



Rules of
Missouri Family Trust
Division 10—Director and Board of Trustees
Chapter 1—General Organization

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Title 21—MISSOURI FAMILY TRUST

Division 10—Director and Board of Trustees

Chapter 1—General Organization

21 CSR 10-1.010 General Organization

PURPOSE: This rule complies with section 536.023(3), RSMo which requires each agency to adopt as a rule a description of its operation and the procedures where the public may obtain information or make submissions or requests.

(1) The Missouri Family Trust became effective on September 29, 1989, under an Act of the 85th General Assembly, when the director of the Department of Mental Health notified the Revisor of Statutes that there had been administrative assurances that participation in the Missouri Family Trust would not jeopardize a beneficiary's eligibility for public assistance and would not reduce the payment of covered services for which the beneficiary is eligible.

(2) The responsibility for the proper operation of the trust and the direction of its policies is vested in a board of trustees. The administration of the detailed affairs of the Missouri Family Trust is under the charge of the executive director, who is appointed by the board of trustees. Pursuant to section 402.215, RSMo, the board of trustees is authorized and directed to establish and administer the Missouri Family Trust and to advise, consult with, and render services to departments and agencies of the state of Missouri and to other nonprofit organizations which qualify as organizations pursuant to section 501(c)(3) of the United States *Internal Revenue Code* of 1986, as amended, and which provide services to Missouri residents with a disability.

(A) The board of trustees is further authorized to execute all documents necessary to establish and administer the Missouri Family Trust, including formation of a not-for-profit corporation created pursuant to Chapter 355, RSMo, and to qualify as an organization pursuant to section 501(c)(3) of the United States *Internal Revenue Code* of 1986, as amended.

(B) The assets of the board of trustees and assets held in trust pursuant to the provisions of sections 402.199–402.220, RSMo shall not be considered state money, assets of the state or revenue for any purposes of the state constitution or statutes. The property of the board of trustees and its income and operations shall be exempt from all taxation by the

state or any of its political subdivisions per section 402.205.1(3), RSMo.

(3) Pursuant to section 402.199.1(5), RSMo, it is in the best interest of the people of Missouri to encourage, enhance and foster the ability of families and friends of Missouri residents and residents of adjacent states with mental or physical impairments to supplement, but not to replace, the basic support provided by state government and other governmental programs and to provide for medical, social and other supplemental services for such persons. Further, section 402.205.1(2), RSMo stipulates that all state agencies shall disregard the trust as a resource when determining eligibility for Missouri residents for assistance under Chapter 209, RSMo.

(4) House Bill 318 of the 85th General Assembly of Missouri, as amended by Senate Bill 311 of the 86th General Assembly, Senate Bill 338 of the 87th General Assembly, and Senate Bill 768 of the 88th General Assembly created the Missouri Family Trust Board of Trustees as a body corporate and an instrumentality of the state. The statutory provisions relating to the establishment and operation of the Missouri Family Trust are provided for in sections 402.199–402.225, RSMo.

(5) Anyone wishing to obtain information concerning the Missouri Family Trust may do so by contacting the Executive Director at 1500 Vandiver Drive, Suite 100, Columbia, MO 65202 or by calling (573) 882-3388 or (888) 671-1069. The website may be accessed at www.missourifamilytrust.org.

AUTHORITY: sections 402.210.6 and 402.225, RSMo 2000 and 402.215.1 RSMo Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed Nov. 2, 1994, effective March 30, 1995. Amended: Filed April 11, 1997, effective Sept. 30, 1997. Amended: Filed April 29, 2005, effective Dec. 30, 2005.*

**Original authority: 402.210.6, RSMo 1989, amended 1991, 1993, 1999; 402.215.1, RSMo 1989, amended 1991, 1993, 1996, 1998, 1999, 2004; and 402.225, RSMo 1989.*

21 CSR 10-1.020 Definitions

PURPOSE: This rule expands on definitions and certain terms found in sections 402.199–402.225, RSMo.

(1) Board of Trustees. Board of trustees as used and defined in the Act shall be consid-

ered to mean and include the board of trustees of the Missouri Family Trust Board of Trustees established by sections 402.199–402.225, RSMo and the governing board of the not-for-profit corporation created pursuant to Chapter 355, RSMo by the board of trustees.

(2) Cotrustee. Cotrustee means that person(s) as may be designated by the donor, from time-to-time, pursuant to section 402.215.2(2), RSMo.

(3) Charitable trust. The trust established to provide benefits for individuals as set forth in section 402.215, RSMo.

(4) Department. Department means the Missouri Department of Mental Health.

(5) Disability. A mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings.

(6) Donor. Donor as used shall mean any person, firm, organization or governmental agency who shall establish a Trust Account with the Missouri Family Trust for the benefit of a life beneficiary, as defined in the Act.

