



THE DISABILITY
FOUNDATION

Enriching Lives. Securing Futures.

WHAT IS THE DISABILITY FOUNDATION?

The Disability Foundation is a not for profit organization, which was created in 1998 to serve Ohio residents with all types of disabilities. The Disability Foundation is organized as a supporting organization of The Dayton Foundation. *Its mission is to enhance the quality of life for persons with disabilities by complementing public benefits through the prudent management of financial resources.* To do this, the Foundation acts as Distribution Trustee over The Ohio Community Pooled Annuity Trust and The Ohio Community Pooled Flexible-Spending Trust. We offer some of the lowest fees in Ohio.

Has the receipt of a lump sum putting your Medicaid or Social Security Benefits at risk?

Would you like to include a loved one in your estate plans, but you are concerned that it might negatively impact his/her public benefits?

WE CAN HELP!

HOW DO WE HELP?

The Disability Foundation offers an alternative to disinheritance. The Ohio Community Pooled Annuity and Flexible-Spending Trusts assist individuals with disabilities, and their families, with their financial planning. Individuals who participate in either of these Trusts will be able to qualify for Medicaid and SSI while still preserving assets to pay for supplemental needs. Participating families will be able to safely set aside funds to enhance their loved one's future.

BENEFIT PROTECTION

If a person with disabilities is receiving governmental assistance, such as Medicaid or Supplemental Security Income (SSI), the receipt of a family inheritance, the acquisition of a lump sum of money or the buildup of assets from employment may result in the termination of eligibility for assistance. For example, a well-meant inheritance for a disabled child could halt his/her SSI disability income and terminate the child's health care coverage under Medicaid. If that happens, the inherited funds may be consumed by health care costs and basic subsistence expenses, instead of otherwise benefiting the child.

WHO DECIDES HOW THE MONEY IS SPENT?

To ensure that the individual's best interests are being met, a Personal Representative is selected, preferably by the individual or by his/her family. The Representative is responsible for submitting requests to use the funds in the spending account (Annuity) or from the trust principle (Flexible Spending). The Foundation oversees the distribution request in order to protect the individual's eligibility for public entitlements.



A Supporting Organization of The Dayton Foundation

WHAT HAPPENS WHEN THE BENEFICIARY DIES?

For the Annuity, any accumulated funds remaining in the individual's spending account must be paid to the State of Ohio. The Trust Remainder is retained, by The Disability Foundation endowment, to help support programs and services for other individuals with disabilities.

For the Flexible-Spending Trust, 25% of the Trust Remainder goes to The Disability Foundation Endowment to support disability programs. For the remaining 75%, the donor has two (2) options:

Option #1: All funds may be designated to remain within the Trust to help support programs and services for other individuals with disabilities.

Option #2: All remainder funds, first, must be utilized to re-pay Medicaid, as reimbursement for benefits provided to the Individual with Disabilities. If funds remain after Medicaid is reimbursed in full, such funds may be designated to Beneficiaries.

THE OHIO COMMUNITY POOLED TRUSTS

In 1993, Congress authorized the creation of "pooled" trusts to hold funds for people, with disabilities, without interfering with either SSI or Medicaid benefits. Through the **Ohio Community Pooled Annuity Trust**, individuals with disabilities, and their families, can establish an account that will provide a lifetime plan of payments to support an individual with disabilities supplemental needs without risking Medicaid and SSI benefits. Parents, grandparents, individuals with disabilities and their guardians may establish an account by contributing cash or property. Other individuals may set up an account through a court order. The funds are available quarterly and must be used for supplemental items, which include goods and services that enhance the individual's quality of life. If the funds are not spent immediately, they may be held within the trust account for future needs. The **Community Pooled Flexible-Spending Trust** is an option for families that allows lump sum distributions from the Trust. It does not guarantee a lifetime of payments, but does provide greater flexibility by allowing any portion of the trust amount to be available for request by an individual's Personal Representative. Funds, from the Flexible-Spending Trust, are available for disbursement on a quarterly basis.



WE CAN HELP!

Would you like to know more? Contact us and let us help you enhance the quality of life for someone living with a disability.

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The Annuity and Flexible-Spending Trusts are Medicaid Payback Disability Pooled Trusts, set up pursuant to 42 USC Section 1396p(d)(4)(C), Ohio Revised Code Annotated Section 5111.151(F)(3), and Ohio Administrative Code Section 5101: 1-39-27.1(C)(3)(c). The Disability Foundation, Inc., is a public charitable organization under Section 501(C)(3) and 509(a)(3) of the Internal Revenue Service Code of 1986, as amended.

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