

Church Plans

Church plans can be exempt from Employee Retirement Income Security Act (ERISA) and many provisions of the Internal Revenue Code (IRC), and are subject to numerous obscure special requirements of their own. Clergy and foreign missionaries in particular are subject to a number of special rules. We help church plan sponsors and service providers to church plans by:

- Advising on when a plan meets the church plan requirements, and when, if ever, the election to opt into ERISA under IRC section 410(d) should be made.
- Drafting church plan documents for compliance with 401(a), 403(b), 403(b)(9) as well as welfare plans.
- Advising on the implications to the church plan and its investments of not being subject to ERISA, including special opportunities and pitfalls that may arise.
- Obtaining Internal Revenue Service (IRS) private letter rulings and determination letters on church plan issues and documents.
- Consulting on special clergy issues, such as Self-Employment Contributions Act / Federal Insurance Contributions Act and housing allowances.
- Assisting on related church plan exceptions from the securities laws and certain insurance laws.