Fiduciary FAQ

Table of Contents

This section addressed FAQs related to Fiduciary

Question 1: What is the Department of Veteran Affairs Fiduciary program?

Answer: The Fiduciary Program provides oversight of VA's most vulnerable beneficiaries who are unable to manage their VA benefits due to

- Injury
- Disease
- the infirmities of advanced age, or
- being less than the age of majority

VA appoints fiduciaries who manage VA benefits for these beneficiaries and conducts oversight of VA-appointed fiduciaries to ensure that they are meeting the needs of the beneficiaries they serve

Question 2: What is a Fiduciary?

Answer: A fiduciary is a person or legal entity appointed by VA to receive benefits on behalf of a beneficiary. The benefits must be used to support the beneficiary or their dependents.

Question 3: When is a Fiduciary needed?

Answer: Every beneficiary has the right to manage his or her VA benefits. However, if medical evidence indicates they cannot manage their benefits, VA may decide that beneficiary needs the assistance of a fiduciary. A fiduciary may also be appointed if a court declares a beneficiary unable to manage financial affairs.

Question 4: Who may serve as a Fiduciary?

Answer: In deciding who should act as fiduciary for a beneficiary, VA will always select the most effective and least restrictive fiduciary arrangement.

If during the fiduciary appointment process the beneficiary shows sufficient indication of being able to manage their funds, the beneficiary may be placed under supervised direct payment (SDP) for a temporary period. If a fiduciary is required, VA will consider the

- choice of the beneficiary

- beneficiary's spouse
- beneficiary's family members
- beneficiary's friends
- qualified caregivers who will serve without a fee

If none of the above options are available, VA will consider appointing a paid fiduciary as a last resort.

Question 5: What is the Fiduciary appointment process?

Answer: A field examination will be conducted by a designated hub or qualified VA personnel for the purpose of qualifying and appointing a fiduciary.

Prior to appointment of a fiduciary, VA will assess the well-being and needs of the beneficiary and the beneficiary's dependents in light of their funds. This assessment is based, in part, upon a personal interview with the beneficiary.

If, during the fiduciary appointment process, the beneficiary shows sufficient indication of being able to manage their funds, the beneficiary may be placed under supervised direct payment (SDP) for a temporary period.

If a fiduciary is required, an assessment of the qualification of a proposed fiduciary may include, but is not limited to:

- the willingness to serve and fulfill the responsibilities of a fiduciary
- an interview with the prospective fiduciary
- a credit history check, and
- a criminal background inquiry.

After the initial fiduciary appointment, VA conducts follow-up visits. These visits monitor the beneficiary's well-being and the fiduciary's performance. If there are unmet needs or issues, VA may appoint a new fiduciary.

Question 6: What are some fiduciary responsibilities?

Answer: Some of the fiduciary responsibilities include, but are not limited to:

- Ensuring that the beneficiary's bills are paid on time.
- Establishing a properly titled account that acknowledges the fiduciary relationship.

- Protecting the beneficiary's private information.
- Maintaining regular communication with the beneficiary about their VA benefits and needs.
- Staying in contact with the VA and quickly responding to their requests.
- Reporting any changes in the beneficiary's situation, such as new addresses or phone numbers. This also involves monitoring any changes that could affect their eligibility for VA benefits or their ability to manage their own affairs.
- Maintaining a general understanding of the benefits for which the beneficiary may be eligible

Question 7: What are my rights?

Answer: You have the right to appeal or request review of VA's decision finding that you are unable to manage your VA benefits. You also have the right to appeal VA's selection of the fiduciary. If you disagree with the VA on either of these matters, you may:

- appeal to the Board of Veterans' Appeals (Board) by telling us you disagree with our decision and want the Board to review it, or
- give us evidence we do not already have that may lead us to change our decision.

Question 8: What if I have more questions?

Answer: For more information call 1-800-827-1000.

(**Hearing Impaired TDD** line 711.).

If you need an interpreter: Call 800-698-2411 and select 0.