



**United Community Services
Disability Pooled Trust**

**TRUST INFORMATION
& PROCEDURES**
[Trust B]

A Trust For Persons With Disabilities

THE TRUST AND ITS PROCEDURES

This document is distributed with the understanding that neither United Community Services Disability Pooled Trust, nor United Community Services of Boro Park, Inc is rendering legal, accounting or other professional advice or opinions on specific facts or matters, and, accordingly, assumes no liability whatsoever in connection with its use. Persons with disabilities and their families are strongly encouraged to consult with an attorney who has the knowledge and expertise in the estate planning process as it pertains to the special needs of persons with disabilities.

The Trust:

United Community Services Disability Pooled Trust is a supplemental needs trust established by United Community Services of Boro Park, Inc., a non-profit charitable organization pursuant to federal and state law. The purpose of this Trust is to allow disabled individuals to transfer their monthly excess income (income determined by Medicaid to be “spent down”) to the Trust so as to become or remain fully eligible to receive governmental benefits.

The Trust is administered by United Community Services of Boro Park, Inc. and control of the Trust is in the hands of the Trustees appointed by that agency.

Eligibility:

The trust is open to all Individuals who reside in New York State and who are disabled as defined in Social Security Law §1614 (a)(3) [42 U.S.C. §1382c (a) (3)]. It is open to all disabled individuals no matter what their religion, race, creed, color, ethnicity or sexual orientation.

Determination of Eligibility:

The Trust will not make a determination whether a disabled person is disabled as defined by law. The acceptance of a Joinder Agreement does not mean that an applicant has met all the requirements needed to be eligible for a supplemental needs trust. It is the disabled beneficiary or his guardian’s responsibility to submit any required documents to Medicaid or any other applicable governmental agency to obtain approval.

Suitability:

The beneficiary and/or his guardian are solely responsible for determining whether this trust meets the needs of the individual. The expenses of the Trust may not make it financially practicable for a beneficiary. The Trust does not know the individual circumstances of any individual and cannot determine if the trust represents the optimal solution for a particular person. Prospective beneficiaries should consult with their attorneys, accountants, or other advisors before depositing funds in the trust.

Acceptance:

A completed Joinder Agreement, together with any other required information, and a check or money order of at least \$250.00 (enrollment fee) made payable to UCS Disability Pooled Trust, f/b/o Beneficiary's name, must be sent to:

UCS Disability Pooled Trust
PO Box 190391
Brooklyn, NY 11219

The Trust will contact you if there is any further information required or if the application is incomplete. The beneficiary or his authorized representative will be notified once the application has been accepted. In addition, the necessary forms and other information regarding the management of the sub-trust account will be provided.

Fees:

Fees are charged according to the current fee schedule. Fees are subject to change. An enrollment fee in the amount of \$250 will be charged to establish a Trust account. This fee will be deducted from the initial deposit. In addition, the first month's administrative fee will be charged in the month the account becomes effective.

Trust fees are deducted before requested disbursements; therefore, the amount available for use each month will be the current month's deposit received less the monthly administrative fee. Please remember to consider this when submitting disbursement requests.

Minimum Monthly Surplus:

The minimum monthly surplus to open or establish a Trust account is \$100.00.

Deposits:

Monthly deposits after the initial deposit must be accompanied with a surplus deposit coupon. The surplus deposit must come from beneficiary's funds.

Surplus deposit coupons will be provided. Should you require additional deposit coupons, please contact the Trust and they will be sent to you. Do not include correspondence with deposits.

Requests for disbursement:

All requests must be for the sole benefit of the account beneficiary.

Requests for disbursement must be submitted in writing and include appropriate proof of the expense such as a current bill, invoice, etc. The request must be signed by the disabled beneficiary or other authorized person.

The request and appropriate proof should be submitted to the Trust to be reviewed. Approved requests take up to five (5) business days to be processed. Please plan accordingly since the Trust shall not be liable for any late charges.

Requests to pay credit card invoices will be limited to current charges only. The complete detailed statement must be submitted. Items ineligible for disbursement will not be paid.

Lack of documentation or available funds will result in delayed processing time of disbursement requests.

Requests for payment of rent, mortgages or maintenance fees:

In each instance, proof must be submitted.

For rent, a copy of a current rent receipt or signed lease in the name of the beneficiary must be given to the Trust to be kept in its files. For legal reasons, a lease between spouses will not be considered.

For mortgage payments, a copy of the mortgage or current monthly statement in the name of the beneficiary must be given to the Trust.

For maintenance fees, a current receipt in the name of the beneficiary must be presented.

Automatic Disbursements:

Once the beneficiary account has been established, automatic disbursement for rent/mortgage fees may be requested. An automatic disbursement application must be submitted. This application will be provided upon request.

Automatic disbursement requests for other recurring fees will be evaluated on an individual basis.

