

Chapter 4: Assets
(ii) Support Trusts

Intent:	To provide guidance on Support Trusts and the impact on eligibility for applicants/recipients requiring supportive services.
Act: (if applicable)	N/A
Regulations:	<p>Support trust</p> <p>25. An officer may grant income support to an applicant or recipient over the age of 18 years who requires supportive services and for whose use and benefit there is a support trust.</p>
Overview: (if applicable)	<ul style="list-style-type: none"> • A Support Trust is a trust fund that may be set up on behalf of a person over the age of 18, living with a disability and who requires supportive services. • The Support Trust can be used to provide supports and services that meet additional needs beyond the basic supports provided by government.
Policy:	<ul style="list-style-type: none"> • A Support Trust is a trust fund where the capital and interest are considered exempt when determining eligibility for Income Support and other disability-related support services, i.e. Home Support Services, Special Assistance Program, etc., provided the beneficiary is a person requiring supportive services to aid independent living. • A Support Trust is intended for the use of the beneficiary and, as such, funds from the trust fund must be used to enhance the well-being of the beneficiary (recipient). • In most cases, at least three people are involved when a trust fund is established: the settlor who creates the trust fund, the trustee whose duty is to carry out the terms of the trust fund, and the beneficiary for whose benefit the trust fund is created. In some cases, the beneficiary may also be in a position to be part of the decision making process in the administration of the trust fund. • There is no maximum permissible limit for a Support Trust. • Proof that the applicant/recipient is a person requiring supportive services is required and can be obtained through the Regional Health Authority which will complete an

assessment by an approved professional such as a social worker.

- The following information is required to consider a trust account to be a Support Trust:
 - A copy of a signed and witnessed Support Trust Agreement, which includes:
 - Date of the Agreement;
 - Name of beneficiary;
 - Any conditions or directions outlined by the settlor;
 - Name and signature of the settlor, witnessed by a Notary Public or Commissioner of Oaths; and
 - Name and signature of the trustee, witnessed by a Notary Public or Commissioner of Oaths.

Note: A sample copy of a Support Trust Agreement is available on the intranet for staff, should someone request a template.

Conditions Attached to a Support Trust

- The capital and annual interest from a Support Trust are exempt liquid assets and income.
- As Support Trusts are created for the benefit of the recipient, the residual value of the trust fund is to be used to offset any funeral expenses of the beneficiary (recipient).

Procedure: The Client Services Officer must:

- Inform the applicant/recipient and/or representative that they are responsible to obtain the information from the approved professional.
- Ensure the information from the approved professional clearly indicates the applicant/ recipient meets the criteria of requiring supportive services.
- Ensure the information provided by the approved professional includes:
 - the date in which the assessment was completed,
 - the date when the assessment was approved, and

	<ul style="list-style-type: none"> o an indication if and when another assessment is required. • Ensure the trustee is aware of his/her obligations in providing the required information and that failure to provide the required information can result in Income Support benefits being discontinued. • Forward the appropriate documentation and supporting information, plus verification from the approved professional to the Client Services Manager for approval. <p>The Client Services Manager:</p> <ul style="list-style-type: none"> • May wish to discuss the documentation obtained with the Income Support Division and/or the Department of Justice and Public Safety for an opinion to ensure the Trust Fund meets the guidelines of a Support Trust. • Must inform the beneficiary and/or the trustee in writing of the approval.
Authority Level:	Client Services Manager- Approve submissions as meeting the criteria of a Support Trust, inform the trustee of the approval and condition.
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