

Protecting Government Benefits After Settlement



When a client receiving government benefits reaches settlement, it is important to consider what effect that settlement may have on the client's eligibility status for their government benefit program. If settlement proceeds are handled incorrectly, eligibility for government benefits may be jeopardized.

The chart below lists actions helpful in maintaining the client's corresponding government benefits:

Government Benefit Program	Eligibility Requirements	Asset Means Tested	Course of Actions to Protect Benefit
Medicare	Disabled or over age 65 with sufficient quarters of work history to be fully insured	No	Medicare Set-Aside Account
Social Security Disability (SSDI)	Disabled with sufficient quarters of work history to be fully insured	No	Trigger to Medicare/See above
Supplemental Security Income (SSI)	Disabled, blind or over age 65 AND meets income/asset test	Yes	Special Needs Trust or Pooled Special Needs Trust
Medicaid - Adult – Disability Based	Disabled, blind or over age 65 AND meets income/asset test	Yes	Special Needs Trust or Pooled Special Needs Trust
Medicaid - Adults – Non-Disability Based	Meets income/asset test	Yes	Special Needs Trust or Pooled Special Needs Trust
Medicaid - Children's Health Insurance Program (CHIP) – Family Related - Non-Disability Based	Unique financial criteria per program. Settlement may not be countable	Maybe but generally No	Special Needs Trust or Pooled Special Needs Trust
Section 8 - Housing Assistance	Family income test, eviction/criminal history assessment (varies by state)	Yes	Special Needs Trust or Pooled Special Needs Trust
VA - Veterans Administration	Military service requirements (self/spouse/parent), plus certain age/disability requirements and income/asset tests for some	Maybe If needs-based programs: Yes If disability/death compensation: No	Special Needs Trust or Pooled Special Needs Trust

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