



Community Fund Ohio  
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## **ATTORNEY INSTRUCTIONS FOR COMPLETING MASTER TRUST JOINDER APPLICATIONS**

### **Quick Checklist: Master Trust**

- Completed original Joinder Agreement and Application for Admission as Grantor identifying The Huntington National Bank as Trustee (updated 10/2019);
- W-9 for Beneficiary;
- W-9 for every Grantor if Item 13 of the Joinder Application isn't signed and dated;
- Two Forms of Proof of Identity/Address for every Grantor;
- Check(s) made payable to "**Community Fund fbo [Beneficiary's Name]**" for Community Fund Ohio Setup Fee and, if applicable, trust funding; and
- Copy of court order, trust agreement, last will and testament and letters of administration, and/or power of attorney document if a court, trustee of another trust, executor, or agent is establishing the Trust.

### **Acceptable Forms of Proof of Identity/Address**

A Master Trust Joinder Application must be accompanied by two (2) forms of proof of identity or address for every Grantor. **The two forms must support the information on the Joinder Application.** For example, a utility statement addressed to the Grantor at an address that is not listed on the Joinder Application will not be accepted as one proof of identity or address. Community Fund Ohio **strongly** recommends submitting a copy of the Social Security card or other government-issued documentation that includes the Social Security Number to avoid errors. A copy of the following will be accepted as proof of identity/address:

Driver License	Credit Card Statement
Passport	Billing Statement from Nursing Home
State ID	Medicare Card
Birth Certificate	Medicaid Card
Social Security Card	Social Security Award Letter
Letters of Guardianship	Statement from Residential Provider
Utility Statement	

Community Fund Ohio and our Trustee will also accept a signed statement from the attorney of record confirming the attorney knows the Grantor, the Grantor is a U.S. Citizen, and the Grantor resides at the address identified on the Joinder Application as one proof of identity/address for the Grantor.



## **Instructions for Completing Joinder Application**

All sections of the Joinder Application must be completed before the Trust Advisor and Trustee will review and accept the Joinder Application. Incomplete Joinder Applications or Joinder Applications with errors will not be accepted.

### **1. Agreement Number – Item 1**

Please leave this line, and the lines at the top of each subsequent page, blank. Community Fund Management Foundation dba Community Fund Ohio, as Trust Advisor, will assign a unique Agreement Number upon our approval of the Joinder Application.

### **2. Trustee – Item 2**

Please confirm you are using current forms. The Joinder Application should refer to The Huntington National Bank as Trustee and be dated 10/2019. Community Fund Ohio will not accept Joinder Applications submitted on outdated forms. Please contact one of our Trust Development Coordinators at (216) 736-4540 if you have questions regarding forms.

### **3. Trust Advisor – Item 3**

Community Fund Management Foundation (CFMF) is the Trust Advisor. No action is needed.

### **4. Name of Grantor(s) – Item 4**

Anyone other than the Beneficiary can serve as the grantor. If the person signing the Joinder Application is a fiduciary, Community Fund Ohio requires a copy of the trust agreement, last will and testament, or court order. Community Fund Ohio will also accept a Joinder Application signed by an agent under a valid power of attorney if the power of attorney document grants the agent the express authority to establish (not just fund) a trust, subject to changes in Ohio law. If an agent is establishing the Sub-Account, Item 4 should be completed using the Grantor/Principal's information. All initials and signatures should be made by the agent on behalf of the Grantor and the signatures should clearly indicate the person is signing as an agent.

#### **5.a. Beneficiary Information – Item 5.a.**

The Beneficiary is the person with a disability for whom the Sub-Account is being established; in other words, the individual with a disability who benefits from the Trust.

#### **5.b. Disability Information – Item 5.b.**

Please indicate the Beneficiary's disability. Community Fund Ohio does not determine if a Beneficiary is disabled and does not independently verify that the disability information provided to Community Fund Ohio is accurate. It is the responsibility of the person establishing the trust, usually with advice of counsel, to follow federal and state law regarding what constitutes a disability and to respond to any inquiries regarding the Beneficiary's disability. See 42 U.S.C. 1382c.

