

VETERANS AND SPOUSES

DO YOU KNOW there are funds available through the Veterans Administration that might help defray the cost of assisted living or nursing home care for qualifying veterans and spouses?

The “Aid and Attendance” program through the Veterans Administration is a non-service-connected benefit. It is designed to help veterans or their surviving spouse receive the financial support necessary to ensure their continuing care in an assisted living or nursing home setting.

In 2019, the pension will pay up to:	\$2,230 per month for a veteran with spouse
	\$1,881 per month for a single veteran
	\$1,209 per month for a surviving spouse
	\$3,356 per month for a veteran married to another veteran

General Requirements: (On October 18, 2018, important changes were made to the rules for eligibility, mostly to the area of Financial Status below).

- 1. Wartime Service:** Must have served at least 90 days of active duty with at least one day during a time of war. Service does not require direct combat activity.
- 2. Marital Status:** For surviving spouses, must have been married to the veteran at the time of his death, and must have been married at least one year.
- 3. Need for Care:** Veteran’s physician must declare him/her as being in need of assistance.
- 4. Income:** The veteran’s income level is assessed by the VA, based on offsetting charges, such as the cost of care. This cost, as well as any other medical expenses, should exceed or come close to the veteran’s income.
- 5. Financial Status:** Under the new rules, the initial net worth limit is \$123,600 for all claimants regardless of marital status or age.

Also very important is the new look back period and transfer penalty. Claimants must now report all asset transfers occurring within the three years immediately leading up to the submission of an application. This includes any transfers to a trust and the purchase of annuities. When those transfers help a claimant meet the new VA asset test, the VA will impose a transfer penalty during which benefits will not be paid.

Other information:

1. It is not possible to “pre-qualify”, i.e. submit an application before the general requirements above are met. Doing so will cause the VA to decline the application.
2. The application process may take up to eight months or longer. Therefore, a source of income to pay the costs of care is necessary. However, the benefit pays retroactively back to the first day of the month following receipt of the application by the VA.
3. **These new rules make it essential to plan ahead! In the past, it was common to wait until long-term care was needed. That is no longer an option. For assistance with planning to qualify for the Aid and Attendance benefit, contact one of the following Elder Law attorneys:**
 - Todd Whatley, CELA, Bentonville, AR, (479) 718-6026
 - The Elrod Firm, Fayetteville, AR, (479) 750-1101; Bentonville, AR, (479) 268-5678
 - DeWitt Law Firm, Springdale, AR, (479) 717-6300
 - Reece, Moore, Pendergraft (RMP), Fayetteville, AR, (479) 443-2705

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