

**MONTANA BOARD OF FUNERAL SERVICE
ATTN TRUST REPORTING
PO BOX 200511
301 S PARK, 4TH FLOOR
HELENA, MT 59620-0511**

Phone: 406-841-2321 Email: dlibsdfnr@mt.gov Website: www.funeral.mt.gov

**Annual Trust Reporting for Cemeteries
Frequently Asked Questions (FAQ)**

1. Who needs to submit an annual trust report and what do I need to submit?

Every licensed cemetery must submit a report on the Board's reporting form. The form can be found at www.funeral.mt.gov under the "Forms" tab. Please contact us at 406-841-2321 or dlibsdfnr@mt.gov if you have trouble accessing the forms. You do not need to submit additional documents unless you are requested to.

2. Why am I required to submit an annual trust report if my bank has already submitted a report?

Banking institutions, savings or building and loan associations, and credit unions (referred to as "bank" or "banks" below) are required to submit an annual trust report identifying the trusts they hold. The trusts they must identify are outlined under [37-19-828, MCA](#).

Cemeteries licensed by the Board must establish and manage a perpetual care and maintenance trust account (s) and appropriate financial records. The licensee must be able to account for all perpetual care and maintenance trust funds.

Banks and licensees report independently because the Board wants to verify if the licensee can adequately account for funds held in trust.

In some instances, the bank does not report the perpetual care and maintenance funds to the Board. If that is the case, the licensee is obligated to prove the funds are deposited and maintained as required.

Additional information can be found under [37-19-822](#), [37-19-823](#), and [37-19-829](#), MCA, and [ARM Title 24, chapter 147, subchapter 16](#).

3. When is my annual trust report due?

March 1, 2019.

4. What is the current reporting period?

Calendar year 2018: January 1, 2018 to December 31, 2018.

5. Can I request an extension to submit my report?

Yes. However, your request must be made prior to the required submission deadline of March 1, 2019. The Board will evaluate your request on a case-by-case basis. You will be notified of the Board's decision and, if the extension is granted, the length of the extension.

6. What happens if I do not submit my report on time?

Cemeteries that do not file their reports by the required submission deadline may be subject to disciplinary action, including a fine of up to \$1000.

7. How do I submit my completed report?

The following options are available to you:

- Email: dlibsdfnr@mt.gov
- Fax: 406-841-2363 (ATTN Trust Reporting)
- Postal Mail: Board of Funeral Service, ATTN Trust Reporting, PO Box 200511, Helena, MT 59620
- In-Person: Board of Funeral Service, 301 S Park Avenue, 4th Floor, Helena, MT

8. Do I have to submit an annual trust report if I did not deposit any money into the perpetual care and maintenance account during the current reporting period?

Yes, a report is required even if no money was deposited into a trust during the reporting period.

9. Do I need to fill out the entire annual trust report?

Yes, unless the form indicates that your response to a question allows you to skip a question as indicated.

10. Do I have to submit an annual trust report if I recently purchased a cemetery from someone or opened a new cemetery?

Yes. If the facility has a license, permanent or temporary, you must report. As the current owner, you are now responsible for the reporting period.

11. I use a third party to manage trust funds and deposit funds into a local Montana bank, but the third party has an out-of-state address. What do I use for their Montana address?

Use the Montana address you deposit the funds at. Examples include, but are not limited to:

- American Funeral & Cemetery Trust Services: First Interstate Bank c/o AFCTS, 401 North 31st St, Billings MT 59101.

12. What happens if my annual trust report does not match the bank's report?

We may try to help you identify where there might be an issue and refer you to contact your bank afterwards. However, you are responsible for working with your bank to resolve the issue. Your bank may or may not choose to share their annual trust report with you, but we will not share their report with you. Licensees must be able to account for all perpetual care and maintenance trust funds.

13. What happens if my bank does not report to the Board?

You will be required to submit documentation from your bank verifying the existence of the funds.

14. What is the board going to do with the information I submit?

We will compare your annual trust report to the bank's report to determine if it is reasonable to believe you have accounted for the trust funds and/or managed the funds as required. Using that information, we will determine if additional information is necessary. Audits are not suggested unless there may be evidence of wrongdoing. If applicable, annual trust report records will be reviewed by the Board's Screening Panel.

15. Is this an audit?

No. Audits are conducted by independent licensed or certified public accountants. Refer to the response above. Additional information about audits can be found under [ARM 24.147.1605](#).

16. Additional questions?

Contact Tiffany Huss, Compliance Unit, at 406-841-2321 or dlibsdfnr@mt.gov.