### **6. Designated Advocate – Item 6**

The Designated Advocate and Successor Designated Advocate(s) may be a relative, friend, organization, or the Beneficiary if he/she is competent. Community Fund Ohio strongly recommends that several successor Designated Advocates be named to avoid a situation where



there is no person or entity serving. If the Designated Advocate is an organization, Community Fund Ohio asks that a contact person be identified. The organization's leadership has the ability to change the contact person. If an individual is named and that individual is employed by an organization providing services to the Beneficiary, the individual will remain as Designated Advocate even if the individual leaves the organization. Please give careful thought as to whether a Designated Advocate is being named in an individual capacity or as a contact person at an organization.

**7. Fees – Item 7**

Please visit our website or call our Administrative Office to confirm the fee schedule in place at the time of establishment.

**8. Distributions to the Beneficiary – Item 8**

Community Fund Ohio as Trust Advisor shall direct the Trustee to distribute income and/or principal to benefit the Beneficiary.

**9. Distributions Upon Death of Beneficiary – Item 9**

The Grantor(s) may elect to allow payment for the Beneficiary's funeral expenses and attorney fees at the Beneficiary's death before distributing the remainder to named distributees. For example, if the Grantor agreed to pay for the Beneficiary's funeral expenses but not the Beneficiary's Administrative expenses at death, the Grantor should check the box next to "Beneficiary's Funeral and Interment Expenses" but leave the box next to "Attorney Fees and Expenses for Administration of Deceased Beneficiary's Estate" blank.

The Grantor(s) should identify specific individuals or charities, which Community Fund Ohio calls "remainder distributees," to receive any balance remaining in the Sub-Account. Community Fund Ohio will not allow class gifts or gifts to people or entities that are not in existence at the time the Joinder Application is signed. For example, Community Fund Ohio will not accept a Joinder Application that distributes the remainder "to my children, per stirpes" or "to my heirs at law." Community Fund Ohio will not accept a designation "to the Beneficiary's children" when the Beneficiary does not currently have children.

Counsel for the Grantor(s) may attach additional pages or instructions if needed. In the alternative, Community Fund Ohio maintains partnerships with specific nonprofits and a separate Joinder Application is available to name one of our partners as the remainder distributee. Please visit our forms page or contact our Trust Development Coordinators for more information.

**10. Revocability of Trust – Item 10**

The Grantor(s) may elect for the Trust to be revocable or irrevocable. All Master Trusts become irrevocable at the death of the last surviving Grantor.

**11. Property Transferred to Trustee – Item 11**

Community Fund Ohio accepts check deposits. Please refer to our website or speak with our Trust Development Coordinators if you have questions on the type of assets that can be deposited in a Community Fund Management Foundation Master Trust.



## 12. Grantors' Application – Item 12

All Joinder Applications must be accompanied by two forms of identity/address for both the Grantor(s) and Beneficiary as stated on page 1 of these instructions.

All trusts are invested. As such, there is the possibility of gains and the risk of loss. The Investment Policy may be requested from the Community Fund Ohio's Administrative Office.

Community Fund Ohio makes every effort to be aware of rules and policies governing special needs trusts and government benefits. Community Fund Ohio and the Trustee do not, however, guarantee the receipt or continuation of benefits.

## 13. Grantors' Certification – Item 13

This section must be signed and dated by all Grantors or a completed W-9 for every Grantor must be submitted with the Joinder Application.

## 14. Witness or Notary Declaration – Item 14

Each Joinder Application must be either witnessed by two eligible witnesses or notarized. The date identified in Item 14 must be consistent with the date written on Item 12.

### 15.a. Attorney's Declaration – Item 15.a.

This section must be completed and signed by the attorney of record for the person establishing the trust. Community Fund Ohio will send confirmation when the Sub-Account has been accepted to the attorney identified in Item 15. Community Fund Ohio does not accept altered Joinder Applications and no attorney should make changes to Community Fund Ohio's forms.

