

## **Issue: Home Equity –**

**Previous Rule:** The amount of equity interest in a home protected as an exempt resource was the federal maximum, \$750,000 (increased annually by a CPI percentage).

**Current Rule:** The amount of equity interest a person may maintain in their home is the minimum required under federal law (annually indexed by a CPI percentage), currently \$525,000.

305 ILCS 5/3-1.2

89 Ill. Adm. Code 120.385(c)(1)

## **Issue: Spousal Impoverishment Standards –**

**Previous Rule:** Institutionalized spouses could divert income and resources to their spouse in the community up to the maximum limits permitted under federal law.

These maximums were increased annually by any increases in the Consumer Price Index (CPI).

**Current Rule:** The amounts of income and resources that can be diverted to a community spouse living is \$109,560 in resources and \$2,739 per month in income. These amounts will only increase if they are ever exceeded by the minimum amounts allowed under federal law.

305 ILCS 5/5-4(a)

89 Ill. Adm. Code 120.379(d) and (e)

## **Issue: Spousal Refusal –**

**Previous Rule:** When a community spouse refuses to disclose and make available relevant information concerning resources the rule gave the Department general authority to pursue any available legal process to enforce its right to support against the community spouse.

**Current Rule:** A spouse's failure to disclose the amount of available resources can result in denial of eligibility for long term care for failure to cooperate. The Department maintains its general authority to enforce its support rights when a spouse refuses to make available resources for the support of the institutionalized spouse, and remedies available to the Department are specified, including: 1) Support orders may be established administratively or through the circuit courts; and 2) The Department may proceed through actions for support, recovery of assistance, or both.

305 ILCS 5/5-4(b)

89 Ill. Adm. Code 120.379(j) and (k)

## **Issue: Homestead Property, Placed in a Trust –**

**Previous Rule:** The Homestead (residence and contiguous real estate) is an exempt resource for eligibility purposes. The homestead exemption is retained as long as the institutionalized individual has the intent to return home. The Department could place a lien on homestead property unless the property is held in trust. Thus by placing property in trust, a person could defeat a legitimate means by which the State could recover some of the costs for care it paid on behalf of the person.

**Current Rule:** Real property placed in trust is not exempt unless the person's spouse, minor child or disabled child resides in the property.

305 ILCS 5/3-1.2

89 Ill. Adm. Code 120.381(a)(1)(C)