**Financial Controls, Policies and Procedures**

Policies adopted by Lewis Center Lead Team on 5/18/2015

**Church Funds, A Trust:** *A Legal Note*

Church income ordinarily consists of designated and undesignated contributions, interest on bank accounts, gain on investments, and rent from church--owned properties[[1]](#footnote-2). Church income, from whatever source, is held by the church in trust for the church's religious and charitable purposes. Such a trust may be express, as when a donor contributes funds for a specified purpose, or implied, as when funds are contributed without designation regarding their use or constitute rents, interest income, service income, or gains.[[2]](#footnote-3)

 In laymen’s terms, *“church funds are not an investment in stocks and bonds in order to make a profit, they are given to carry out the work of the church and are to be used specifically for the purpose it has been given.”*

**Funds Policy:**

All accounts or funds created by the church or by any church entity must a) be subject to annual reporting requirements, b) be under the oversight of the Finance Officer and Finance Committee, and d) provide a means of recording, securing, depositing and reporting approved by the Finance Committee.

Some miscellaneous funds created by a group within the church may NOT be official church funds in which case there will no official receipting or reporting within the church. These funds should in most cases be for limited and short term use such as a temporary fund for an outing, or a social events fund of a class.

**Establishing Funds:**

The Lead Team shall upon recommendations from the Finance Committee establish such Funds as are deemed appropriate including the General Fund, and other special or designated fund accounts. The Finance Committee and Treasurer shall assure that proper accounting is maintained for each Fund, and procedures implemented for assuring proper deposits, receipting and accounting established in this policy, are followed.

***Church Disclaimer for Discretion Over Designated Funds***

*While this church’s intent is to use all designated gifts for the specific purposes and projects designated, the final authority for the use of all gifts to the church rests with The Lead Team*. *In exceptional circumstances where the designated purposes are not longer feasible, or has been completed, or for other good cause, the* Lead Team *may redirect such gifts to other appropriate ministries or projects, retaining to the extent deemed feasible, the basic original purpose of the designation.*

**Memorial Funds: Memorial Gifts and Funds**

* The Finance Committee and Treasurer shall establish a Memorial Gifts Fund for receiving and accounting for designated gifts in memory/honor of members and others associated with the church or its friends.
* The Trustees shall establish appropriate policies on the use of such memorial gifts, and authorize expenditures of the funds for purposes it deems appropriate.
* The Committee may identify priority projects or ministries toward which it will allocate such gifts. While specific interests of donors will be considered, the Committee retains the authority and responsibility to use the Funds in a manner appropriate to the purposes of the church. All gifts received subject to this principle.
* A Book of Memorial Fund Gifts [or Book of Memory] shall be maintained by the Committee that will register memorial gifts to the Church.  The following information will be included in the Book: The name of the person in whose memory/honor the gift is given, the date and occasion for the gift if applicable, the name(s) of the donor, and a description of the gift.  When the funds are used, a note may be made in the Book as to the use.
* Where Memorial Funds are used to purchase a tangible asset, the Committee may recommend to the Lead Team that a memorial marker be placed on the object noting that it was made possible by the Memorial Fund. All periods that memorial markers are displayed are subject to the discretion of Lead Team.

**Scholarship Funds:** Basically, a scholarship fund can be established to help meet expenses that would otherwise be deductible - IRS Pub 508.

* Tuition, books, supplies, lab fees, and similar items.
* Certain transportation and travel costs (including meals and lodging).
* Other educational expenses, such as costs of research and typing when writing a paper as part of an educational program.
* **Treas. Reg. 1.117-(3) (a)** specifies that the term "scholarship" does not include "any amount provided by an individual to aid a relative, friend, or other individual in pursuing his studies where the grantor is motivated by family or philanthropic considerations.”
* If contributions to the fund are earmarked by the donor for a particular individual, they are treated, in effect, as being gifts to the designated individual and are not deductible.
* This is also true if the donor understands that the contribution is to benefit a specific student (Revenue Ruling 62-113).

**Therefore, we conclude that contribution credit is not given when:**

* The contributions designate a specific student;
* Donors understand their contributions are to specific student;
* Parents intend their contribution to benefit children rather than the church.

