

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

302.03 INHERITANCES AND UNPROBATED ESTATES

302.03.01 TREATMENT UNDER SSI RESOURCE POLICY

UNPROBATED ESTATES

Under SSI resource policy, an ownership interest in an unprobated estate may be a resource if an individual:

- Is an heir of the deceased; or
- Receives income from the property; or
- Under state intestacy laws has acquired rights in the property due to the death of the deceased.

An ownership interest in an unprobated estate exists if:

- Documents such as a will or court records indicate an individual is an heir; or
- An individual has the use of, or income from, a deceased person's property; or
- Documents verify, or the individual alleges, a relationship to the deceased that awards him a share under the state's intestacy laws; or
- The inheritance, use of income and distributions are not contested.

INHERITANCES

An inheritance is cash, a right, or a noncash item(s), received as the result of a person's death. An inheritance is not a resource until the month following the month it meets the definition of income, i.e., it has a value and can be used, either directly or by sale or conversion, to meet basic needs. Thereafter, if retained, the property is evaluated as a resource.

302.03.02 TREATMENT UNDER LIBERALIZED RESOURCE POLICY

UNPROBATED ESTATES

Estates in the process of probate are excluded from the resource determination.

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Treatment Under Liberalized Resource Policy (Continued)

INHERITANCES

An inheritance is cash, a right, or a noncash item(s), received as the result of a person's death. An inheritance is not a resource until the month following the month it meets the definition of income, i.e., it has a value and can be used, either directly or by sale or conversion, to meet basic needs. Thereafter, if retained, the property is evaluated as a resource.

If an applicant or recipient in a long term care program refuses or transfers an inheritance, the individual may be subject to penalty under the transfer of assets provisions.