



**Rules of**  
**Missouri Family Trust**  
**Division 10—Director and Board of Trustees**  
**Chapter 3—Charitable Trust**

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**Title 21—MISSOURI FAMILY TRUST**

**Division 10—Director and Board of Trustees**

**Chapter 3—Charitable Trust**

**21 CSR 10-3.010 Charitable Trust Regulations**

*PURPOSE: This rule sets forth the regulations of the Charitable Trust of the Missouri Family Trust.*

(1) Acceptance. The board of trustees shall accept and hold all monies, assets and properties contributed or distributed to and received by it on behalf of the Charitable Trust established pursuant to section 402.215.2(10), RSMo.

(2) Responsibility for Investments. The responsibility and authority for investment and management of the funds held in the Charitable Trust shall be vested in the board of trustees. The board of trustees shall have full power and authority to manage and control the Charitable Trust funds held by it. The principal and income of the Charitable Trust shall be used as provided in this rule.

(3) Powers of the Board of Trustees. With respect to the Charitable Trust, the board of trustees shall have all powers granted to trustees acting pursuant to Chapter 456, RSMo and shall have any powers specifically granted to the board of trustees pursuant to sections 402.199–402.225, RSMo. The board of trustees shall have authority to appoint those investment counselors, managers and advisors as it may select and to pay reasonable fees for those services. The provisions of section 456.8-813, RSMo regarding the duty to inform and report to beneficiaries shall not, except as mandated under section 456.1-105, RSMo, apply to the Charitable Trust or restricted accounts therein.

(4) Compensation of Trustees. The board of trustees may charge a reasonable fee to pay the costs and expenses of administration and organization of the Charitable Trust in accordance with 21 CSR 10-4.020.

(5) Beneficiaries.

(A) Any person who has a disability, as defined in section 402.200(4), RSMo, or who is eligible for services provided by or through the Missouri Department of Mental Health (department) and who either has no immediate family or whose immediate family, in the reasonable opinion of the board of

trustees, is financially unable to make a contribution to the trust sufficient to provide benefits for that individual, while maintaining that individual's eligibility for governmental entitlement funding, shall be eligible to become a beneficiary of the Charitable Trust. For the purposes of this rule, the term immediate family includes spouse, parents, children and siblings. The department and others may recommend to the board of trustees persons to become beneficiaries of the Charitable Trust.

(B) Anyone, with the consent of the board of trustees, may establish a restricted account within the Charitable Trust and shall be permitted to determine, with the consent of the board of trustees, the beneficiaries of such restricted account.

(6) Use of Funds. Annually the board of trustees shall determine the amount of Charitable Trust income or principal, or both, to be used to provide benefits and the nature and type of benefits to be provided to the beneficiaries of the Charitable Trust. It is the purpose of the Charitable Trust to supplement, not replace, any government benefits for the beneficiary's basic support to which that beneficiary may be entitled and to increase the quality of that beneficiary's life by providing him/her with those amenities which cannot otherwise be provided by public assistance or entitlement or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and diagnostic work or treatment than is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, the transportation of the beneficiary or of friends or relatives of the beneficiary to visit him/her, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his/her eligibility for public assistance. The board of trustees, in its discretion, may make payments for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit him/her. The board of trustees may make payments and distributions in any way that the board of trustees may deem advisable, in those amounts and for those uses that will not defeat the beneficiary's eligibility for public assistance.

(7) Unused Income. Any Charitable Trust income not used shall be added to the principal of the Charitable Trust.

(8) Spendthrift. No beneficiary of the Charitable Trust shall have the power to assign, convey, alienate or otherwise encumber any interest acquired in the income or principal of the trust estate, nor shall that income or the principal or any interest of any beneficiary in the trust be liable for any debt incurred by that beneficiary, nor shall the principal or income of the trust estate be subject to seizure by any creditor of any beneficiary under any writ or proceeding in law or in equity, until that income or principal shall have been actually paid over and delivered to that beneficiary.

(9) Dissolution. Upon the dissolution of the Charitable Trust, the board of trustees, after paying or making provisions for the payment of all of the liabilities of the Charitable Trust, shall dispose of all the assets of the Charitable Trust exclusively for the purposes of the Charitable Trust in a manner, or to that organization(s) organized and operated exclusively for charitable, educational, religious or scientific purposes as, at the time, shall qualify as an exempt organization(s) under Section 501(c)(3) of the *Internal Revenue Code* or to a governmental agency, as the board of trustees shall determine. Any assets not so disposed of shall be disposed of by the circuit court of the county in which the principal office of the Charitable Trust is then located, exclusively for those purposes or to those organization(s), as that court shall determine, which are organized and operated exclusively for those purposes. Upon that dissolution, the assets not owned by the Charitable Trust, but held in trust by it as trustee in accordance with sections 402.199–402.225, RSMo, shall be transferred to another trustee.

*AUTHORITY: section 402.210.6, 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 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.*