Disbursement Limitations:

UNDER NO CIRCUMSTANCES WILL DISBURSEMENTS BE ISSUED DIRECTLY TO THE BENEFICIARY. ALL DISBURSEMENTS MUST BE MADE TO THIRD PARTIES.

Every request for disbursement is individually reviewed. Approval is at the sole discretion of the Trustees. The primary consideration in all request reviews is to protect the Beneficiary's government benefits. Requests that may adversely affect government benefits, or are not for the sole benefit of the account beneficiary may be denied. Only payments to legitimate established business will be considered.

In addition, **prohibited** distributions include, but may not be limited to, the following:

- disbursements payable to the beneficiary
- rent relating to a lease between spouses
- tobacco and alcohol
- bail, restitution, and related legal fees
- fire arms
- Medicaid eligible expenses incurred after the trust was established
- gifts
- donations
- bills for payment of monthly "surplus income"
- medical expenses calculated (included in Medicaid budgeting) to reduce monthly surplus income

- cash advances taken on credit cards
- payments to financial institutions for debit card charges, overdraft fees/expenses, lines of credit

Reporting to Government Agencies:

It is the responsibility of the individual beneficiary or his representative to report account activity to the applicable governmental agency. However, upon the request of the appropriate party, the Trust will provide additional information needed for any reporting requirement.

Beneficiary entering a Nursing Home:

If the beneficiary enters a nursing home, The Trust should be notified immediately by a written statement. Upon receipt of the written statement, the full balance, less unpaid fees, will be made available for use. There will be no change to the procedures regarding disbursements. The minimum monthly administrative fee will be charged until the account is fully expended.

Beneficiary no longer has a spend-down/surplus income:

If the beneficiary no longer has a spend-down/surplus income, the Trust should be notified immediately. A written statement certifying that the beneficiary no longer has a spend-down/surplus income must be submitted to the Trust. A copy of the Medicaid determination indicating there is no spend-down/surplus income may be required.

Upon receipt of the written statement and/or Medicaid determination letter, the full balance, less unpaid fees, will be made available for use. There will be no change to the procedures regarding disbursements. The minimum monthly administrative fee will be charged until the account is fully expended.

Termination of sub-trust account upon beneficiary death:

Under federal law, once a beneficiary dies, all funds remaining in his account must be left with the Trust to further the Trust's goals. The Trust must be notified immediately of the decedent's death and a certified death certificate must be produced. Once that is done, the Trust will pay the final disbursements incurred anytime within 90 days of death. By law, the Trust cannot pay expenses incurred after death and if such is done, the amounts paid must be returned. For that reason, the Trust cannot pay funeral expenses.

UCS Trust services

1575 50th Street, 3rd Floor
Brooklyn, NY 11219

Website: www.ucstrustservices.org

Email: info@ucstrustservices.org

Tel: 718.854.9300

Mailing Address

UCS Disability Pooled Trust
P.O. BOX 190391
Brooklyn, NY 11219-0391

UCS Disability Pooled Trust Fee Schedule

Effective 8/1/10

An initial enrollment fee of \$250.00 will be charged to establish an account.

In addition, a monthly administrative fee will be charged to each sub-trust account. At the present time this fee shall equal to 10% of the required monthly deposit (income determined by Medicaid to be "spent-down"). This fee shall not be less than \$30.00 monthly. However, this fee will not exceed \$200.00 regardless of surplus amount.

There are two payment options:

Option 1 (monthly)

The administrative fee is deducted from the sub-trust account monthly.

Option 2 (lump-sum)

The full administrative fee for the year is paid in advance. Should this option be selected, a 10% reduction will be applied.

Other Fees

In addition to the fees listed above, the following charges will apply:

One-day processing	\$25.00	Copy of canceled check	\$10.00
Stop payment	\$25.00	Returned ISF check	\$25.00

Annual Renewal Fee

A Renewal fee of \$100.00 will be applied annually. This is deducted from beneficiary accounts at the time of its anniversary. (Although, UCS incurs both direct and indirect costs associated with the preparation of the annual tax return filed by the Trust, no additional fees will be charged.)

Please note: Administrative and renewal fees are deducted prior to beneficiaries' requested disbursements; therefore, any monthly deposit must be sufficient to cover these fees.

Example of UCS Disability Pooled Trust Administrative Fees

Monthly (spend-down) deposit amount: \$500.00

Fee calculation (option 1)

(Deducted monthly from surplus deposit)

Monthly administrative fee (10%) = \$50.00
= Annual fee (admin.) charged ($\$50.00 \times 12$) = \$600.00

Fee calculation (option 2)

(Administrative fee for the year is paid in advance)

Monthly administrative fee (10%) = \$50.00
= Annual fee (admin.) charged ($\$50.00 \times 12$) = \$600.00
- 10% reduction ($\$600.00 \times 10\%$) = \$60.00
= Annual fee (admin.) charged ($\$600.00 - \60.00) = \$540.00