

# SSI Benefits and Ownership of Joint Bank Accounts

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There are several reasons why an SSI recipient may be named on a bank account that belongs to someone else, and generally that bank account should not count as a resource for the SSI recipient. For example, an SSI recipient caring for a grandchild may be named on the bank account where monies for the child are deposited. An SSI recipient may be the representative payee for another person receiving Social Security benefits. Or an SSI recipient may be named on a bank account of a friend or family member as a matter of convenience. Having SSI recipients on these accounts is a positive benefit for the family members and friends who need help to maintain their independence and ensure they can meet basic needs.

## When SSI Benefits Stop Because an SSI Recipient Is Named on Another Person's Bank Account

Problems can occur when ownership of a bank account is not clear to the Social Security Administration (SSA), which can lead SSA to stop SSI benefits due to excess resources.

Under SSI rules, funds in a bank account *do* count as a resource if the SSI recipient: (1) owns the account **and** (2) can use the funds for their own support and maintenance.<sup>1</sup> If the SSI recipient does not own the account or cannot use the funds in the account for their own support and maintenance, the account should not count as a resource to them. SSA's practice is to determine ownership based on how the account is titled.<sup>2</sup>

Problems with SSA stopping benefits often begin when SSA applies the SSI resource rules to joint accounts. If the SSI recipient is named on a joint bank account along with another person who does not receive SSI, SSA will presume that *all* of the funds in the account belong to the SSI recipient.<sup>3</sup> If an SSI recipient is named on a joint bank account along with another person who does receive SSI, SSA will presume that the funds in the account belong to both persons, in equal shares.<sup>4</sup> If the SSI recipient in fact owns none or less than an equal share of the money in the account, the SSI recipient can rebut SSA's presumption of ownership.

To rebut the presumption of ownership, the SSI recipient should provide SSA with:

- Information on who owns the funds; why there is a joint account; who made deposits to and withdrawals from the account; and how withdrawals have been spent;<sup>5</sup>
- A statement from the other person(s) listed on the account that corroborates the information provided by the SSI recipient;<sup>6</sup> and
- Account records from the months when ownership is at issue;<sup>7</sup>

If the SSI recipient does not own any of the funds in the bank account, then they should also include evidence that the account title has been corrected to reflect that they own none of the funds in the account.<sup>8</sup> Where it makes sense, this could instead mean removing the SSI recipient's name from the account. If the SSI recipient owns only a portion of the funds in the account, then they should also include evidence showing that (1) either the SSI recipient's own funds have been removed from the account or the other person's funds have been removed from the account, and (2) the title of the account that now holds the SSI

recipient's funds reflects that the SSI recipient owns those funds.<sup>9</sup> Having evidence that rebuts ownership of the funds at issue is critical if funds are removed from an account or if the SSI recipient removes their name from an account, to prevent SSA from stopping the person's SSI benefit for a period because SSA incorrectly assumes that the person is giving away cash (this is called the "transfer penalty").<sup>10</sup>

If SSA finds that the presumption of ownership has been rebutted, then the account will not be considered a resource to the SSI recipient, both going forward and going back.<sup>11</sup>

**Attorneys should pay particular attention to accounts where the SSI recipient has only a fiduciary interest, such as someone serving as the guardian of a child or as the representative payee for another person's Social Security benefits.** If such an account is properly titled to reflect the SSI recipient's fiduciary role, then the SSI recipient is not presumed to own any of the funds in the account.<sup>12</sup> For example, if an SSI recipient serves as the representative payee for someone else receiving Social Security benefits, then the representative payee must deposit any amounts remaining from the other person's monthly benefits into an interest-bearing account for that other person.<sup>13</sup> That interest-bearing account's title should make clear that the account belongs to the *other* person, and that the representative payee only has a fiduciary interest in the funds.<sup>14</sup> For example, the representative payee account could be titled as "(Name of Beneficiary) by (Name of Representative Payee), representative payee."<sup>15</sup> For situations where the SSI recipient only has a fiduciary (not personal) interest in the funds in an account, part of the rebuttal process may be re-titling the account to clarify ownership.

Note that while "SSI recipient" is used in this Practice Tip, these rules also apply to SSI applicants and deemors.

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## Endnotes

1 [20 CFR § 416.1208\(a\)](#).

2 *Id.*

3 [20 CFR § 416.1208\(c\)\(1\)](#). See also [SI 01140.205\(C\)\(2\)](#).

4 [20 CFR § 416.1208\(c\)\(1\)](#). See also [SI 01140.205\(C\)\(1\)](#).

5 [20 CFR § 416.1208\(c\)\(4\)\(i\)](#)

6 *Id.*

7 [20 CFR § 416.1208\(c\)\(4\)\(ii\)](#)

8 [20 CFR § 416.1208\(c\)\(4\)\(iii\)](#)

9 *Id.*

10 [SI 01150.001](#) et seq.

11 [20 CFR § 416.1208\(c\)\(3\)](#)

12 See [20 CFR § 416.1208\(a\)](#)

13 [GN 00603.010\(A\)](#)

14 *Id.*

15 [GN 00603.010\(B\)\(1\)](#). See also [GN 02402.055\(A\)\(2\)\(a\)](#) for other examples of acceptable account titles.