

REV - Affidavit Procedure

Purpose:

To obtain funds from a bank account or other holder of funds, when the personal representative is either unwilling or unable to have those funds paid to the Department, or to provide the appropriate affidavit to the personal representative if he or she is willing and able to assist.

Identification of Roles:

Administrative Assistant or Program Assistant reviews file to identify funds or other assets such as stocks, bonds, or bank account funds, and that there is no real estate owned by the decedent. Then an affidavit is prepared along with necessary documentation to require the holder of the funds to remit those funds to the Department.

Performance Standards:

N/A

Path of Business Procedure:

- Step 1:** Administrative Assistant or Program Assistant reviews file on the database and then performs the next several steps to see if assets were held by decedent at time of death and an affidavit is appropriate.
- Step 2:** File is reviewed to see if a personal representative is available and willing to assist in having the funds paid appropriately to the Department.
- Step 3:** If a personal representative is available and willing to assist, then an affidavit is forwarded to the personal representative to be delivered to the holder of funds at least 40 days after the death of the decedent.
- Step 4:** If a personal representative is unwilling or unable to assist, then contact is made with the funeral home for proof that the funeral has been paid, or to obtain a certified death certificate.
- Step 5:** An affidavit is prepared to be mailed to the holder of funds at least 90 days after the death of the decedent and signed by the Program Director. Enclosures with the affidavits include either a death certificate or proof of payment of funeral expenses and proof of any other outstanding expenses that may have a higher priority than the medical assistance debt.
- Step 6:** The affidavit and enclosures are mailed to the holder of funds.

Forms/Reports:

Affidavit pursuant to Iowa Code 633.356 – 6010.3
Death Certificate
Funeral Home Statement

RFP References:

N/A

Interfaces:

N/A

Attachments:

N/A

AFFIDAVIT PURSUANT TO IOWA CODE 633.356

State of Iowa)

) ss.

County of Polk)

Decedent's name: _____
Social Security Number: _____
Date of death: _____
Place of death: _____
Amount of the Department's Claim: \$ _____
Holder of the Decedent's property: _____

To the holder of the decedent's property:

At least ninety days have elapsed since the death of the decedent, as shown above. Attached is proof of payment of the funeral expenses, and no affidavit of a successor of the decedent has been presented to release the funds of the decedent that you are holding prior to the presentation of this affidavit. The gross value of the decedent's personal property does not exceed twenty-five thousand dollars and there is no real property that was owned by the decedent at the time of death. The property of the decedent that is to be paid, transferred, or delivered can be described as an account, cash, or securities held by you.

The Iowa Department of Human Services is the successor of the decedent to the described property, whose address for purposes of the recovery of these funds is *Estate Recovery Program, PO Box 36445, Des Moines IA 50315*. The successor is not under a legal disability, and the Tax ID Number for the Department of Human Services is 42-6004568.

The last will of the decedent is attached, if one is known to exist and has been filed in the office of the clerk of the district court. If no will is attached, then none is known to exist. No persons other than the Department have a right to the interest of the decedent in the described property. The undersigned requests that the described property be paid, delivered, or transferred to the "Department of Human Services" and payment be mailed to the address *above*, and affirms under penalty of perjury that this affidavit is true and correct.

Ben C. Chatman, Estate Recovery Program Director
PO Box 36445
Des Moines IA 50315
Phone: 515/246-9841 x123 or Toll-Free 888/513-5186 x123

Subscribed and sworn before me by Ben C. Chatman on ____ day of _____, 2010.

Notary Public, State of Iowa

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