

Spring 2017 Update

To: PLAN of CT Professional Members

From: Colleen Masse, Trust Coordinator, PLAN of CT

Subject: Updates

Date: 4/26/2017

Happy spring. Thank you for your continuing support of people with disabilities. As you know, PLAN of CT introduced new Trust documents last fall. We appreciate your efforts to transition to the new documents.

Our number of new trusts each month continues to grow as does our list of professional members. In order to continue to partner with you to support our Beneficiaries, we have a few notes that we hope will make our work together smoother and more efficient.

- Subscriber and Beneficiary: According to OBRA D4C, a parent, grandparent, Court or the intended Beneficiary may be the Subscriber. If someone other than the Beneficiary is signing the Trust documents there are a few issues to be aware of:
 - If a Power of Attorney is signing the documents:
 - The Beneficiary and Subscriber are the same person, as the Power of Attorney is “standing in the shoes” of the Beneficiary. Please use the Beneficiary’s name as the Subscriber on page 1,
 - The relationship between the Beneficiary and Subscriber should be listed as “self/POA”,
 - The signature should indicate the capacity of the signer (Power of Attorney),
 - The Power of Attorney document must specifically state the authority to establish and fund the Trust.
 - If a Conservator is signing the documents:
 - The Beneficiary would be listed on page 1 as “Beneficiary Doe, through her Conservator Grantor Jones”,

- The relationship between Beneficiary and Subscriber would be Conservator,
 - The signature page should indicate the capacity of the signer (Conservator),
 - The decree must specifically empower the Conservator to establish and fund the Trust.
- Our new Subscriber Agreement has a “Schedule A” as the last page:
 - The purpose of the Schedule A is to allow the Subscriber Agreement to be updated more easily,
 - The Schedule A does not have to be submitted with the original Trust, it is for use when updating the contribution amount,
 - The Benefit Eligibility Limit listed on Schedule A is an example, it is not reflective of any actual limit,
 - If you find it necessary to update a Trust contribution amount, the updated Schedule A with an updated spending plan is all that is required to be submitted to PLAN of CT and state agencies. A new Subscriber Agreement will open a new Trust account.
- With the passage of the Special Needs Trust Fairness Act, Beneficiaries may now be the Grantor of their own D4A Special Needs Trust. Please select the parent/grandparent option on PLAN of CT’s Trust Adoption Agreement.
- We are currently processing approximately 30 new Trusts each month:
 - Please be advised that it will likely take approximately a week to receive your signed paperwork,
 - Typically, if you have been working with our Outreach Coordinator your trust will be approved though it may be pending the receipt of some items,
 - Please advise your clients of this estimated timeline.