



ATTORNEY-CLIENT PRIVILEGE Legal Review Form for Trusts

Commonwealth of Massachusetts | EOHHS | www.mass.gov/masshealth

I. Applicant Information

| | | | |
|---------------------|---|---|--|
| Applicant Name | DOB | Last 4 Digits of SSN | Disabled Per Reg <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Spouse Name | Spouse <input type="checkbox"/> Living <input type="checkbox"/> Deceased | Spouse Apply or on MH <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Date of Application | Application Type <input type="checkbox"/> LTC <input type="checkbox"/> HCBW <input type="checkbox"/> Community <input type="checkbox"/> New Application <input type="checkbox"/> Existing Member | | |

II. Trust Information

| | |
|--|------------------------------|
| Trust Name | Date of Trust/Amendment(s) |
| Trust Funding Source | Assets Held in Trust & Value |
| Is Trust Asset the Current Home (PPR)? <input type="checkbox"/> Yes <input type="checkbox"/> No | Grantor |
| Trustee | Beneficiaries |

III. Legal Recommendation



- Pooled Trust
 Special Needs Trust
 Third Party Trust
 Testamentary Trust (*by will*)
 MQT (*pre 8/11/1993*)
 Revocable Trust
 Irrevocable Trust
 Other _____



- The Trust income is non-countable because:**
 The Trust is a MassHealth approved Pooled Trust. 130 CMR 520.008(I)
 The Trust is a qualifying Special Needs Trust. 130 CMR 520.008(H)
 The Trust is irrevocable and there are no circumstances under which Trust income could be paid to, or for the benefit of, Applicant/Member/Spouse (A/S). 130 CMR 520.023(C) or 130 CMR 520.022(B)
 Other

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The Trust income is countable because:

- Under Section _____ of the Trust, the Trust is revocable. 130 CMR 520.023(B) or 130 CMR 520.022(A)
- Under Section _____ of the Trust, Trust income can be paid to, or for the benefit of, A/S. 130 CMR 520.023(C)
- Other Under Section I(A), the spouse has right to income distributions

The Trust principal is non-countable because:

- The Trust is a MassHealth-approved Pooled Trust. 130 CMR 520.008(I)
- The Trust is qualifying Special Needs Trust. 130 CMR 520.008(H)
- The sole Trust asset is the home of a community based applicant in which he or she resides. 130 CMR 520.024(B).
- The Trust is irrevocable and there are no circumstances under which Trust principal could be paid to, or for the benefit of, A/S. 130 CMR 520.023(C) or 130 CMR 520.022(B)
- The Trust is a Third Party Trust and the Trustee is not required to make, and A/S cannot request distributions from Trust principal to A/S. 130 CMR 520.024(A).
- Other:

The Trust principal is countable because:

- The Trust is not a MassHealth approved Pooled Trust. 130 CMR 520.008(I)
- The Trust is not a qualifying Special Needs Trust. 130 CMR 520.008(H)
- The Trust is revocable. 130 CMR 520.023(B) or 130 CMR 520.022(A)
- The Trust is irrevocable but there are circumstances under which Trust principal could be paid to, or for the benefit of, A/S including the following:
 - Under Section _____, Trust principal can be paid to or for the benefit of the A/S. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the A/S can appoint direct payment of Trust principal to anyone on any conditions. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the A/S can appoint direct payment of Trust principal to charitable or nonprofit organizations including nursing facilities to pay for their care. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the A/S can add charitable or nonprofit organizations including nursing facilities to pay for their care. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the A/S can serve as Trustee and receive Trustee compensation. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the Trustee can use Trust principal to buy annuity, life insurance, long-term care insurance or other similar products for the benefit of the A/S. 130 CMR 520.023(C) or 130 CMR 520.022(B)
 - Under Section _____, the Trustee can lend Trust principal to the A/S without adequate interest or security. 130 CMR 520.023(C) or 130 CMR 520.022(B)

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The Trust principal has been paid to, or for the benefit of, A/S. 130 CMR 520.023(C) or 130 CMR 520.022(B)



Trust funding within the look-back period is a disqualifying transfer. 130 CMR 520.018, 130 CMR 520.019 and 130 CMR 520.023(C)(2).



If a manual denial notice is necessary for this Trust,
insert the following, citing to 130 CMR 520.023(B):

Multiple horizontal lines for text entry.

IV. Contact Information

| | |
|------------------------|--------------|
| Requestor Name (print) | |
| MEC | Request Date |
| Attorney Name (print) | Review Date |

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