

## Trust Enrollment Department

PO Box 365, Oneida WI 54155  
(920) 869-6200 \* 1-800-571-9902  
Fax: (920) 869-2995

[TrustEnrollments@oneidanation.org](mailto:TrustEnrollments@oneidanation.org)  
<https://oneida-nsn.gov/resources/enrollments/>



# 2020 Minors Trust Payment/Deferral Form Terms and Conditions

Terms and conditions are subject to change based on the Per Capita law, Per Capita Trust Agreement, and other applicable laws, rules, or policies.

1. **Please read Sections 10 - 12 for important tax information that may apply to your Minors Trust Distribution.**

Please maintain this document for your records.

2. IMPORTANT DEADLINE DATES:

- **Payment/Deferral form deadline is 4:30 PM CST ON Wednesday, July 1, 2020. NO EXCEPTIONS!**
- **Proof of education deadline is 4:30 PM CST ON Tuesday, September 1, 2020. NO EXCEPTIONS!** Only original or notarized photocopies of a high school diploma, GED, or HSED will be accepted as proof of education (Proof of education only applies if you are under age 21).
  - Original High School Diplomas, GEDs, or HSEDs will be returned by certified mail.
  - Notarized photocopies of High School Diplomas, GEDs or HSEDs will not be returned.
- **Direct Deposit (ACH) Authorization Form deadline is 4:30 PM CST ON Tuesday, September 1, 2020. NO EXCEPTIONS!**

3. Please return your completed and notarized Minors Trust Payment/Deferral Form and supporting documents to:

<b>IN PERSON AT ONEIDA TRUST ENROLLMENT DEPARTMENT</b> 8AM-4:30PM, MONDAY THROUGH FRIDAY 210 ELM ST ONEIDA WI 54155 <b>DROP-OFF BOX NEXT TO ENTRANCE FOR OUTSIDE BUSINESS HOURS (CONSIDERED RECEIVED THE NEXT BUSINESS DAY)</b> (TRUST ENROLLMENT DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGE TO ANY FORMS)	
<b>MAIL UNITED STATES POSTAL SERVICE (USPS)</b> ONEIDA TRUST ENROLLMENT DEPARTMENT PO BOX 365 ONEIDA WI 54155-0365	<b>COURIER DELIVERY (Fed Ex, UPS) *NO MAIL BOX*</b> ONEIDA TRUST ENROLLMENT DEPARTMENT 210 ELM ST ONEIDA WI 54155

4. Payment/Deferral Forms are **UNACCEPTABLE** and will be **REJECTED** if any of the following apply:

- No authorized signature in section 5
- Address section is incomplete
- Copied/Faxed/Scanned
- Altered Information (white out, crossing out)
- Notary section is incomplete (including missing seal)

5. For a person filling out the form as a guardian/conservator/power of attorney, up to date and legally acceptable documentation related to the guardianship/conservatorship/power of attorney must be on file with the Trust Enrollment Department. For members who are identified as legally incompetent, their trust account funds, when released, will be placed directly in an Adult Trust Account which will be co-managed by the Trust Enrollment Department. Distribution from an Adult Trust Account is governed by Per Capita law - Distributions Rule. If you have any questions, please contact the Trust Enrollment Department at (920) 869-6200 or 1-800-571-9902.

6. To make changes to your deferral options, you must submit a new, notarized Minors Trust Payment/Deferral Form no later than 4:30 P.M. CST on July 1, 2020.

7. To make changes to your check address (where the check will be sent) and/or voluntary federal income tax withholding, you must submit a new, notarized Minors Trust Payment/Deferral Form no later than 4:30 P.M. CST on September 1, 2020. Submitting a new, notarized Minors Trust Payment/Deferral Form after 4:30 P.M. CST on July 1, 2020 will update your check address only; it will **not** update your claim or deferral option.

