

## ATTORNEY-CLIENT PRIVILEGE Legal Review Form for Trusts

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## I. Applicant Information

Spouse Name    Spouse Apply or on MH   Yes   No	Applicant Name	DOB ·	Last 4 Digits of SSN		Disabled Per Reg		
Date of Application   Application   Type		,	.)		Yes No		
Application   Application Type	Spouse Name	1 '		Spouse Apply or on MH			
		Living 🖸 🖸	eceased	Yes	[_] No		
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)?  Yes No  Trustee  Beneficiaries  III. Legal Recommendation  III. Legal Recommendation  Trustee  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 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 520.0022(B)	Date of Application Application	Гуре		•			
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Trust Funding Source  Assets Held in Trust & Value  Is Trust Asset the Current Home (PPR)?  Yes No  Trustee  Beneficiaries  III. Legal Recommendation  Way (pre 8/11/1993)  Revocable Trust   Trust	II. Trust Information						
Is Trust Asset the Current Home (PPR)?  Yes No  Trustee  Beneficiaries	Trust Name		Date of Trust/Amend	dmerit(s)			
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Trustee  Beneficiaries  III. Legal Recommendation  Pooled Trust	Is Trust Asset the Current Home (PPR)?		Grantor		,		
Pooled Trust	Yes No						
Pooled Trust	Trustee		Beneficiaries		·		
Pooled Trust							
Pooled Trust							
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Applicant/Member/Spouse (A/S). 130 CMR 520.023(C) or 130 CMR 520.022(B)				come coulc	be paid to, or for the benefit of,		
Other							
	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
	Current straint observation by the speaker 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:
	O 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)
	O 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 caré. 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)
	<ul> <li>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)</li> </ul>
	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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Trust funding within .023(C)(2).	the look-back period is a disqu	ualifying transfer, 13	30 CMR 520.0	018, 130 CMR 5	20.019 and	130 CMR	
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manual denial notice i	s necessary for this Trust,		37		all and a second		
rt the following, citing	to 130 CMR 520.023(B):						
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