**Mission or Missionary Fund:** A principle that can be applied to a mission fund is - all contributions go into a 'common pool' not earmarked for a specific individual, to be administered by a missions committee and distributed in accordance with stated policies regarding the church's mission statement. The Supreme Court's decision in the Davis case ensures that contributions to local churches for independent missionaries and short-tem "lay missionaries" from one's own church must have certain controls:

* The Lead Team must approve each mission ministry (not individuals by name) as a legitimate activity in the furtherance of the church's religious mission.
* Prepare policy to communicate all terms and conditions of the mission ministry.
* Require 'activity report' summarizing all missionary activities in the mission ministry.
* Require 'accounting' or 'audit' of the use of the funds.
* Confirm that the expenses correspond to the missionary activities described in the activity reports.

**Non-Cash Gifts**

* Non-Cash gifts will be accepted by the church on a “request only basis.” This means that members are encouraged to give non-cash gifts but only when the church makes a request for them. Examples of these times would be to support a church sponsored, or one of its groups for a rummage, or yard sale.
* Receipting for non-cash gifts will be recorded on a Non-cash receipt form furnished by the church. The contributor will complete the form along with an estimated value of the gift itself.
* Items must be valued at $250 or more before a receipt will be given.
* Items or property given to the church in excess of $5,000 will require the contributor to furnish an official appraisal or bill of sale. The appraisal summary will have to be attached to Form 8283. The church will provide a signature and the contributor will have to attach the form to their return.

**Allocation to Gifts to Funds and Accounts**

Except where the donor has expressly designated otherwise, or the receipts have been received for special funds or causes, all receipts shall be credited to the General Fund.

**Position Responsibilities**

1. Finance Committee
* In consultation with the Pastoral Team and senior staff leadership, determines person or persons who can authorize expenses (i.e. youth director, choir director, etc.).
* In consultation with the Pastoral Team, determines unrelated persons to serve as the Counting Committee
1. Treasurer

Treasurer shall not be personally involved in counting or depositing any church funds (those duties are outlined below under the counting committee and depositor). He/She is accountable to the Lead Team and its committees. He/She shall be responsible for overseeing the disbursement of all funds received into the church treasury and to further assure church funds are kept in a responsible and organized manner in accordance with the policies, procedures and internal controls established by the church. Additional responsibilities include:

* Oversee and co-sign all checks before disbursement and assure that all money disbursed on behalf of the church is in keeping with the church’s budget, and that accurate records are maintained of how money is spent.
* Process all checks, recording them in the appropriate accounting software program.
* Signs checks
* Process all payroll checks, Tax Form 941’s, W-2’s, 1099s, and other government records required in a timely fashion.
* Insure that computer files are backed up weekly, at a minimum monthly, and the back-ups are stored off premises.
* Prepares and presents the monthly finance report for Finance Committee, assuring accurate data indicating the financial well-being of the congregation is available to the committee and the Lead Team.
* Supervise daily cash balances to ensure sufficient funds are maintained and make recommendations for the investment of any excess funds.
* Prepares records for annual audit.
* Maintain historical data, and establish a retention system for old financial records in accordance with government requirements (minimum of 5 years).
* Assists with the creation, modification, and assessment of the budget
* Ensure that all governmental taxes, reporting forms, and regulations are met on a timely basis.
1. Financial Secretary
* Supervise the Counting Committee, which shall consist of at least 2 persons not related. After the contributions have been properly counted, the Financial Secretary is responsible for recording the contributions to each family’s contribution record and to the general ledger and then depositing the funds in the bank in a timely fashion as established by the Finance Committee.
* Responsible to report to the Finance Committee each month the status of contributions to the church.
* Sees that counters log and sign total deposit amounts and then compares deposits to the counter’s log.
* Conduct bank reconciliation
* The Financial Secretary will maintain a record of all bank transactions, including all checks dispersed and receipts deposited on a weekly basis.
* The Financial Secretary will reconcile all bank accounts on a monthly basis.
1. If church size allows, the following duties should be performed by a person designated by the Finance Committee other than the Financial Secretary or Treasurer:
* Verify that all checks have been properly signed.
* Verify that the bank balance reconciles to the bookkeeping records.
* Verifies that the beginning balance equals the ending balance of the previous month both in the checking account and the general ledger.
* Signs and dates the reconciliation report.
* If church size does not allow for another individual to perform the above duties, the audit committee needs to examine monthly bank reconciliations in detail.

