TANF 402-3
Trust Funds

Supersedes: TANF 402-3 (7/1/03)

Reference: ARM 37.78.208 and .401

Overview: All trusts must be evaluated as to their accessibility for the household’s support and maintenance.

Property held in trust or owned by a corporation is not owned by the filing/assistance unit. No exclusions can be applied to either trust or corporate property, regardless of whether or not any member of the filing/assistance unit is a trust beneficiary or corporate shareholder.

Hard copy verification is required for all trust resources.

ACCESSIBILITY:

When the grantor, beneficiary, or trustee has unrestricted access to a trust, regardless of the stated use of the funds, the trust principal is treated as a countable resource.

A trust may be designated as revocable or irrevocable.

1. A revocable trust can be modified or terminated by the grantor. It is considered an accessible resource.
   a. An irrevocable trust which the grantor took some action is considered a revocable trust.

2. An irrevocable trust cannot be modified or terminated without the permission of the beneficiary.
   a. The grantor effectively removes all rights of ownership to the assets and the trust.

SUPPORT AGREEMENTS:

If any member of the filing unit has a written agreement which states that another person, entity or corporation agrees to support the household or a member of the household, the agreement must be evaluated to determine if it meets the legal definition of a trust.

Effective Date: January 01, 2018