

LOC.R. 78.6 SPECIAL NEEDS TRUSTS

In addition to the requirements of R.C. 5163.21(F) all special needs trusts tendered to the Court for approval, or to be funded with Court approval, must provide the following terms:

- (A) That no expenditure can be made without Court approval;
- (B) That a surety bond shall be filed by the fiduciary, unless the fiduciary is exempted from filing a bond under R.C. 1111.21, or the assets of the trust are deposited in a custodial depository under R.C. 2109.13;
- (C) That during the life of the beneficiary, the applicable county Department of Job and Family Services, upon written request to the trustee, shall be entitled to reasonable information regarding the trust's administration;
- (D) That following the death of the beneficiary, the State of Ohio, Medicaid Recovery Administrator shall be afforded the notice rights otherwise accorded a residual trust beneficiary as well as being entitled to reasonable information regarding the trust's administration upon written request to the trustee;
- (E) That the Trustee shall file an annual accounting unless the assets are deposited with a custodial depository pursuant to R.C. 2109.13, in which case the trust shall provide that one of the duties of the Trustee is to assure that the Annual Verification of Funds with Restricted Access form (Loc. F. 22.3B) is filed with the Court;
- (F) That no distribution can be made from the trust to discharge any duty of support owed to a beneficiary.