# Counting and Cash Receipts

* There should be two unrelated cash counters every Sunday (counters must rotate from week to week). The Finance Committee shall appoint sufficient members that would include persons other than the Treasurer, to include some of their own members or others at their discretion, to assure that not less than two are available on all occasions at which funds are to be counted.
* The counting team on any given occasion shall perform double counts on all receipts immediately following the receiving of the offerings, or services of which funds were received.
* They shall upon need, count funds that may be received by mail in an expedient manner. Funds received during the week shall be placed in a secure place until counting takes place.
* Each counter will complete an Offering Cash Count Form. A copy of the counting sheet shall be kept for a minimum of three years in the church office for referral if needed.
* Each counter will verify the other’s form.
* The policy for designated funds should encompass the following steps:
* Define procedures for the establishment of a specific Restricted/Designated fund listed above.
* Counters/tellers should observe the gift during the counting process, as it is a gift to a new restricted/designated fund.
* The counters/tellers should record the gift on the count sheet in red or highlight the description and amount as a potentially new fund. It is important to note that the counters/tellers are not authorized to approve a gift to a new designated fund.
* In the event a gift designation is either unclear or for a project not undertaken by Lewis Center UMC, the Financial Secretary should temporarily deposit the gift in a separate bank account until the Finance Committee can contact the donor. It is the responsibility of the Finance Committee to instruct the Financial Secretary of whether the gift should be deposited in a fund or sent back to the giver.
* Assure that monies received in envelopes are properly credited to the contributor either by name, or envelope number. If number system is not used, the contributor’s name must be on the envelope if charitable credit is to be given.
* Assure that the amount within the envelope matches the amount written on it.
	+ - A counter may fill in the amount but only when envelopes have a name on it. This should be verified and initialed by both counters.
		- Envelopes containing cash, but with no name (if number system not used) should be recorded as loose change with no charitable credit issued.
		- Envelopes not matching the amounts contained within should be documented by both counters and forwarded to the Financial Secretary for communication with the donor.
* They shall count monies received during Sunday School and received during the week by mail atthe normal time for the counting process unless directed otherwise by the Senior Pastor, Finance Committee Chair(s), and/or Treasurer.
* All funds (offering, special event, fundraising, etc.) must be counted and deposited before any expense is reimbursed.
* All checks and cash that are received should be processed in a timely fashion with all checks stamped, “For Deposit Only”. Records must be kept so that retrieval of the items deposited can be verified in case there is a dispute over an item deposited.
* Financial Secretary enters offering checks and cash receipts totals into the church’s membership management software.
* Copy of deposit slip or receipt from the bank given to the Financial Secretary, who will record deposits in a timely fashion.
* The Financial Secretary will keep a Weekly Contribution Account Summary and Offering Cash Count Form and will distribute a Weekly Contribution Account Summary and Offering Cash Count Form to the Treasurer.
* The Weekly Contribution Account Summary must match deposit slip, unless otherwise noted.
* Envelopes are considered by some experts as a contract. Therefore they shall be given to the church’s recording financial secretary or church secretary or their designee, and *copies of cash envelopes* kept for a period of 7 years.
* All monies must be deposited to a church controlled bank account within 7 days of receipt.

## Policy if Financial Secretary is not present:

* Counters count and record cash as above.
* A member of the finance team will complete a deposit slip entering cash amount on proper line.
* A member of the finance team will total checks, use adding machine with tape, run checks through 2 times to make sure total comes up the same.
* A member of the finance team, or designated depositor, will take deposit to bank.
* A member of the finance team will go online to record offering checks and complete the Weekly Contribution Account Summary.
* Remaining items are as above.

# Annual Audit

An independent auditor, not necessarily a CPA, and not related to the Finance Secretary, Treasurer or the person performing bank reconciliations, is to audit the records annually.

* The audit should include the bank accounts of all affiliated ministries of the local church.
* The audit must include verification that proper internal accounting controls are being maintained.
* If the person doing the audit is not a CPA, consult the Local Church Audit Guide and the Fund Balance Report from GCF&A (www.gcfa.com).
* Submit copies of the audit to the Pastoral Team and the Chair(s) of the Finance Committee and the District Superintendent.
* The audit needs to be approved by the Finance Committee.

