

SSI Trust Policy Updates

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Disclaimer

Since the POMS rewrites under discussion here have not been issued by SSA, all changes to current policy and procedures should be considered proposals until officially issued by SSA. All proposals are subject to modification or rejection by SSA and new proposals may be added.

Trust POMS Rewrite

The POMS sections covered in the rewrite are:

- **SI 01120.200:** Trusts - General, Including Trusts Established Prior to 1/1/00, Trusts Established with the Assets of Third Parties and Trusts Not Subject to Section 1613(e) of the Social Security Act
- **SI 01120.201:** Trusts established with the assets of an individual on or after 1/1/00
- **SI 01120.202:** Development and Documentation of Trusts Established on or After 01/01/00
- **SI 01120.203:** Exceptions to Counting Trusts Established on or after 1/1/00

Posteligibility Changes

Current

SI 01120.200J.

7. Post-eligibility change in resource status

If a trust was previously determined not to be a resource, but because of policy clarifications you now determine that it is a resource (or vice versa), reopen the prior determination subject to the rules of administrative finality. (See the overpayment waiver rules in [SI 02260.001](#).)

New

SI 01120.200 and 201

If due to:

- a policy change,
 - clarification, or
 - reopening of a prior erroneous determination
- a trust previously determined not to be a resource is now determined to be a resource, new policies apply.

90-Day Amendment Period

Current

Only applies to:

- Early termination provisions (SI01120.199)
- Travel restrictions (SI01120.201)
- Null and void clauses (SI01120.127)
- Trust management provisions (SI01120.225)

New

Applies to trusts previously meeting the requirements to be excepted from counting as a resource, e.g., meets 1917(d)(4)(A) or (C) exceptions.

(Does not apply to new or previously undisclosed trusts.)

90-Day Amendment Period

Current

- One 90 day amendment period.
- Trust not counted as a resource during amendment period.
- If problem is not fixed, trust may count as a resource retroactive to date of change.

New

- One 90-day amendment period.
- **Permits a good cause extension.**
- Trust not counted as a resource during amendment period.
- If problem is not fixed, trust may count as a resource retroactive to date of change.

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First appeared as part of the conference materials for the

14th Annual Changes and Trends Affecting Special Needs Trusts session

"Working with SSA Part II: Updates to the SSA POMS regarding trusts, Practice Tips, Reporting and More"