8. The address listed on the FY-2020 Minors Trust Payment/Deferral Form will be used to only update the address for the Minors Trust Distribution on record with the Trust Enrollment Department. No other address information will be affected.
9. Direct Deposit:
- **You are responsible to update/cancel your direct deposit information with the Trust Enrollment Department.** Your direct deposit information will remain in effect **INDEFINITELY**.
  - Direct Deposit (ACH) Authorization Forms may be obtained by visiting our website or contacting the Trust Enrollment Department.
10. Mandatory federal income tax withholding is required:
- The IRS requires **mandatory** tax withholding of payments exceeding a certain amount as indicated in the “Tables for Withholding on Distributions of Indian Gaming Profits to Tribal Members” section of IRS Publication 15-T.
  - For 2020 the mandatory tax withholding applies to payments of \$12,400 or more. Additional withholding may be required for individuals who have not provided their Social Security Number or Individual Taxpayer Identification Number (ITIN).
11. This payment is **TAXABLE INCOME** and must be reported when you file **APPLICABLE TAX RETURNS**. An IRS Form 1099 showing the taxable amount and any tax withholding will be mailed to you by January 30, 2021. **For tax questions, we strongly recommend you consult with a professional tax advisor.**

12. **"KIDDIE TAX" BRACKETS FOR MINORS TRUST DISTRIBUTIONS REVERSED.** In December 2019 the U.S. Federal Government repealed the Kiddie Tax brackets established from 2017's Tax Cuts and Jobs Act. The qualifying criteria for the Kiddie Tax remain the same; however, the taxable amounts are now based on your parents'/legal guardian's marginal income tax rates. While this may mean a lesser Kiddie Tax applied to most minors trust distributions, understanding how your distribution will be taxed has become more complicated. We strongly encourage you to consult with an individual tax professional before claiming. **The Trust Enrollment Department are not tax professionals and cannot give individual tax advice.**

13. If you are claiming all or part of your Minors Trust Account, your distribution will be issued **by the end of October 2020**. If you chose to receive a check, please allow time for mail delivery.
14. Deferring your payment will leave all or part of your account invested in the Minor Trust Fund. If you defer, you cannot access your account until the next time you are eligible to claim or defer (unless you petition for an early distribution for health, education, or welfare pursuant to the Per Capita Trust Agreement). You must submit a payment/deferral form by July 1, 2020 to defer.
- Deferrals are applied in one (1) year intervals and must be entered into before you are in actual or constructive receipt of the distribution you wish to defer.
  - If you are eligible for payment, under the age of 21, and do not submit a payment/deferral form, the Trust Enrollment Department will deem you to have elected to defer your payment for one (1) year and your account may not be distributed during that automatic deferral period.
  - If you are 21 or over and you fail to submit a payment/deferral form, the Trust Enrollment Department will not deem you to have deferred your account. Your entire trust account will be paid to you at your address on record with the Trust Enrollment Department. Federal tax withholdings will be complied with in accordance with law (see #10 above).
  - If you are 21 or over and wish to receive a portion or defer your Minor Trust Fund, you need to submit a payment/deferral form by July 1, 2020.

- If you are 21 or over, and have been found to be legally incompetent, your Minors Trust Account will automatically be placed in an Adult Trust Account.
  - At age 30, you are no longer eligible to defer. You must claim the entire balance of your trust account. If you do not submit a payment/deferral form, the remaining balance will be paid out to the last known address on file with the Trust Enrollment Department. Failure to claim that payment in accordance with the Per Capita law and Per Capita Trust Agreement will result in the money reverting back to the Oneida Nation.
  - If you are age 30, have been found to be legally incompetent, and do not submit a payment/deferral form, your Minors Trust Account will automatically be placed in an Adult Trust Account.
15. I understand that if I die before my trust account balance is distributed, my trust account balance will be paid in accordance with applicable per capita and probate laws of the Nation.
16. I understand I may designate a beneficiary(ies) at any time by completing and submitting an Oneida Trust Account Beneficiary Designation Form to the Trust Enrollment Department.
17. I understand my Deferral Agreement is irrevocable, except as provided for in Article III, Section C. of the Per Capita Trust Agreement.
18. I understand this payment/deferral form is subject to all the terms and conditions of the Per Capita law and Per Capita Trust Agreement.
19. I understand the Oneida Trust Enrollment Committee has discretion to place additional restrictions on my elections as necessary to avoid premature taxation through IRS doctrines of constructive receipt and economic benefit. The Oneida Trust Enrollment Committee may also regulate distribution of my trust account should my Tribal membership be relinquished.
20. I understand my elections and any permitted changes are subject to restrictions and rules designed to comply with the IRS Code.



