

## INSIGHTS + NEWS

## Peter Martin Writes “Unrestricting Funds to Meet Changing Times” for the Massachusetts Nonprofit Network

SEPTEMBER 30, 2024

Donors often provide support to nonprofits in a way that responds to contemporary issues and the donor’s particular interests. Examples include a prohibition on spending principal or a requirement that the fund be used only for a specified program or within a given geographical area. Over time, such restrictions can make full use of the funds impracticable or impossible.

What happens if the charity wants to use these funds despite such restrictions, but the donor has died and there are no donor representatives available to consent to changes to the restrictions? Peter Martin details options in his post on the Massachusetts Nonprofit Network blog. Here is an excerpt:

The charity will have to get the approval of the Attorney General’s Office (AGO) and ultimately a Supreme Judicial Court (SJC) decree releasing the restrictions to enable the full, expanded use of these financial assets.

This requires an understanding of the various legal doctrines that apply to releasing fund restrictions and the techniques available depending on the size, age and nature of the charitable fund restrictions.

Continue reading “[Unrestricting Funds to Meet Changing Times](#)” on the Massachusetts Nonprofit Network blog.