# Receipts/Contributions: (in compliance with IRS rules as of 2004)

* **Must be a gift of cash or property**. Something of value must be given to the church (usually cash). Personal services may not be donation or free use of some personal asset.
* **Must be unconditional** (except for permissible designations to aspects of an organization’s activities, such as missions). The donor must surrender control to the church.
* **Made payable to our church**. Checks written to the church (or money placed in a church envelope) and “earmarked” to be given with the intention to be a gift to individuals, even if charitable in intent such as to meet a personal need, are NOT deductible contributions. Gifts for this purpose must be made payable to the church and designated to the appropriatebenevolence fund.
* **Must be without personal benefit to the donor**. Contributions cannot be made to church by an individual if the same individual making the contribution is intended for it to pay for their own mission trip, personal counseling, education, etc.
* **Exchanges for services and good.** An individual may exchange a service or good with Lewis Center. This contribution must be a part of the expressed mission of Lewis Center Church and must have preapproval by a vote of the Lead Team. The contribution value will be determined by the IRS standards for Fair Market Value Assessment. Once a service or good has been exchanged by an individual, it is the property of Lewis Center UMC.
* **Contributions given in cash**, and NOT contained in a church offering envelope, cannot be recorded as a charitable gift and a statement of the gifts cannot be given.
* **Contributors giving cash** must include their name and the amount given on the offering envelope before credit can be given. Offering envelopes containing cash that are received without name and amount will be counted by the counters and included in the weekly deposit.
* **All offering envelopes** are to be completed by the contributor. Church personnel, volunteers or otherwise, are not allowed to complete envelopes for contributors.
* **Funds received through the mail** during the week shall be retained and made available to the counting committee.

**Designated / Restricted Funds**: The church may, with the approval of the Lead Team, arrange to receive designated funds for the specific purpose to support specific projects and missions.

**Legal Rule for Designated Funds**

Where funds are accepted subject to the donor’s designation of the use of the funds, the church is under a legal duty to preserve those funds and use them only for the designated purpose. The church shall separately account for these funds, and the actual money shall be preserved, not merely a paper accounting. Thus such designated funds shall be kept in a separate account. Separate accounts is defined as separate accounting; not separate bank accounts.

* **Designated Funds** shall be receipted and disbursed through separate ledger accounts. The Treasurer shall establish and oversee these accounts.
* **Restricted funds** are charitable contributions whose use is restricted by donors to churches. The church has no discretion in the management and disbursement of such funds. Examples of such restricted funds would be the special offerings of the UMC including Conference and General Advance Specials.
* Designated funds will not be accepted for projects not previously approved by the church.
* Designated funds received in excess of those needed to complete the project which they were intended, will by recommendation of the finance committee, and by vote of the Lead Team, be diverted to another area of need or reserved for future projects.
* **Charitable Contributions with a Designated Desired Recipient** The most difficult kind of benevolence fund contribution to evaluate is a contribution that designates a desired recipient. Ordinarily, such "designated contributions" to a benevolence fund are not deductible, since the intent of the donor is to make a transfer of funds directly to a particular individual rather than to a charitable organization.
	+ - **First, section 170 of the US IRS Code** allows a charitable contribution deduction only with respect to donations "to or for the use of" a charitable organization. Contributions to an individual, however needy, are never deductible, since they can never be said to be "to or for the use of" a charitable organization.
		- **Second, the intent of the donor** ordinarily determines whether the transfer should be characterized as a tax-deductible contribution to a church or a non-deductible transfer to an individual. Did the donor intend to make a contribution to the church, or did he only intend to benefit the designated individual (using the church as an intermediary to enable him to obtain a tax deduction for his non-deductible gift)? The fact that the payment was made to a church is not a controlling factor, since taxpayers cannot obtain a deduction merely by funneling a payment through a church.[[3]](#footnote-4)

# Financial Reporting

# Annual budgets from The Pastoral Team and Senior Leadership, Staff Parish Committee and Trustees are to be submitted to the Finance Committee for review and recommendations by the Finance committee are given to Lead Team.

* The Lead Team votes to approve annual budgets.
* Budgets are reviewed mid-year and are changed to reflect changing conditions.
* Monthly Financial Reports are prepared by the Treasurer and submitted to the Finance Committee for review.
* Detailed Financial Reports are provided to the Lead Team at each meeting.
* References and explanations must be given to any budget variances over 10%.
* Audits will be conducted will be conducted annually or the approval of the Lead Team.
* Treasurer will print reports to include Available Cash Balances report and Summary of Revenues and Expenses at a minimum of once per month.
* Treasurer and Finance Committee Chairperson will review the reports prior to presenting the reports to any committee or Lead Team meetings.