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## 2020 MINOR TRUST PAYMENT/DEFERRAL FORM

### Section 1: Mandatory Member Information

Roll Number: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Phone #: ( ) - \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street or PO Box Apt # City State Zip

Please cancel my existing direct deposit for all types of payments. I wish to receive a check instead.

### Section 2: Mandatory Payment Selection (CHECK ONLY ONE BOX)

- I choose to receive 100% of my Minor Trust Account **I will receive 100% of my payment**
- I choose to receive \_\_\_\_\_% of my Minor Trust Account **I won't receive the remaining percent this year**  
(Please write whole numbers only. Decimals will be rounded to the nearest whole number.)
- I choose to defer 100% of my Minor Trust Account **I won't receive any of my Minor Trust Account this year**

### Section 3: Voluntary Federal Income Tax Withholding Request (Does not apply if you selected to defer 100%)

- This section is optional; however, if you do not check yes in this section a Mandatory Federal Income Tax may be withheld from your payment (See item #10 of the Payment Terms and Conditions attachment).
- If you opt for a Voluntary Federal Income Tax Withholding Request, please check the box and write in the in the percentage you wish to withhold (whole numbers only. Decimals will be rounded to the nearest whole number).
- If you check the box and do not write a percentage, then we will interpret your voluntary federal income tax withholding request to be 0%.
- **NOTE:** If the mandatory federal income tax rate for your distribution is higher than your voluntary federal income tax withholding request, the mandatory federal income tax rate will automatically apply as required by law.
- See Section 12 of Terms & Conditions for more information on how taxes may affect your distribution

**YES**, withhold \_\_\_\_\_% of my payment for federal income taxes

ROLL #: \_\_\_\_\_  
 DIPLOMA  
 21YR  
 DEFER: \_\_\_\_\_ %  
 CLAIM ALL  
 Tax Withholding  
 Direct Deposit

OFFICE USE ONLY:

**Section 4: Education Requirement, High School Information** If you are at least 18, but not yet 21, proof of education is required as a condition to receive a trust distribution. (See item #2 of the Payment Terms and Conditions attachment). Please designate where you received your education.

High School Name: \_\_\_\_\_ Phone: \_\_\_\_\_

High School Address: \_\_\_\_\_  
Street or PO Box Apt # City State Zip

**Section 5: Acknowledgement, Mandatory Member Signature, and Notarization**

- If I completed Section 3, I hereby absolve the Oneida Nation of any liability for honoring this federal income tax withholding request.
- I have read and agree to the Terms and Conditions that accompanied this form.
- I authorize my educational agency or institution to release the following information to the Oneida Trust Enrollment Department for the purposes of payment or deferral of minor trust account payments: attendance records, verification of graduation status including GED/HSED testing status, documentation of learning or other disabilities, and documents relating to any findings of legal incompetence. I understand I have a right to inspect any written records released pursuant to this consent and that this consent will remain in effect until I revoke it upon providing written notice to the educational agency or institution.
- I, the undersigned do hereby certify under penalty of perjury, that the information listed on this form is true and correct.
- I understand that deferral elections are valid only if made prior to my actual or constructive receipt of the distribution I wish to defer, and that the Trust Enrollment Department may apply additional restrictions or limitations as necessary to comply with applicable IRS requirements.

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF NOTARY PUBLIC**

(SEAL/STAMP)

Subscribed and sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_, \_\_\_\_\_

Notary Signature: \_\_\_\_\_

My commission expires: \_\_\_\_\_

If the above member is under 18, a parent or guardian signature is also required.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF NOTARY PUBLIC**

(SEAL/STAMP)

Subscribed and sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_, \_\_\_\_\_

Notary Signature: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**THIS FORM AND ANY CHANGES MUST BE RECEIVED IN THE TRUST ENROLLMENT OFFICE BY 4:30 P.M. CST JULY 1, 2020. Deadline to submit Diploma (original or a notarized photocopy) to the Trust Enrollment Office is 4:30 P.M. CST Sept 1, 2020.**