

SSI IN 2010
By Baron L. Miller*

Those who supplement SSI benefits must be familiar with the SSI rules and stay informed of any changes. Following are the resource and income limitations which will continue to be in effect in 2010.

Resources

The resources (assets) owned by an SSI recipient will be limited to \$2,000.00. Regardless of value, a recipient's home, household goods, personal items, and a vehicle for transportation are not included in this limit, nor are assets of a special needs trust.

Income

A recipient may receive cash gifts of up to \$20.00/month, and income of up to \$65.00/month. Once these limits are reached, all cash gifts and ½ of income received each month will be deducted from the SSI benefit for that month. Cash received by an SSI recipient as reimbursement for expenses paid will count as income in the month received (and will also count toward the \$2,000.00 limitation). Payments for rent, mortgage, home insurance, taxes, and utilities, and gift cards for food will reduce benefits by the actual amount of the payments, up to a maximum reduction of \$245.00/month.

There is no limitation on payments to providers of living expenses if not for food or shelter. E.G. there is no limitation for clothing, telephone, household goods, computer, transportation, recreation, case management, helpers, companions, travel, medical and dental, most insurance, education, rehabilitation, and training. Neither food stamps nor loans which the recipient is realistically expected to repay will affect benefits.

MediCal considerations

A recipient of SSI automatically qualifies for MediCal. Supplementing an SSI recipient's living expenses must be done in such a manner that it will not render the

recipient ineligible for both SSI and MediCal. Again, while cash payments made directly to a recipient might result in ineligibility, payments made to a provider of shelter or food would at most reduce benefits by \$245.00/month.

Staying diligent

SSI rules do periodically change, and family members, friends, and trustees of special needs trusts should periodically consult with the Social Security office or an attorney to determine what payments the current rules will allow, and what the potential loss to an SSI recipient could be.

*Baron L. Miller is an attorney in private practice in San Francisco who specializes in estate planning for California families of disabled persons. He is a long-time NAMI family member, and an advocate for the rights and interests of families of disabled persons. He does not charge for telephone consultations on the propriety of making payments for the benefit of an SSI recipient. He can be reached at 415 522-0500.