(7) Life beneficiary or beneficiary. A designated beneficiary of the Missouri Family Trust.

(8) Missouri Family Trust. Missouri Family Trust as used and defined in the Act shall be considered to include the family trust and charitable trust established pursuant to sections 402.199–402.225, RSMo.

(9) Net Income. The earnings received on investments less administrative expenses and fees.

(10) Principal balance. The fair market value of all contributions made to a Trust Account, less distributions, determined as of the end of the calendar month immediately preceding the occurrence giving rise to any determination of principal balance.

(11) Regulations of the Charitable Trust. Regulations of the charitable trust of the Missouri Family Trust shall mean the regulations adopted by the board of trustees.

(12) Requesting party. The party desiring arbitration.



(13) Responding party. The other party in arbitration of a dispute regarding benefits to be provided by the trust.

(14) Successor cotrustee. Successor cotrustee means the person(s) who may be designated by the donor, from time-to-time, or in the absence of such, as designated by the board of trustees pursuant to section 402.215.2(2), RSMo.

(15) Successor Trust. Successor trust means the trust established upon distribution by the board of trustees pursuant to notice of withdrawal or termination and administered as set forth in section 402.215, RSMo.

(16) Terms and conditions of the Missouri Family Trust shall mean the terms and conditions adopted by the board of trustees.

(17) Trust. Trust means the Missouri Family Trust established pursuant to sections 402.200 to 402.220, RSMo.

(18) Trust Account. A separate account consisting of property contributed by a donor, and the earnings thereon, held as part of the Missouri Family Trust in trust for the benefit of the life beneficiary identified by the donor.

((19) Trustee. A member of the Missouri Family Trust board of trustees established pursuant to sections 402.200 to 402.220, RSMo.

(20) Trustee of Successor Trust. Trustee of the Successor Trust means the person(s) who may be designated by the donor, from time-to-time, to be the trustee of the Successor Trust established pursuant to section 402.215.2(9), RSMo.

AUTHORITY: sections 402.210.6., RSMo 2000 and 402.215.1 and 2, RSMo Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005.*

**Original authority: 402.210, RSMo 1989, amended 1991, 1993, 1999 and 402.215, RSMo 1989, amended 1991, 1993, 1996, 1998, 1999, 2004.*

21 CSR 10-1.030 Meetings of the Board of Trustees

PURPOSE: This rule sets forth provisions relative to meetings of the board of trustees found in section 402.215.1, RSMo.

(1) Regular meetings of the board of trustees shall be held at least four (4) times during each fiscal year at the times and places estab-

lished by resolution of the board of trustees. No notice of regular meetings need be given other than the resolution setting the time and place and the public notice requirements of sections 610.010–610.030, RSMo.

(2) Special meetings of the board of trustees may be called by the president or any three (3) members of the board. The person(s) calling a special meeting of the board shall establish the time, place, and method for holding any special meeting of the board. Special meetings shall be held in Columbia unless all the members of the board consent to a different location. Written or printed notice of special meetings stating the place, day and hour of the meeting shall be delivered not less than ten (10) days before the meeting, either personally or by ordinary mail, at the direction of the president, the secretary or the board members calling the meeting. The notice shall state the purpose(s) for which the meeting is called. Any notice of meeting sent by mail shall be deemed delivered when deposited in the United States mail with postage prepaid, addressed to the board member at his/her address as it appears on the records of the board. The public notice requirements of the Open Meetings Law shall be observed.

(3) As permitted by section 355.145(2), RSMo, members of the board or any committee designated by the board, may participate in a meeting of the board or committee by means of conference telephone or similar communications equipment where all persons participating in the meeting can hear each other and participation in a meeting in this manner shall constitute presence in person at the meeting. Those meetings, however, shall be subject to the requirements of the Open Meetings Law.

(4) A majority of the board members then in office shall constitute a quorum for the transaction of business at any meeting of the board, but if less than a majority is present at a meeting, a majority of the board members present may adjourn the meeting without further notice. The act of the majority of the board members present at a meeting, at which a quorum is present, shall be the act of the board of trustees. The board also may act by written consent or approval of all the board members setting forth the action taken.

(5) The executive committee shall consist of the officers of the board of trustees and such other person(s) as the president may appoint from time-to-time. The executive committee may meet periodically at the request of the president or his/her designee. The public

notice requirements of the Open Meetings Law shall be observed when an executive committee meeting is scheduled and held.

AUTHORITY: sections 402.210.6., RSMo 2000 and 610.010–610.030, RSMo 2000 and Supp. 2004. Original rule filed July 30, 1992, effective April 8, 1993. Amended: Filed April 29, 2005, effective Dec. 30, 2005.*

**Original authority: 402.210.6, RSMo 1989, amended 1991, 1993, 1999 and 610.010–610.030, see Missouri Revised Statutes 2000 and Supp. 2004.*