

Assets

Step 1:	\$3,000	Maximum burial exclusion
Step 2:	<u>-2,000</u>	Irrevocable burial fund exclusion
	\$1,000	Remaining burial exclusion
Step 3:	<u>- 0</u>	Face value of all life insurance policies
	\$1,000	
Step 4:	<u>-1,800</u>	Money set aside for burial
	- \$800	Counted as asset, must not be co-mingled

EXAMPLE: A married couple purchased an irrevocable pre-need funeral trust for \$20,000 from a funeral home. The director of the funeral home placed the funds in an irrevocable arrangement of \$10,000 for each person. In addition, each has \$1,500 set aside for burial. Because each irrevocable trust exceeds the \$3,000 burial fund exclusion, no additional funds are excluded. The excess \$7,000 in each irrevocable trust is not an asset. However, the \$1,500 set aside for burial for each person cannot be excluded because the irrevocable burial trust meets and exceeds the maximum allowable exclusion. The couple, therefore, has countable assets of \$3,000.

EXAMPLE: Same as example above except each person placed \$10,000 in an irrevocable trust for burial purposes. The \$3,000 maximum burial fund exclusion is excluded from the \$10,000 irrevocable burial fund for each. The remaining excess \$7,000 in each irrevocable trust is not an asset, because it is not accessible to him. If, however, he enters a nursing home, the \$7,000 is considered a transfer of resources. See Chapter 17. This policy does not conflict with the policy about counting life insurance policies as assets. The process described here uses the face value only to determine how much in other funds may be excluded for burial funds.

8. Property Sold With a Land Sale Contract

Property sold with a land sale contract is not considered to belong to the seller as long as a legal contract is in effect.

EXAMPLE: Mr. Jones sold property with a land sale contract to Mr. Smith. Mr. Jones applies for SSI-related Medicaid and the property is not considered his asset because he has a legal contract in effect.

EXAMPLE: Same situation as above, except Mr. Smith defaulted on the contract when he failed to make 3 payments by the terms of the contract. The property is now considered an asset for Mr. Jones because there is no legal contract in effect.

11.6 DETERMINING COUNTABLE ASSETS

A. **SNAP** BENEFITS

The countable assets of the AG include all assets of the AG members and any individuals excluded by law or disqualified, including ineligible aliens. See Chapter 9. For information about the assets of non-citizens, see Chapter 18. See Section 11.5,A for treatment of ineligible students' assets.

B. WV WORKS, AFDC MEDICAID, AFDC-RELATED MEDICAID

1. WV WORKS, AFDC Medicaid

The countable assets of the AG include all assets of the AG members and of individuals excluded by law or disqualified, who would otherwise be required to be included.

2. AFDC-Related Medicaid

The countable assets used for the AG include all assets of the members of the Income Group, except that the assets of a child are not counted for his sibling(s) or for his parent(s).

C. SSI-RELATED MEDICAID, CDCS, PAC, QDWI, QMB, SLIMB AND QI-1

1. Adults

To determine the countable assets of the AG, the assets of spouses, including ineligible/illegal alien, who are living together are combined. See Section 11.4, AA for the treatment of pension or other retirement funds.

2. Children

a. SSI-Related Medicaid

When the child lives with one parent, including an ineligible/illegal alien, and there is no stepparent, all assets of the parent which exceed the asset limit for one person are deemed to the child. The child's assets are then compared to the asset limit for one. When the child is living with both parents, or a parent and stepparent, including an ineligible/illegal alien, assets of the parent(s) and/or stepparent which exceed the limit for two are deemed to the child. The child's assets are compared to the asset limit for one.