



Michael R. Pence, Governor  
State of Indiana

*Indiana Family and Social Services Administration*

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## What to tell the bank when you are establishing a Miller trust (Qualified Income Trust)

- 1) Due to a change in Medicaid eligibility you need to set up an account for a Qualified Income Trust, also known as a “Miller trust,” and be able to
  - (1) make a monthly deposit to the account and
  - (2) pay monthly bills with the account funds.
- 2) Due to the nature of the trust almost all funds deposited into the trust monthly will be depleted at the end of each month.
- 3) A Miller trust is established with a Social Security Number. (The bank may try to require an EIN which is required for some other trust types. A Miller trust does not use an EIN.) Banks can verify this information at:  
[http://www.irs.gov/irm/part21/irm\\_21-007-013r-cont02.html](http://www.irs.gov/irm/part21/irm_21-007-013r-cont02.html) where the below content is provided.

The trust is a Miller type trust	<p>Do not assign an EIN. Instead, inform the trustee that he/she <i>must</i>:</p> <ul style="list-style-type: none"><li>• Use the SSN of the beneficiary or trustee to report trust activities, and</li><li>• Provide information such as the SSN, BOD, closing month of accounting year, principal activity, and the market to which they sell their product or services, if not already provided on Form SS-4 under Treasury Regulation 301.6109-1(d)(2).</li></ul> <p><b>Note:</b> Miller Trusts are treated as grantor trusts under IRC § 671.</p>
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- 4) The individual establishing the trust must have a Power of Attorney or legal guardianship to act on behalf of the member. Some banks may have internal policy that requires that the Power of Attorney specifically grant the authority to establish trusts. If a POA grants general authority to handle the financial or health care affairs of an individual, this should be sufficient to allow the POA to establish a Miller Trust for that individual. If you run into this issue with your bank please report the issue at [office.communications@fssa.in.gov](mailto:office.communications@fssa.in.gov) and contact your nursing home or waiver case manager for help addressing the concern.
  
- 5) The state has sent information on the establishment of Miller trusts to banks and credit unions through their associations. If banks have questions on trusts they should address them to their regional or corporate office or their association.

More information on Miller trusts is also available online at:

<http://www.in.gov/fssa/ddrs/4860.htm>

Banks with specific questions on the Miller trusts may contact FSSA by email at:

[office.communications@fssa.in.gov](mailto:office.communications@fssa.in.gov).