



Administering Special Needs Trusts

100 Centerview Dr., Suite 200, Box 15 Vestavia Hills, AL 35216

205.883.8333 Fax: 205.883.0333 info@alabamafamilytrust.com

## INSTRUCTIONS FOR OPENING AN ALABAMA FAMILY TRUST ACCOUNT

### Irrevocable First-Party Agreement

#### Medicaid Payback Trust (funded with the Beneficiary's assets)

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Thank you for your interest in opening an account with Alabama Family Trust (AFT). Creation of a trust is a serious legal transaction, so you may want to consult with an attorney before submitting your documents to AFT. All documents required to open an AFT Account are found on AFT's website, [www.alabamafamilytrust.com](http://www.alabamafamilytrust.com), under the heading Documents. Specific documents that must be completed and submitted to establish an Irrevocable First-Party Trust Account include all the following:

#### 1. First-Party Irrevocable Trust Agreement (11 pages)

- If the Settlor cannot sign the documents, anyone completing the Agreement on behalf of the Settlor must have legal authority to do so, and you must send a copy of at least one document that gives that other person this legal authority, such as:
  - A Durable Power of Attorney that includes the power to create an irrevocable trust;
  - An Order Granting Conservatorship that includes the power to create the trust; or
  - Any other court order that authorizes creation of the trust.
- Under Section 17, Remainder Beneficiaries, you do not need to list an address for Remainder Beneficiaries.
- The Settlor (or a person with legal authority on the Settlor's behalf) and two witnesses must sign on the Signature Page.

#### 2. Investment Options Agreement (2 pages)

- The Settlor must select and initial one of the eight investment options listed on Page 1.
- The Settlor (or a person with legal authority on the Settlor's behalf) and two witnesses must sign on Page 2.

#### 3. Confidential Information Form (9 pages)

- Please provide all information requested. ***Remember that you must provide proof of medical impairment for the beneficiary.***
- A copy of a government-issued photo ID (driver's license, passport, military ID, etc.) must be submitted for each Representative and any Successor Representatives.



- If the contact information and Social Security number for any of the remainder beneficiaries is missing or inaccurate, any funds due to that beneficiary at the death of the life beneficiary may be paid to the State Treasurer's Unclaimed Property division.

**4. IRS Form W-9 (1 page)**

- This form is required so that the Beneficiary's income from the AFT account can be correctly reported to the IRS.
- The Beneficiary's name, address, and Social Security number are required even if someone other than the Beneficiary signs the form.

**5. Notice Regarding Frozen Trust Account (1 page)**

- The purpose of this form is to provide notice that trust funds are frozen upon the death of the Beneficiary until Medicaid's reimbursement, if any, has been determined.
- This form must be initialed, signed, and dated by the Representative.

**6. Case Management Assessment Participation Form (1 page)**

- The purpose of this form is to inform AFT whether the Beneficiary wishes to request or to decline to participate in the Case Management Assessment Program, which is provided at no cost to the Beneficiary's trust account.
- **Please note** that only if the Beneficiary requests participation in the Case Management Assessment Program, then the following additional documents must be submitted:
  - **Case Management Assessment Release of Information** form and documentation that the person other than the Beneficiary who signs the form on the Beneficiary's behalf has the legal authority to make health related decisions for the Beneficiary, such as power of attorney that includes healthcare powers, Letters of Guardianship, or a signed HIPAA form.

***Before submitting these documents to AFT, please review the "Trust Checklist" to be certain that you have included all additional documentation required to establish an AFT account.***

The following other documents, which do not need to be submitted to AFT to establish the AFT account, can also be found at [www.alabamafamilytrust.com/documents](http://www.alabamafamilytrust.com/documents):

1. Schedule of Trustee Fees and Costs
2. List of Items Normally Reimbursed
3. Trust Disbursement Request Form
4. Mileage Form (separate forms for vehicles owned/not owned by AFT)
5. Trust Deposit Form
6. Pre-need Funeral Disbursement Form
7. Investment Objectives and Risk Tolerance Questionnaire