

The ACHIEVE Foundation Trust

The ACHIEVE Foundation Trust is a Type "C" Supplemental Needs Trust created in accordance with federal and state companion laws pursuant to OBRA '93. This is a pooled Supplemental Needs Trust created for the benefit of people with disabilities, as defined by the Social Security Law. This type of irrevocable trust is funded with the assets of the individual with disabilities and may be established by an individual having capacity, a parent, grandparent, guardian or court.

The ACHIEVE Foundation Trust enables an individual with a disability to create an irrevocable sub-account under the Trust and transfer assets into the account while remaining eligible to receive governmental benefits. Without the option of a Supplemental Needs Trust, an individual could be forced to spend the majority of his or her assets in order to remain eligible to receive governmental benefits. The Trust is a tool for individuals who receive funds such as: an outright inheritance, an award from a lawsuit, retroactive benefit payments, or income from other sources, to effectively transfer those assets while remaining fully eligible to receive governmental benefits.

The Trust, at the sole discretion of the Trustees (The ACHIEVE Foundation and a financial institution managing the Trust account) will make distributions on behalf of the beneficiaries in order to enhance their quality of life. These distributions assist in meeting those needs not met, or intended to be met, by governmental benefits. Distributions from the sub-accounts are not intended to supplant, diminish or impair the beneficiary's receipt of governmental benefits.

The ACHIEVE Foundation Trust is primarily for individuals who are receiving governmental benefits such as SSI or Medicaid. Accounts are established with a lump sum of funds and are meant to be kept on deposit and drawn as needed. Upon the death of the beneficiary, the entire remaining balance of the beneficiary's account will be paid to the ACHIEVE Foundation Trust "Remainder Sub-Account." These funds will be used to provide assistance to other individuals with disabilities. The funds remaining in a beneficiary's account at death are not required to be repaid to the State, as long as these funds remain with the non-profit organization to assist other individuals with disabilities.



Contact Information

The ACHIEVE Foundation Trust
c/o Business Office
125 Cutler Pond Road
Binghamton, New York 13905
Tel: 607.723.8361
Fax: 607.231.5310
Email: Trustdept@achieveny.org

contact



The ACHIEVE Foundation Trust
Information and Procedures

The Trust

The ACHIEVE Foundation Trust is established pursuant to federal and state law that permit a disabled person to shelter their own resources in order to remain eligible for governmental benefits that are subject to means tests. Disbursements are made at the sole discretion of the Trustees and must be made for the sole benefit of the disabled beneficiary.

Eligibility

Individuals who are disabled as defined in Social Security Law Section 1614(a)(3)[42USC1382c(a)(3)] are eligible to establish an ACHIEVE Foundation Trust account. There are no funding restrictions with respect to an individual's disability, ethnicity, religious beliefs, or geographic location.

Suitability

The beneficiary and his/her representatives are solely responsible for determining whether this trust meets the needs of the individual. Fees are charged each month, which means that there may be more efficient ways to spend small amounts in the interest of the disabled person. The trustees do 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, case managers, or other advisors before depositing funds in the trust.

Establishing an Account

A completed Joinder Agreement (signed and notarized), together with any other required information, and funds made payable to The ACHIEVE Foundation Trust, for benefit of Beneficiary's name, must be sent to:

The ACHIEVE Foundation Trust
c/o Business Office
125 Cutler Pond Road
Binghamton, New York 13905

Please allow up to 30 days for the account to be processed. The ACHIEVE Foundation Trust will contact the beneficiary and/or their representative regarding any questions or problems with the submitted information/funds, or if an incorrect Joinder Agreement has been submitted. The ACHIEVE Foundation Trust reserves the right to reject any Joinder Agreement.

Once accepted, a copy of the signed Joinder Agreement and an acceptance letter, as well as other information regarding administration of the sub-trust account will be mailed to the beneficiary or the contact person listed in the Joinder Agreement.

It is the responsibility of the account Beneficiary to submit trust documents to Medicaid and/or other government agencies for approval.

Acceptable Joinder Agreement Signatures

The Joinder Agreement may only be signed by one of the following: The disabled beneficiary (must have capacity), a parent, grandparent, or Guardian. A Power of Attorney may also sign, provided the appropriate language is contained in the document (see below).

The following must be submitted if not being signed by the account beneficiary:

■ Signed by the Guardian

Proof of Guardianship is required and must be submitted with the Joinder Agreement.

■ Signed by Power of Attorney

Power of Attorney must specifically include the powers to establish and fund a trust. A copy of the Power of Attorney must be submitted with the Joinder Agreement.

■ Account Established by Court Order

Contact the ACHIEVE Foundation Trust Business Office for instructions regarding the completion of the Joinder Agreement.

Minimum to Establish an Account

The minimum deposit to open or establish an ACHIEVE Foundation Trust account is \$300.00. Deposits should be in the form of a check or money order. Deposits of cash will not be accepted.

Enrollment Fee

Currently there is no enrollment fee.

Monthly Fees

Administrative fees are charged monthly according to the current fee schedules. Fees are subject to change.

The first month's administrative fee will be charged in the month after the account is established.