By signing this section, the licensed attorney is verifying the Beneficiary is a person with a disability as defined in 42 USC 1382c(a)(3) and that a Community Fund Management Foundation Trust is appropriate for the Beneficiary. The attorney is also verifying that the person establishing the Trust has the authority to do so and the correct Joinder Application was completed.

The attorney of record should discuss with his or her client who will be responsible for notifying government agencies of the existence of the trust and when that is required. Community Fund Ohio does not notify any agency that the trust has been established. Community Fund Ohio strongly suggests that any notice be in writing via tracked mail. Community Fund Ohio also recommends that a copy of the notice and proof of delivery be provided to Community Fund Ohio for retention in our files should any agency request proof of disclosure in the future. The proof of prior disclosure is often a key piece of evidence should an agency question the establishment or funding of a trust.

### 15.b. Optional Authorization – Item 15.b.

Once Community Fund Ohio notifies the attorney identified in Section 15.a. that the Joinder Application has been accepted, Community Fund Ohio will not continue to disclose information to the attorney. If the Master Trust is revocable, and the **Grantors** wish to authorize the attorney to request information from Community Fund Ohio, **all of the Grantors** may sign and date Section 15.b. or submit a separate authorization to Community Fund Ohio. If the Master Trust is irrevocable, and the **Designated Advocate** wishes to authorize the attorney to request information from Community Fund Ohio, the **Designated Advocate** may sign and date Section



15.b. or submit a separate authorization to Community Fund Ohio. The Trustee will not send duplicate statements to an attorney on an ongoing basis unless the attorney is also serving as the Designated Advocate, but Community Fund Ohio will disclose information to the attorney when requested without repeatedly asking the Grantor(s) or Designated Advocate for authority to do so if Section 15.b. is signed and dated or a separate authorization is submitted to Community Fund Ohio.

**16. Trust Advisor's Approval – Item 16**

This section will be completed by Community Fund Ohio upon successful acceptance of the Joinder Application.

**17. Trustee's Approval – Item 17**

This section will be completed by the Trustee upon successful acceptance of the Joinder Application.

**18. Asset Transfer and Beneficiary Designation Record – Item 1**

Please identify how the Sub-Account will be funded. If the trust is being funded with periodic payments, life insurance, or a pension plan, please provide a copy of the contract or policy. It is also helpful to provide Community Fund Ohio with the financial advisor or broker's name to help facilitate the receipt of assets at the Grantor's death.

**19. Asset Transfer and Beneficiary Designation Record – Item 2**

This section requires confirmation that the funds received by the trust were never owned by the Beneficiary.

**20. Asset Transfer and Beneficiary Designation Record – Item 3**

This section records the check number(s) and amount(s) for the initial deposit.

**21. Asset Transfer and Beneficiary Designation Record – Item 4**

Please identify if a second check for the Community Fund Ohio setup fee has been submitted. If "no" is checked, Community Fund Ohio will deduct its Setup Fee from the initial deposit.

**22. Asset Transfer and Beneficiary Designation Record – Item 5**

Any Master Trust that is established with less than \$15,000 is a "roll-in" Master Trust and distributions will not be made until the trust balance reaches \$15,000. This section must be initialed by the person establishing the trust if the initial deposit is less than \$15,000. This section should not be initialed if the initial deposit is \$15,000 or more.



## **Frequently Asked Questions**

Community Fund Ohio does not provide legal advice, but our experience allows us to suggest answers to the following questions:

### **Q: Who should serve as Designated Advocate?**

A: This answer is specific to the Beneficiary and his/her situation. The Designated Advocate has a significant role as he/she: completes and submits distribution requests and the beneficiary resource record; receives monthly or quarterly trust statements as well as tax documents; is the only person who can request specific information regarding the Sub-Account from Community Fund Ohio; and acts as the beneficiary surrogate. The Designated Advocate is also often called upon to help Community Fund Ohio wrap up the Trust at the Beneficiary's death by providing a death certificate or other information.

