



## Minor Trust Deduction Guidelines – New York

**Trust deductions for New York minors are no longer optional:** As of March 28, 2004, all un-emancipated 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 requires 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.
- 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.
- The parent/guardian must submit along with the attached form, a copy of the work permit and 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



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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 Child Performer trust 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.