Trust expenses and fees are deducted before requested disbursements; therefore, please remember to consider this when submitting disbursement requests.

Subsequent Deposits

Any subsequent deposits should be sent to the ACHIEVE Foundation Trust Business Office and must be at least \$100.00. Deposits should be in the form of a check or money order. Deposits of cash will not be accepted.

Requests for Disbursement

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 in the Joinder Agreement. The authorization is initially given in the Joinder Agreement, subsequently the authorized persons may be changed only by written request of the Joinder Agreement signer.

The request and appropriate substantiation may be faxed, mailed or emailed to the ACHIEVE Foundation Trust and will be reviewed by an authorized representative. Approved requests are typically processed within 14 days after the approval date. Please plan accordingly, the ACHIEVE Foundation Trust is not responsible for late charges incurred.

All requests must be for the sole benefit of the account beneficiary and have been incurred within 90 days of submission.

Requests to pay credit card invoices may be limited to current charges.

The complete detailed statement must be submitted. Items ineligible for disbursement will not be paid (see "Disbursement Limitations" below).

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

The ACHIEVE Foundation Trust reserves the right to limit the number of disbursement requests that will be accepted in any one month.

Disbursement Guidelines

Every request for disbursement is individually reviewed. Please contact the ACHIEVE Foundation trust office regarding the specific needs of the beneficiary and to obtain information regarding the required supporting documentation. The individual request will be reviewed, however, please remember that all disbursements are made 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.

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

- Disbursements payable to the beneficiary
- Tobacco and alcohol
- Bail, restitution, and related legal fees
- Firearms
- Medicaid eligible expenses incurred after the account was established
- Gifts to the beneficiary are allowed but are limited to non-cash items not greater than \$50 in value
- Gifts are also limited in frequency to no more than one every three months.
- Donations
- Cash advances taken on credit cards
- Payments to financial institutions for debit card charges, overdraft fees/expenses, lines of credit
- Food & Shelter items for SSI recipients will only be considered under special circumstances

Expenses must be incurred within 90 days of submission. However, unusual or special circumstances will be given consideration.

Disbursements will not be issued directly to the disabled beneficiary. All disbursements will be made to third parties.

The Trust does not employ individuals to provide any service to the beneficiary, therefore, all third party service providers and vendors must be legitimate registered businesses.

Reporting of Accounts to Beneficiaries

Account statements are prepared quarterly and mailed to the individual designated in the Joinder Agreement, within three weeks after the end of each quarter. Statements include a summary of the quarter's activity. Detailed accountings required for benefit recertification and by court order are prepared upon specific request.

Reporting to Government Agencies

It is the responsibility of the disabled beneficiary, or their representative, to report Trust activity to applicable government agencies. The ACHIEVE Foundation Trust will provide, upon request, additional information to the beneficiary, or directly to the government agency, to assist in their reporting requirements if necessary.

Income Tax Reporting

The ACHIEVE Foundation Trust files Federal form 2041 and New York State IT-205 for tax purposes. Each beneficiary with earned taxable interest reportable on their personal income tax return will be issued a form K-1.

Interest earned but not distributed via disbursements during the year will be calculated at the Trust tax rate and reported on the Trust's tax return. Any tax incurred within the Trust is allocated to the appropriate beneficiaries and will be deducted from their trust sub-account.

Required Assistance with Trust Transactions

Should the disabled beneficiary require assistance in communicating with the ACHIEVE Foundation Trust and/or government agencies, the beneficiary or their parent or Guardian must arrange for appropriate service coordination. The ACHIEVE Foundation Trust acts as fiduciary only and cannot provide service coordination type services. Persons authorized to discuss trust matters and/or submit requests on behalf of the beneficiary are designated in the Joinder Agreement. Only written changes authorized by intermediaries will be accepted.

The ACHIEVE Foundation Trust may require an intermediary if, in the sole opinion of the ACHIEVE Foundation Trust administrator, the beneficiary or named contact is unable to appropriately handle or lacks the capacity to understand Trust matters or submit a proper request.

Termination of Sub-Trust Account Upon Beneficiary Death

Consistent with Federal statute, the sub-trust account shall terminate upon the death of the beneficiary and all funds remaining in the separate trust sub-account shall remain with the Trust to further its purposes.

The party authorized to speak on behalf of the beneficiary must notify the ACHIEVE Foundation Trust, immediately upon the beneficiary's death and will be required to provide a certified death certificate.

Upon receipt of the death certificate, final disbursements for expenses incurred prior to death may be considered if submitted within 90 days by an individual authorized to make disbursement requests.

Per Federal statute, no disbursements may be made for expenses incurred after death. Any individual requesting and/or receiving disbursements for expenses incurred after the death of the beneficiary, will be required to repay the amount disbursed.

Funeral Expenses

Per Federal statute, no disbursements for expenses incurred after death may be made from the sub-trust account. The ACHIEVE Foundation Trust encourages the purchase of a Medicaid eligible irrevocable prepaid burial contract during the beneficiary's lifetime.

Miscellaneous

At least one time per year, or with any change in status, the beneficiary or responsible party must verify their continuing SSI eligibility. A request will be sent annually for the beneficiary or responsible party to update this information.