Ideally, the Designated Advocate should be someone who knows the Beneficiary and is familiar with his/her disability and the benefits received. The Designated Advocate should be trustworthy and able to follow-through with the responsibilities of being a Designated Advocate. It is not necessary for the Designated Advocate to be an Ohio resident so long as he/she can fulfill the duties of a Designated Advocate.

### **Q: Will Community Fund Ohio waive the requirement for an attorney to sign the Joinder Application?**

A: No.

### **Q: I am an attorney and I am unsure if the Joinder Application will be accepted. Will you review the packet in advance?**

A: Yes. Please fax or mail a copy of the entire packet to Community Fund Ohio's Administrative Office and we will gladly review it in advance and provide you with written feedback within two (2) business days. We advise against emailing the packet to Community Fund Ohio unless it is redacted or submitted by secure email due to the confidential nature of the documents.

### **Q: Will Community Fund Ohio accept a Joinder Application by email or fax?**

A: No. Community Fund Ohio only accepts **original** Joinder Applications sent to Community Fund Ohio's Administrative Office.

### **Q: May I submit a Distribution Request with the Joinder Application or do I need to tell the Designated Advocate to wait?**

A: Community Fund Ohio is happy to process a distribution request as soon as the Sub-Account is established and the Trust is distributable. It is not necessary to wait until you have confirmation the Sub-Account was accepted to submit a Distribution Request form. Please remember, however, to also include the Beneficiary Resource Record (BRR) with any Distribution Request form submitted as Community Fund Ohio requires a current BRR be on file before a Distribution Request will be considered.



**Q: Will you attend a meeting with my client and me to discuss the trusts offered by Community Fund Ohio?**

A: Absolutely. Please contact the Community Fund Ohio office closest to you or contact our Administrative Office and our Executive Director or one of our Associate Directors will schedule an appointment to meet with you and your client by phone or in-person at the location of your choosing.

**Q: Does Community Fund Ohio notify government agencies of the establishment of the trust?**

A: No. Community Fund Ohio will, however, provide information at the Designated Advocate's request for redeterminations or agency inquiries.

**Q: I am the attorney identified in Item 15, but Community Fund Ohio will not release information to me.**

A: Once the Master Trust is established, Community Fund Ohio will only provide information to the attorney if Section 15.b. is signed by the appropriate party or a separate authorization is on file. If the Master Trust is revocable, Section 15.b. or the separate authorization should be signed by the Grantor(s). If the Master Trust is irrevocable, Section 15.b. or the separate authorization should be signed by the Designated Advocate.

**Q: Should I send correspondence directly to the Trustee or to the Associate Director closest to me?**

A: No. All communication should be directed to Community Fund Ohio's Administrative Office located at 17900 Jefferson Park, Suite 102, Middleburg Heights, OH 44130. Even though our Trustee is recognizable in Ohio, the bank branches cannot provide statements, accept deposits, make distributions, or offer assistance regarding Trusts. It may be helpful to view the pooled trust relationship like this: the Sub-Accounts are Community Fund Ohio's clients, and Community Fund Ohio is the Trustee's client, but the Sub-Accounts are not the Trustee's clients.

**Q: My client has been notified that the Trust is a countable resource. What should he/she do?**

A: The first item is to identify due dates and submit the necessary documents to preserve the appeal if the deadline is quickly approaching. You or your client should fax every page of the notice to Community Fund Ohio and contact Community Fund Ohio's Executive Director to discuss how to proceed. Community Fund Ohio may offer to direct the case to our outside counsel at no charge to your client if the Trust is the reason for the denial or termination of benefits, and not due to another reason (failure to comply, fraud, countable resources outside of trust, etc.). If you elect to represent your client, we ask that you notify Community Fund Ohio of the issue. Community Fund Management Foundation's Trusts are on file with the Social Security Administration's trust file. We want to help ensure that positive local precedents are set as well.