

2.1	Personal Funds and Representative Payee Supports	Page 1 of 3
Authorizing Utah Code: 62a-5-103		Rule: R539-3-5
Issue date: 1/00		Revision date: 5/04
Form(s): 1-3 , 298		Guideline(s): SSA Representative Payee Brochure

Support Coordinators shall give the **Person** training, support, and opportunities to manage finances to the maximum extent possible. **Support Coordinator** shall document the handling of personal funds in a way that is not harmful or embarrassing to the **Person** and supports the intent of the income source. A **Team** may determine how a **Person** can be assisted with financial matters, recommend the type of financial support a **Person** may need, and refer the **Person** for review by a **Human Rights Committee**. The **Support Coordinator** or **Provider Agency** staff should act as **Representative Payee** only in a situation where no other knowledgeable, financially competent adult willing to take on Representative Payee responsibilities can be identified.

PROCEDURES

1. Representative Payee Support

- A. When the **Team** and/or Social Security Administration staff determines a **Representative Payee** is needed, the **Support Coordinator** shall support the **Person** to obtain and define the role of a **Representative Payee**.
- B. If desired, a licensed physician or psychologist may provide determination that documents the **Person's** mental or physical deficits and states that the **Person** lacks the capacity to give informed consent concerning financial matters.
- C. The **Representative Payee** may be someone who is appointed by the court who:
 - i. is interested in or concerned with the **Person's** welfare;
 - ii. is selected with the participation and consent of the **Person** whenever possible;
 - iii. is able to act for the **Person** in receiving and managing the **Person's** funds as per the Social Security Administration policy; and
 - iv. is willing to perform as **Representative Payee** without pay.
- D. Copies of the **Representative Payee's** monthly records shall be forwarded each quarter to the **Support Coordinator**. The **Support Coordinator** will review deposits and withdrawals for each **Person** for unusual transactions that they may want to follow-up with the **Provider Agency**. Copies of monthly records shall be filed by the **Support Coordinator** in the **Person's** file.
- E. At the annual contract review by the **Quality Enhancement** team, actual financial records will be reviewed for a sample of **Representative Payee** files. **Region** staff may also be involved in initial and follow-up reviews.
- F. If the **Department** does not have guardianship or conservatorship and the **Division** has not been named as **Representative Payee** by the Social Security Administration, the **Support Coordinator** will request that the **Person/Representative** sign a Voluntary Financial Support Agreement, **Division Form 1-3**, allowing the **Department** to act as **Representative Payee**.

- G. The **Support Coordinator** who is to act as **Representative Payee** shall develop a written service plan of protective payments for the **Person** with input from the **Person/Representative**. The plan must include steps to enable the **Person** to work toward personal management of financial affairs, as well as a budget and projected use of savings.
- H. When a **Support Coordinator** acts as **Representative Payee**, the **Support Coordinator** shall use **Department Form 298**, Disbursement Request, to list monthly disbursements and to assure that all disbursements over \$500 have the signed approval of a **Supervisor**. **Department Form 298** is for use only by **Division** staff acting as **Representative Payee**.
- I. If the **Representative Payee** continues for more than two years without the **Person's** ability to manage finances improving, the **Support Coordinator** will review the need for **Representative Payee** and make a determination that the person continues to need **Representative Payee** supports or recommend and implement other actions determined to be in the person's best interest.
- J. When a conservator is appointed by a court of law, protective payments shall be made to the conservator. Court appointment of a conservator shall terminate the services of the **Representative Payee**.
- K. Anyone may request an agency conference or a hearing at any time on any **Division** action. If the matter is in regard to the appropriateness of the **Division** acting as **Representative Payee**, the funding agency will be notified of the hearing. If the hearing determines that **Representative Payee** status is inappropriate, the **Representative Payee** must notify the funding agency in writing, and send a copy of the hearing decision to the funding agency.
- L. When the **Person** for whom entitlement benefits are received moves out of the **Region's** service area, it is the responsibility of the **Region Office** to procure a new **Representative Payee** and transfer remaining funds and related historical records within 30 days.
- M. When an account is to be closed, the **Support Coordinator** must notify the **Representative Payee** in order that appropriate postings are made to the ledger sheet.
- N. When Social Security payments are involved, transferring an account to a new **Representative Payee** must conform to Social Security Administration policy. In all other cases, a transfer of the account to a new **Representative Payee** requires written notice to the **Person/Representative** and the new **Representative Payee** along with a copy of the ledger sheet, the account balance, and a courtesy copy of the letter written to the funding agency.
- O. When a **Person** receiving **Representative Payee** services dies, the **Support Coordinator** shall:
- i. notify the funding agencies (e.g., **Medicaid**, regional contract unit, Social Security Administration) of the **Person's** death;
 - ii. contact the Social Security Administration, if necessary, about paying for the cost of the **Person's** burial;
 - iii. assure that the **Person's Representative Payee** pay any outstanding financial obligations including burial expenses from the **Person's** account;

- iv. assure that funds remaining in the account following payment of debts and burial expenses are disbursed by the **Representative Payee** as follows:
 - a. to heirs if the account contains less than \$25,000 upon delivery of a signed affidavit, **Form 860** per **Utah Code Annotated** 75-3-1201; or
 - b. to State Treasurer for accounts exceeding \$25,000 or if the **Person** has real property or accounts with less than \$25,000 unclaimed 60 days after the **Persons** death per **Utah Code Annotated** 67-4a-301 through 67-4a-303.
- v. The **Support Coordinator** shall notify the **Region Director** if the **Person's** account exceeds \$25,000 or if the **Person** has real property. The **Region Director** then notifies the State of Utah Attorney General's Office so probate may be initiated in the District Court.
- P. The **Support Coordinator** will complete a closure summary and close services on all **Division** and **Department** Forms within 30 days of the **Person** moving out of the service area or 60 days of a **Person's** death.
- Q. The **Region** shall establish procedures to authorize **Representative Payee** services when no other **Division** services are utilized.