# Safeguarding Assets

* The Treasurer shall have primary responsibility for ensuring that proper Financial Management procedures are maintained and the policies of the Lead Team are carried out.
* The Finance Committee shall provide fiscal oversight of the assets of the Church and shall have primary responsibility for insuring that all internal and external financial reports fairly presents its financial condition.
* A proper filing system will be maintained for all financial records.
* Actual revenues and expenses will be compared to the budget on a monthly basis.
* Excess cash will be swept nightly in an interest bearing account.
* Bank statements are promptly reconciled on a monthly basis.
* Documents for all fixed assets and securities will be kept in a locked fireproof file.
* Appropriate insurance for all assets will be maintained by the trustees.

# Disbursements

* Only persons authorized by the church may make purchases on its behalf. Persons authorized shall be determined by the finance committee and or their designees. No unauthorized purchases will be reimbursed by the church.
* Ideally there should be 3 people who can sign checks in case of an emergency and cannot include the Financial Secretary. Check signers should include but not limited to the Lead Pastor, Director of Discipleship, and Treasurer.
* Financial Threshold: Any amount under $100 may be authorized by the person assigned as the cost controller, amounts between $101 and $500 must be authorized by either the Lead Pastor or the Director of Discipleship, amounts $501 to $1000 must be authorized by the Finance Team, and amounts $1,001 and higher must be authorized by the Lead Team. This is not applicable to reoccurring costs approved by the trustees with costs associated with building and operations.
* If there is only 1 signature, the person signing the check must never be the person authorizing the expense. The Finance Committee, in consultation with the Lead Pastor and Senior Staff, is to designate persons who can authorize expenses.
* The authority for the disbursement of church funds comes from the adopted church budget. The Treasurer has no authority to disburse funds except at the direction of the Finance Committee and/or the Lead Team. The church shall authorize disbursements in one of two ways:
1. By the adoption of a budget that typically authorizes such routine expenditures as the utility bills, mortgage payments, literature and salaries; and
2. By special authorizations for non-budgeted items by the Lead Team or some person or group given that authority. Thus, if a person comes to the Treasurer and seeks to make a donation with a request that the donated funds be sent to some other cause or ministry, the Finance Officer is not authorized to honor the request. Even if the other cause is good and charitable, the Treasurer only has authority to act within the scope of the Lead Team’s authorization.
* All disbursements will be made by pre-numbered checks and must be accounted for on a weekly basis.
* Approval is needed for all expenses/reimbursements that are not considered routine. Budgeted items are not approved expenses.
* Reimbursements requests must be submitted for payment within 30 days of the expense or by the last day to submit invoices, whichever comes first.
* The Lewis Center UMC approved Check Request form must be filled out for all reimbursements. This form must include the name of the person, address and phone number of the person making the request, the date the check is needed, name of payee if different than the person making the request, a payment description (reason for check) and a receipt(s). Requests can be used for reimbursement, direct pay (to a specific vendor) or advance. See Accountable Reimbursement Policy below. A Check Request form may include multiple expenses. Forms are located in the office.
* **No checks written to “cash” or “bearer”**.
* Invoices and check requests must be marked paid with the date and check number and filed.
* Every check written should have an invoice/receipt or check request attached with the exception of payroll checks.
* **Blank checks must not be signed in advance**.
* Checks must be recorded timely into the accounting system.
* Any person not considered to be an employee who receives $600 between January 1 and December 31 of any single year, will be required to furnish the church with their Social Security number, and a misc.1099 will be issued after December 31. (examples of persons not considered to be an employee of the church are; visiting evangelists, or persons considered to be a “sole proprietor” such as a yard’s keeper, custodian, etc.).
* Funds may be distributed electronically by persons authorized to disburse funds for Lewis Center Church. All fiscal controls outlined in this document apply to Electronic Transfer of Funds (ETF).

**Credit Card Policy**

* Credit Cards can be issued to staff members when the Lead Team determines it necessary with consultation from the pastoral team and senior staff leadership.
* Staff members authorized to use credit cards should exercise discretion when using their credit cards.
* The utmost attention to the security of church credit cards must be placed. In the event a credit card is stolen or lost it is the responsibility of the staff member to notify the treasurer immediately.
* All credit card transactions must be accounted for by submitting a receipt to the treasurer. Receipts must have the persons name and the account that should be charged.
* Receipts must have the signature of a supervisor.
* Any transactions on church credit cards that are not the business of the church will be the financial responsibility of the cardholder. They may either choose to refund the church with a personal check or have the amount reduced from their next paycheck. The SPRC and supervisor are to be notified by the treasurer if 3 or more of such transactions occur in one year.

