19,000.00



Wrapping Up and Take Aways

- Planning is necessary
- Talking with family, friends and individuals who have an interest in helping your disabled child is a must to ensure benefits are not impacted.
- Working with a skilled attorney is a must
- Working with advisors well-versed in the special needs world is recommended





SD Dodson CPA

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1095 Evergreen Circle, Ste 200

The Woodlands, TX 77380

Things to keep on your radar...

- **How to develop a comprehensive Special Needs Care Plan**
- **Future Care Cost Estimates**
- **Texas Waivers - Interest Lists**
- **SSI & SSDI - Understanding the differences and knowing when to apply**
- **ABLE Accounts**
- **Beneficiary Designations**
- **Special Needs Trusts - How to fund them (Note: Child Support post 18 redirected to a First Party SNT)**
- **Start touring Residential Living Communities - waiting lists can be long**
- **Consider Guardianship, Alternatives to Guardianship, POA, HCPOA, and Supported Decision-Making Agreement (Guardianship process can begin 6 months before turning 18)**
- **Post High School Education Options**





Consolidated Planning Group

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Owner/Advisor



Jeff Schaberg
Owner/Advisor



Michelle Morris
Advisor



Andrew Morris
Advisor



Andrew Jewesak
Operations



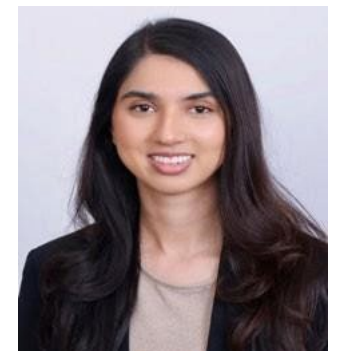
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Operations



Meredith Haynes
Marketing Director



Madi Smith
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3. Click link!

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