

## Justification for No Material/Non-Substantive Change

VA's Fiduciary Program has a statutory obligation to supervise the distribution and use of VA benefits paid to a fiduciary on behalf of a beneficiary who is determined to be incompetent by VA rating, minority, or finding of legal disability by a court of proper jurisdiction. Title 38 U.S.C. 5502(b) requires VA supervision over VA benefits paid to third-party payees on behalf of incompetent beneficiaries.

VA Form 21-4703, *Fiduciary Agreement*, is completed by individuals applying to serve as a VA fiduciary. The information collected allows program personnel to instruct potential fiduciaries regarding responsibilities and budget.

No material or substantive changes were made to the form. Changes consist of rewording the first statement on page 2 of the form. The current text reads:

“You are being appointed as a Federal Fiduciary for the VA beneficiary listed above. As a Federal Fiduciary, you are responsible for receiving the beneficiary's VA income and ensuring the beneficiary's just debts are paid. Please initial in the “Initial” column next to each sentence of understanding you agree to.”

The proposed text reads:

“You are under consideration as a Federal Fiduciary for the VA beneficiary listed above. As a Federal Fiduciary, you are responsible for receiving the beneficiary's VA benefits and ensuring the beneficiary's expenses are paid.”

The column requiring the respondent to initial on the right side of page 2 is removed from the form to afford compatibility with new technology.

The statement immediately preceding the signature of the fiduciary was changed to more accurately describe the appointment process. The current language was removed, “The field examiner has explained my responsibilities and I have received a copy of this form.”

The proposed text reads:

“By signing this form, I acknowledge that I have read, understand and agree to the above statements. I further agree to serve as fiduciary if confirmed. My appointment as fiduciary is not effective unless it is confirmed in writing by the Department of Veterans Affairs.”

VA believes revisions made to VA Form 21-4703 do not constitute a material change and should be considered non-substantive. None of the changes increase the burden of the respondent, nor do they change the scope of the form or the information collected.