

2640.10.15 ALLOWABLE TRANSFERS OF PROPERTY

If it is determined that a transfer occurred within the review period, the next step is to determine whether the transfer automatically qualifies as allowable. No transfer of property penalty can be invoked when an individual makes a transfer to:

- The applicant/recipient's spouse (or to another for the sole benefit of the spouse), or
- The applicant's/recipient's child who is blind or disabled, according to SSI criteria, or to a trust fund for such a child.
- **The assets were transferred to a trust, including a trust described in section 22(i) of this rule, established solely for the benefit of an individual under sixty-five (65) years of age who is disabled, as defined in 42 U.S.C. 1382c⁷⁶.**

Additionally, the transfer of a home to certain individuals as explained in Section 2640.10.15.05 is allowable.

Transfers on and after 8-11-93, to certain types of trust funds, as defined in section 2615.75.15, for disabled individuals are allowable.

⁷⁶ [405 IAC 2-3-1.1\(k\)\(5\)](#)