

An Introduction to the *Berkshire County Arc, Inc. Family Special Needs Pooled Trust*

Assistance for Special Needs Families

The task of providing for long-term management of funds for the benefit of an individual with special needs can be a challenging one. The *Berkshire County Arc, Inc. Family Special Needs Pooled Trust* exists to help families deal with the specialized financial and legal complications raised by this situation.

The hardship of disability falls on families as well as the individuals with a disability. A family with a disabled member faces the challenge of providing care throughout a lifetime, and one of those challenges is providing appropriate financial support in a manner that does not compromise access to public benefits.

It is not simply a question of money. Persons with disabilities, and hence their families, face special financial management challenges. In addition to the normal challenges inherent in all financial administration, there are specialized trust administration issues raised by the complex nature of public benefits for which a person with a disability may be eligible.

Based on its long experience with disability issues, Berkshire County Arc, Inc. can provide the specialized financial administration necessary to squeeze the maximum benefit from the family dollar for the benefit of a disabled family member. That's what the *Berkshire County Arc, Inc. Family Special Needs Pooled Trust* is designed to do.

The Cost-Effective Solution

The complicated nature of financial administration for a person with a disability imposes yet another burden on their families -- the added cost of dealing with the specialized estate planning issues. The *Berkshire County Arc, Inc. Family Special Needs Pooled Trust* can help with this problem.

The *Berkshire County Arc, Inc. Family Special Needs Pooled Trust* consists of an existing Master Trust document in which a separate trust sub-account can be created by preparing a Joinder Agreement. It is not necessary to "reinvent the wheel" and draft a whole new trust in order to deal with the specialized disability estate planning issues.

A Schedule of Fees detailing the fees charged to create and administer a trust sub-account is enclosed for your review.

Working with Your Personal Estate Planning Attorney

Berkshire County Arc, Inc. has designed an efficient intake process using the Master Trust document, an Intake Questionnaire and the sub-account Joinder Agreement so that we can work easily and efficiently with you and your personal estate-planning attorney to create a special needs trust.

Our work starts with a careful review of the Intake Questionnaire you have prepared in order to inform us fully about your loved one's circumstances and special needs, as well as your hopes and wishes for the use of his or her sub-account in the trust. Once we determine that it is an appropriate intake, we meet with you to review the services that *Berkshire County Arc, Inc.* offers and the costs involved. If you decide to go forward and create a trust sub-account, we then forward your Intake Questionnaire to our attorney in order to prepare the necessary Joinder Agreement for your signature.

Our attorney will be happy to coordinate with your personal estate-planning attorney in order to assist in the process of allocating the portion of your estate you want to pass to the special needs trust sub-account. Given the complexity of estate planning, and especially the specialized issues raised by disability estate planning, we strongly recommend that you consult a qualified legal specialist in these issues in order to feel certain that your estate plan will achieve the results you wish.

Through this process, you can efficiently create a sub-account in an established special needs trust oriented towards your loved one's particular needs and administered by a charity experienced in disability issues.

Current Versus Future Accounts

Some families want to set up a *current* special needs trust account in the *Berkshire County Arc, Inc. Family Special Needs Pooled Trust*, so they can "test-drive" the trust, while others wish to set up a *future* account that will be funded with assets at some future time, such as after the death of a family member. *Berkshire County Arc, Inc.* can work with you to set up either type of account.

Please note that the fee structure for current accounts varies from that for future accounts. For full details, see the enclosed Schedule of Fees.

A Partnership with Berkshire Bank

Berkshire County Arc, Inc. has a long-standing relationship with Berkshire Bank located in Pittsfield, Massachusetts. Berkshire Bank serves as the financial trustee of the *Berkshire County Arc, Inc. Family Special Needs Pooled Trust*. Berkshire Bank brings its long and deep experience in fiduciary banking to the disability community.

Berkshire Bank's work concentrates on the investment management and financial administration of the trust. *Berkshire County Arc, Inc.*'s work concentrates on managing distributions from the trust in order to maximize the benefit to the person with a disability and minimize any disruption of public benefits being received.