Minor Trust Deduction Guidelines – New York

Trust Deductions for New York Minors Are No Longer Optional
As of March 28, 2004, all unemancipated minors that are residents of New York no matter where they work, and any minor that works in New York no matter where they are residents must have at least 15% of their gross earnings deducted and placed in approved Child Performer trust accounts. Entertainment Partners (EP) and the State of New York require that certain information be provided to deposit money into the minor’s trust account. In order for EP to make the necessary deposit, the attached form must be completed and returned to EP. Please note, however, that no authorization is actually needed to deduct the statutory 15%. EP will automatically deduct 15% of gross earnings from each minor’s check.

Child Performer Education and Trust Act of 2003 A7510B
It is solely the responsibility of the parent and/or guardian to establish the Child Performer trust account for their minor child. When EP deducts the 15% required by law and no trust account has been set up, EP will deposit those monies into a non-interest bearing account. If a trust account is subsequently set up, then EP will deposit all monies for that minor into that Child Performer Trust Account. If no trust account is ever set up, EP will keep the funds in its non-interest bearing account for up to 15 days, at which time it will be turned over to the “State Comptroller’s Office of New York”. Also, if EP is not aware that the employee is a minor, and payments are processed without deducting the 15%, as soon as EP is notified of minor status, past deductions due will be recouped from current payments if possible. If not possible, then EP will look to the production company to pay the full deduction amount into the minor’s trust account.

What Parents Need to Know

- Earnings are considered the separate property of the child and cannot be accessed until the child reaches 18 or becomes emancipated.
- The parent/guardian must provide a certified copy of the child’s birth certificate to EP indicating that the child is a minor.
- The parent/guardian must obtain a Minor’s Work Permit. A copy of this permit must be submitted to EP.
- Even though the Child Performer Act allows the parent/guardian to set up the Child Performer Trust Account within fifteen (15) days after the start of employment, EP requests that the Child Performer trust account be set up prior to the minor actually performing the contracted work.
- The parent/guardian must set up such trust account at a bank, savings and loan or credit union and the account must be insured by the Federal Deposit Insurance Corporation (FDIC), the Securities Investor Protection Corporation (SIPC), or the National Credit Union Share Insurance Fund (NCUSIF). This account may be set up in any state, territory, province or country.
- In the event that a trust account is not established within 30 days of the last day of employment, EP is required to forward the amounts withheld to Louisiana State Treasurer. EP has no further duty or obligation with respect to the earnings upon the state treasurer transfer.
- The parent/guardian must submit along with the attached form, a true and accurate photocopy of any information received from the financial institution confirming the creation of the account, such as the account agreement, passbook or a similar writing.
- If any changes are made to the trust account, including changing the financial institution or account number, the parent/guardian must immediately notify EP in writing of such changes.
Court Approved Minor Contracts
A minimum of 15% must be deducted. A parent and/or guardian may choose to have more than 15% deducted from their minor child’s earnings. To insure that the account is in compliance, the court may specify that a copy of the court order be submitted to the bank along with the first deposit. If the court order is not available at the time of the initial deposit, the payment of funds will not be delayed. EP will send the court order to the financial institution upon receipt from the client.

Other than New York Minors
If the minor child is not a resident of New York but working in the State of New York, the child will need to possess an Employment Permit for a Child Performer (LS-555). The minor’s earnings will be subject to a minimum deduction of 15% to be deposited in a Child Performer trust account. Coogan accounts set up in California will be acceptable.

General Information
Once money has been deposited into a blocked account, it cannot be withdrawn without a court order. Please be sure to let us know immediately of any check that has a trust deduction, which is wrong or void. If an error is found subsequent to the deposit, we will cancel the original check and bill you for the deducted amount. Your company is a party to the contract and is therefore responsible for arranging with the bank for reimbursement.

If you have any questions, please do not hesitate to contact Sandra Criscione in Employee Services at 818 955.6099 or Evelina Karadavoukian at 818 955.6098.
State of New York
Trust Fund Deduction Information

I hereby acknowledge that under the Child Performer Education and Trust Act of 2003, Entertainment Partners and its subsidiaries will withhold a sum equal to the mandatory minimum of 15% of the gross earnings of my minor child whose name appears below. This acknowledgment will remain in effect only in connection with his/her services on the project presently entitled:

____________________________________________________________________________________

Said deductions should commence effective as of the minor’s date of hire and shall continue until completion of all services on the above referenced project. EP agrees to deposit all sums to the established Child Performer Trust Account every payroll period. I am aware that funds cannot be deposited until EP receives the bank information. Further, I fully understand that if bank information is not received within 15 days of employment, all sums withheld will be sent to “The New York State Comptroller” as trustee of those funds and that EP shall have no further obligation or duty to monitor or account for those funds. No interest will be accrued or paid while these sums are being held pending the setup of the trust account.

I am aware that in accordance with New York state law, EP does not need my authorization to deduct the 15% from my minor child’s gross earnings. I am also aware that it is my responsibility to have the proper trust fund account set up prior to the employment of my minor child. I also understand that it is my responsibility to obtain an Employment Permit for a Child Performer. I understand that if I do not have the proper documentation for my minor child’s earnings to be placed in a Child Performer Trust Account, EP will still deduct the 15% and place it in a noninterest bearing account until the documentation is received. If bank information is not provided within 15 days of the commencement of employment, I understand that sums withheld will be remitted to “The New York State Comptroller” as trustee.

In accordance with the attached trust fund documents, please arrange for deposit of these deductions to the following account:

Minor: ___________________________ SSN: __________________ Birth Date: __________
Bank: ___________________________ Account #: __________________
Bank Address: ___________________________
City, State, Zip: ___________________________
Attention: ___________________________ Telephone: ___________________________
Executed this ______ day of ____________, 20____

At: ___________________________

I declare under penalty of perjury under laws of the state of New York that the foregoing is true and correct.

__________________________  __________________________
Printed Name  Signature

Phone