

**§§ 13.108–13.109**

**38 CFR Ch. I (7–1–07 Edition)**

Veterans Affairs on account of an incompetent veteran.

(b) *All income and assets.* The chief officer of the aforementioned institutions shall, when requested, furnish a statement of all income received in behalf of a Department of Veterans Affairs beneficiary under legal disability and the total assets held for the beneficiary.

(Authority: 38 U.S.C. 5502)

[36 FR 19025, Sept. 25, 1971, as amended at 68 FR 34543, June 10, 2003]

**§§ 13.108–13.109 [Reserved]**

**§ 13.110 Escheat; post fund.**

(a) *Escheat; 38 U.S.C. 5502(e).* Upon death of a beneficiary for whom payment of Department of Veterans Affairs benefits was made to a court-appointed fiduciary, legal custodian, custodian-in-fact, or by institutional award, the fiduciary (or the deceased beneficiary’s personal representative) shall, upon request, account for and return to the Department of Veterans Affairs any remaining assets derived from Department of Veterans Affairs benefits which would under State law escheat to the State, less legal expenses of any administration necessary to determine that an escheat is in order.

(b) *General Post Fund; 38 U.S.C. 5220(a).* Upon the death of a veteran intestate while a member or patient in any facility while being furnished care or treatment therein by the Department of Veterans Affairs, who is not survived by a spouse, next of kin, or heirs entitled under the laws of the veteran’s domicile, the veteran’s fiduciary, if any, or the veteran’s personal representative shall account for and turn over to the Department of Veterans Affairs all personal property, including money and chooses in action owned by the veteran at the time of his or her death. (See also §14.514(c) of this chapter.)

(c) *Refusal of fiduciary or personal representative to cooperate.* If the fiduciary or personal representative, if any, refuses to voluntarily comply with the provisions of paragraph (a) or (b) of this section, the Veterans Service Cen-

ter Manager will submit a complete report to the Regional Counsel.

[36 FR 19025, Sept. 25, 1971, as amended at 40 FR 54250, Nov. 21, 1975]

**§ 13.111 Claims of creditors.**

Under 38 U.S.C. 5301(a), payments made to or on account of a beneficiary under any of the laws relating to veterans are exempt, either before or after receipt by the beneficiary, from the claims of creditors and State and local taxation. The fiduciary should invoke this defense where applicable. If the fiduciary does not do so, the Veterans Service Center Manager should refer the matter to the Regional Counsel for appropriate action.

[40 FR 54251, Nov. 21, 1975]

**PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS**

Sec.

- 14.500 Functions and responsibilities of General Counsel.
- 14.501 Functions and responsibilities of Regional Counsels.
- 14.502 Requests for legal opinions from Central Office.
- 14.503 Requests for legal advice and assistance in other than domestic relations matters.
- 14.504 Domestic relations questions, authority and exceptions.
- 14.505 Submissions.
- 14.507 Opinions.

**LITIGATION (OTHER THAN UNDER THE FEDERAL TORT CLAIMS ACT); INDEMNIFICATION**

- 14.514 Suits by or against United States or Department of Veterans Affairs officials; indemnification of Department of Veterans Affairs employees.
- 14.515 Suits involving loan guaranty matters.
- 14.516 Escheat and post fund cases.
- 14.517 Cases affecting the Department of Veterans Affairs generally.
- 14.518 Litigation involving beneficiaries in custody of Department of Veterans Affairs employees acting in official capacity.

**PROSECUTION**

- 14.560 Procedure where violation of penal statutes is involved including those of offenses coming within the purview of the Assimilative Crime Act (18 U.S.C. 13).
- 14.561 Administrative action prior to submission.