

WNY COALITION POOLED TRUSTS

Third Party Trust (Friends & Family)

Frequently Asked Questions

1. Who runs the WNY Coalition Trusts?

The Trustees of the WNY Coalition Trust are Center for Elder Law & Justice (CELJ), People, Inc., and Key Bank Corp. Both CELJ and People Inc. each appoint 2 board members to the Management Committee of the Western New York Coalition Trust. The Management Committee sets all policy and procedure, including investment parameters, approves all new beneficiaries and approves all requests for disbursements.

2. Why should I join the Trust?

In general, individuals receiving public benefits are restricted to certain income and resource levels, depending on the particular public benefits program. Access to income/resources over those levels can result in your loss of benefits for each month those funds are deemed to be “available” to you. However, *disabled individuals in certain public benefits programs* have the option to deposit income/assets into our pooled supplemental needs trust, and, once done, those funds become exempt. However, by depositing funds into a trust, you are giving up *control* of those funds to the Trustees. That is the only reason why certain public benefits programs will exempt those funds. A Trust is not like a savings or checking account; the Trustees have sole discretion over all the assets in the Trust.

3. What are the benefits of a pooled trust?

Our pooled trust is run by professionals with knowledge of the various public benefits programs utilized by disabled persons. Also, using a pooled trust (rather than a stand-alone trust) means that you do not have to locate a family member to act as Trustee. Finally, by using our Trust you can avoid having to make financial decisions that may be unpopular with your loved one.

4. How do I set up a Trust for my loved one with the WNY Coalition Trust?

In order to join the Trust, you must first complete all the paperwork and provide all required documents. As the donor you will be asked to sign a “Joinder Agreement”.

After the meeting, the Trustees of the WNY Coalition Trust must meet and accept your loved one into the Trust. That meeting happens once per month (usually the second Monday of the Month).

5. How will I know that I have been accepted?

You will receive a confirmation “Welcome letter” once your loved one is accepted into the Trust.

6. Will the Trust notify Medicaid and SSI once my loved one is accepted?

No. Your confirmation “Welcome” packet will include a sample letter for the beneficiary to send to SSI, Medicaid, and all your public benefits programs. You or your loved one should send the notice as soon as he/she is accepted into the Trust.

7. Will the Trust handle my loved one’s personal affairs?

No. The Trust will not act as legal guardian or power of attorney for your loved one.

8. Are there fees to join?

Yes. All fees are set out in the fee schedule.

9. How do I make a deposit?

To make a deposit into Trust Number Three (the Friends & Family Trust), make a check out to the *WNY Coalition Pooled Trust*. We do not accept cash.

10. Disbursements

A. When can my loved one start requesting disbursements from his/her account?

- a. Requests for disbursements may be submitted with the initial paperwork.
- b. Requests under \$1,000 are approved weekly, any requests over \$1,000 are presented to the Management Committee for approval.

- c. The Committee usually meets the 2nd Monday of the month. All requests must be received by the Monday before the meeting.
- d. Requests for disbursement must be submitted in writing and include appropriate substantiation (receipt, price quote, invoice, etc.). The request must be signed by the Disabled Beneficiary or other individual authorized by the beneficiary.
- e. You must get pre-approval before purchases are made.
- f. Disbursements cannot be issued directly to the Disabled Beneficiary, i.e., all disbursements will be made to third parties. The Trust does not employ individuals to provide any service to the beneficiary; therefore, all third parties and vendors must be legitimate registered businesses.

*Please remember that not all disbursements will be approved. If the request will result in the loss of public benefits, it will probably be denied. Also, we require that most requests be paid on automatic payment. We will only pay up to 5 hard checks per month, over and above the checks on Auto payment. Also, the disbursement must be for the sole benefit of your loved one.

B. Where does my loved one send a request for a disbursement?

- a. All requests must be in writing. Please mail to:

WNY Coalition Pooled Trust
438 Main Street, Suite 1200
Buffalo, NY 14202

or fax to: (716) 856-5317

C. What about requests for funeral expenses?

State and Federal law require that that the Trust cannot pay any bills submitted after the beneficiary's death, and this includes funeral bills. However, requests to purchase prepaid burial contracts, or otherwise arrange for these expenses may be made during the beneficiary's lifetime to the Trustees.

11. Can my loved one be reimbursed for expenses he/she has already paid for?

The trust can reimburse third parties for their purchases. However, you must get pre-approval from the Trust, before you make any purchases.

12. Can I or my loved one make gifts with Trust Funds?

No.

13. Can I or my loved one get cash from the Trust?

No

14. What happens to the Trust funds upon my death?

When your loved one dies, 15% of what is remaining at his death goes to the 2 non profit Trustees to support their missions. You may direct how you would like the remaining 85% to be allocated. There is a section on the Joinder Agreement where we ask you to tell us who would receive the remaining 85% at the death of your loved one.

15. How are Trust funds invested?

Funds from all the beneficiaries of the Trust are pooled together and managed by the Corporate Trustee. The Investment Policy is available on request.

16. Are contributions to the Trust tax deductible?

No.

17. Will I receive statements?

You will receive statements monthly. You will also receive a statement for your taxes.

I have read, or have had the above read to me, and I understand the Western New York Coalition Pooled Trust procedures.

Date: _____

Name: _____