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Staring
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The Disappearing Beneficiary

- ✓ Beneficiaries move, change providers, or lose contact without notifying the trust administrator.
- ✓ Many beneficiaries have a limited public footprint, and administrators may lose contact despite sending ongoing statements.

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Why Finding Them Matters



Trustees Have:

- *Fiduciary Duties*
  Trustees must administer the trust responsibly, keep beneficiaries informed, and make reasonable efforts to locate missing beneficiaries to avoid liability.
- *Legal Obligations*
  Doing nothing may expose the trust to legal risk and breach of fiduciary duty.

Don't Forget:

- Duties vary by trust terms, state law, and applicable federal regulations governing special needs trusts.
- Reasonable search efforts protect both the beneficiary's interests and the trustee from liability.

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Is the Beneficiary Actually Missing?

Quiet Beneficiary
- You have tried to reach out but they do not respond. No return mail or other indication that the person is not at their last known address. They continue to receive communication but do not respond. This does not mean they are or are not missing.

Unable to Contact
- They just may be hard to locate right now. These are the beneficiaries you know will reach out, but they only do so occasionally. You believe that they will reach out but don't have current contact information.

Whereabouts Unknown
- Attempts to locate have been made but no current location can be verified.

Status Unknown
- Cannot determine if this beneficiary is living or deceased.

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Create A Search Protocol

Internal Records
- Database, Records, CRM

Direct Contact
- Reach out directly in every way possible

Beneficiary's Orbit
- Contact everyone in the Beneficiary's orbit. Former providers, landlords, attorney or other vendors.

Internet, Social Media, Public Records
- Internet and Social Media -Search Engine, Social Media, Social Media of the beneficiary's connections
- Public Records- Property records, court records and voter registration, jail and prison searches or state death records.

Commercial Search, Private Investigators and other Creative Tools
- People Finder or White Pages, Ancestry.com, LexisNexis Accurint, CLEAR, etc.

Death Records
- Make an official request at your state or local vital records office.



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What To Do While You Search

- Continue to administer the Trust with continued searches.
- Consider things that you SHOULD NOT continue to do
  - Recurring payments and if they should continue.
  - Consider pausing all discretionary distributions
  - Suspend or limit access to cards or other trust controlled funds

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DOCUMENT DOCUMENT DOCUMENT

Didn't someone look for her?

- If you searched for them, document it.
- If you called someone, document it.
- If a search produced nothing, document it

Asses how much effort is appropriate



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When to Escalate

- Substantial account balance
- Disability and context
- Suspected undocumented death
- Uncertainty on disbursements
- Court or protected record access
- Hire Legal Counsel
- Contact APS
- Contact Law Enforcement

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Closing the Account



Confirm Status

Verify whether the beneficiary is living or deceased before closing. Review trust terms, state law on termination, unclaimed property, and escheat rules.

Consult Counsel or Courts

Engage legal counsel or seek court guidance when closure involves disputed status, protected records, or complex trust termination requirements.

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Prevention

Collect Contact Info

At enrollment, gather extensive contact details including emergency contacts, caregivers, and providers. Update regularly via email or phone check-ins.

Pause & Monitor Payments

Use returned mail as an early warning clue. Pause discretionary distributions when contact information is outdated or beneficiary location is unconfirmed.

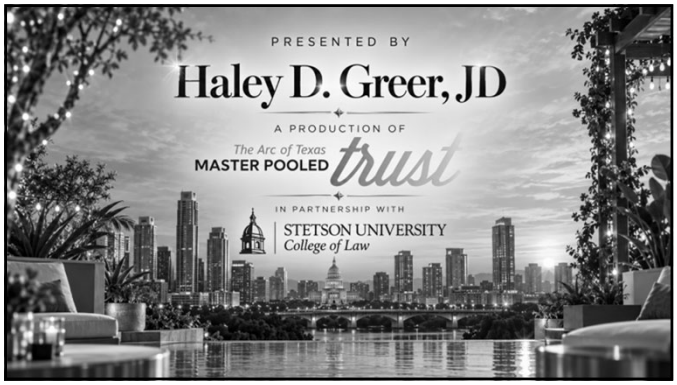
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- Have a clear, documented search process in place
- Conduct reasonable, proportional searches based on account size and context
- Protect beneficiaries and trust assets at every stage
- Document all search actions thoroughly: dates, methods, findings
- Know when to seek expert help from legal counsel or APS



Best Practices

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