

# THE ( \_\_\_\_\_ ) IRREVOCABLE INCOME TRUST

Revised January 09,2023

This Trust Agreement is made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, hereinafter referred to as Settlor, and \_\_\_\_\_, hereinafter referred to as Trustee.

## ARTICLE I NAME OF TRUST

This trust shall be known as THE ( \_\_\_\_\_ ) IRREVOCABLE INCOME TRUST.

## ARTICLE II TRANSFER IN TRUST

Upon receipt of all present and future Social Security, pension and other income, Settlor shall transfer countable income that exceeds the eligibility income limit to the Trust. Such property, hereinafter designated as the Trust Estate, shall be held by Trustee, in trust, for the uses and purposes and on the terms and conditions herein set forth.

## ARTICLE III DISPOSITION OF PRINCIPAL AND INCOME

The Trustee shall administer and manage the Trust Estate, collect the income therefrom, and after payment of monthly bank service charges and income taxes owed by the Trust, apply and dispose of the net income and principal of the Trust Estate as required by the rules and regulations of the Arkansas Department of Human Services, as those rules and regulations now exist or may hereafter be amended, as pertains to the establishment of an Income Trust pursuant to 42 U.S.C. 1396p.

## ARTICLE IV ADDITIONS TO TRUST

All receipts of Settlor's Social Security, pension and other income by the Trustee, when received and accepted by the Trustee, except for income below the eligibility income limit shall become part of the Trust Estate.

## ARTICLE V

### TERMINATION OF THE TRUST

This Trust shall terminate upon the death of the Settlor, and all assets remaining in the trust shall be distributed as follows:

- A. The Trustee is hereby directed to pay to the Arkansas Department of Human Services an amount equal to medical payments made by the Arkansas Department of Human Services to, or on behalf of, Settlor since the creation of this Trust.

*However, if the Settlor has resided in more than one State, the funds remaining in the trust are distributed to each State in which the Settlor received Medicaid, based on the State's proportionate share of the total amount of Medicaid benefits paid by all of the States on the Settlor's behalf.*

- B. In the event that any funds remain after distribution as set forth in Article V (A) above, the rest, residue and remainder of the assets of this Trust shall be distributed to ( \_\_\_\_\_  
\_\_\_\_\_ ).

## ARTICLE VI IRREVOCABILITY OF TRUST

This trust shall be irrevocable and can only be amended or terminated by mutual agreement between the Arkansas Department of Human Services and Trustee.

## ARTICLE VII POWER OF TRUSTEE

The Trustee shall have the power to do all acts, institute all proceedings and exercise all rights, power and privileges that an absolute owner of the Trust would have, subject to the rules and regulations of the Arkansas Department of Human Services as they now exist or may later be amended, as pertain to an Income Trust pursuant to 42 U.S.C. 1396p.

## ARTICLE VIII ACCOUNTING

The Trustee shall deliver annual statements of the administration of the Trust to the Settlor and his duly authorized representative, and shall make its books and records accessible at any reasonable time to Settlor