**Accountable Reimbursement Policy**

* We recognize that certain expenses of ministry paid by the pastor/staff person/ministry leader are part of the ordinary and necessary costs of this ministry in this Church. The following conditions for the policy are binding upon the Church and its pastor/staff person/ministry leader.
1. The SPRC will determine which members of the pastoral and staff team are eligible for a reimbursement account.
2. The amount determined for the reimbursement account shall be divided into the number of pay periods of the year. The pastor or staff person shall receive the reimbursement account installments on the same interval as pay periods.
3. It is the responsibility of the pastor and/or staff person to responsibly spend the reimbursement installments on eligible expenses and to maintain adequate records for the purpose of personal income tax reporting.

# Payroll

* IRS Rule: Any person asked to perform a duty and as a result of performance of that duty receive compensation, they are considered an employee and taxes must be withheld and reported. (The only exception is for ordained ministers)
	+ - The church will strive to keep as best as is understood, all current rules of reporting as are required by IRS including the following.
		- The church will withhold and report appropriate taxes on each employee hired by the church, except for ordained ministers.
		- Each employee will be given and required to complete form
		- W-4, IT-4, and I-9.
		- The church will pay one half ½ and withhold the other half ½ of the appropriate FICA taxes. It will also compute and withhold federal, state and other taxes as deemed appropriate and lawful, for each employee and send the appropriate amounts to the proper local, state, and federal governments.
* The Staff Parish Relations Committee and/or Lead Team approve by vote all personnel salary/wage rates. The Staff Parish Relations Committee and/or Lead Team likewise authorize all changes in employment by vote.
* The Staff Parish Relations Committee maintains all personnel records and notifies the Treasurer when there are changes (new employee, salary/wage changes, etc.).
* Personnel paid hourly will submit their hours in written form to the Treasurer one day prior to the end of the pay period. Timesheets must include the signature of a supervisor.
* The Treasurer will prepare the paychecks, using the approved salary/wage rates for each employee and directly deposited in employee’s bank accounts. Nonemployees will be paid by checks. All paychecks must be recorded in the accounting system and a paycheck register report generated.
* Payroll tax deposit information is prepared at the end of the month and the payroll tax deposit is made on time.

# Ordained Minister’s Compensation Plan

* Housing: The pastors of the church shall be eligible for a housing allowance according to the rules set forth by IRS (even if living in the church parsonage).
	+ - The housing allowance will be determined by obtaining the fair market rental value of the home the pastor resides in, plus the cost of keeping the home up for one year (utilities, repairs improvements, insurance etc).
* Expenses: Lead Pastors and approved staff receive funds with payroll for expenses incurred during the course of duties performed on the behalf Lewis Center UMC. It is the responsibility of the individual to maintain proper bookkeeping of expenses for their individual tax filings. All funds transferred through this method will recorded on the employees W2 form as salary income.

**Document Retention:**

The following records shall be retained for a period of (7) seven years in a secure location:

* All church financial records and statements (bank statements and records checks, contribution statement
* *Copies of* contributor’s
* *Cash envelopes*
* Vendor documentation
* Purchase orders
* Housing allowance designations
* Weekly counting sheets
* Accident reports
* Personnel records (applications for employment, terminated employee records, expired contracts, personnel files, payroll records)
* Property documents (appraisals, expired insurance policies, tax or other financial matters)
* Contracts and agreements
* Wills of deceased donors
* Federal/state/local filings
* Insurance documents (accident reports, claims (after settlement), expired policies, safety reports), expired trust Agreements.
1. Subject to UBI taxes [↑](#footnote-ref-2)
2. *See generally* G. BOGERT, THE LAW OF TRUSTS AND TRUSTEES § 371 (1977 & supp. 1991). [↑](#footnote-ref-3)
3. Attorney, Richard Hammer says "It is possible that special appeal contributions could be tax deductible, if the following conditions are met.

1. The offering was pre-authorized by the church;

2. The recipient (or his or her family) is financially needy, and the needs are substantial

3. The offering is used exclusively for the expenses incurred for the above stated needs

4. Immediate family members are not the primary contributors;

5. No more than one or two such offerings are collected for the same individual.

**PRIVATE LETTER RULING 8752031** suggests that contributions to a church benevolence fund can be deductible even if the donor mentions a beneficiary, if the facts demonstrate that:

1. The donor's recommendation is advisory only,

2. The church retains "full-control of the donated funds, discretion as to their

use," and

3. The donor understands that his or her recommendation is advisory only and that the church retains full control over the donated funds, including the authority to accept or reject the donor's recommendation [↑](#footnote-ref-4)