

Top Takeaways from the Initial Review of New POMS

Adopted as of 4/30/18 and effective that date

Rewrites of:

SI01120.200, 201, 202 and 203 regarding Special Needs Trusts

Updated a lot of definitions

Added in a 90 day grace period to fix just about any problem provided the Trust had been previously submitted – prior was limited as to circumstances (early termination, sole benefit/travel issue, pooled trust management provisions and null and void clauses)– can get extension

Stated that Social Security is not responsible for reporting misuse of SNT Funds

Added VA Survivor's Benefits Plans to income streams that can be legally assignable to a D4A or D4C in addition to alimony and child support.

Clarified that SSA will consider any income stream assigned by court order to be irrevocable

Specifically states that if a d4A or d4C buys a home or vehicle it must be in the beneficiary's name, unless state law prohibits such – a vehicle may need to be in a driver's name but a lien on the vehicle would be preferred – Clearly stated that others may benefit from the home or car without contributing

Adjusted language for d4A and d4C from sole-benefit to "primary benefit" for distribution standard under "Explanation of the sole benefit rule for third party payments" (but still uses "sole benefit" describing d4A and d4C).

Specifically contemplates paying family caregivers and specifically says they don't need any medical training or certifications.

Third party travel to accompany a beneficiary is elaborated on and includes transportation, food and lodging. Use a "reasonableness" test to determine how many can be paid. Also specifically discusses paying for admissions to a museum.

Visitation is still limited to see beneficiaries in a facility.

Specifically states you can fund ABLE accounts for the beneficiary.

Funding a prepaid debit card managed by the beneficiary is income. If the card is managed by an Administrator (trustee) then ok.

Much more detail about court "created" vs. "approved".