

Achieving a Better Life Experience ABLÉ Accounts

What Are ABLÉ Accounts?

ABLE Accounts are tax-advantaged savings accounts for individuals with disabilities and their families.

What Can ABLÉ Accounts Be Used For?

ABLE accounts can be used for qualified disability-related expenses. This includes expenses for supplies or services related to the disability that assists in improving or maintaining health, independence, or quality of life.

Who Can Have An ABLÉ Account?

Accounts may only be established for eligible individuals:

- Individuals receiving SSI and/or SSDI with disability onset before age 26.
- Individuals meeting the Social Security's definition and criteria regarding functional limitations who receive a letter of certification from a licensed doctor and have disability onset before age 26.
- Effective 1/1/2026 the age of ABLÉ eligibility will increase from "before age 26" to "before age 46."

State ABLÉ Laws

Each state has its own laws and regulations regarding ABLÉ accounts. As of January 2024, 47 states offer ABLÉ Plans. North Dakota does not have its own ABLÉ Plan. Some states allow out-of-state residents to open accounts, and some do not. The [ABLE National Resource Center](#) has a research tool that can be used to compare various state plans.



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State ABLE Plan Administrators

Plan or Program administrators often handle day-to-day program operations. Some states have entered into alliances or agreements with other states. See [National ABLE Alliance](#) for more information.

How Do Eligible Individuals Open an Account?

Eligible individuals can:

- Establish the account themselves
- Select someone else to establish the account
- Have someone establish the account on their behalf, if the eligible individual (minor or adult) is unable to establish their own ABLE account. Note parents who are also guardians can check state Plan Disclosure documents to determine whether to open the account as a parent or as a guardian.

Who May Establish an ABLE Account?

[IRS guidance](#) allows states to adopt a [hierarchy](#) of individuals with authority to establish ABLE accounts for eligible individuals. The hierarchy of preference is, in this order:

- Individual with disability (with capacity)
- Individual selected by the individual with a disability or their agent under a power of attorney, legal guardian, or conservator.
- Spouse
- Parent
- Sibling
- Grandparent
- Representative payee

Documentation of Authority To Open Account

IRS guidance allows for qualified ABLE programs to accept a certification, made under penalty of perjury, from the person seeking to establish the ABLE account as a basis for that person's authority to establish the account, and that there is no person with a higher priority within the hierarchy. Some state's plans may require documentation as proof of legal authority.

Guardianship vs. Conservatorship

Look to the applicable state law definitions of guardianship and conservatorship, as well as descriptions of duties and responsibilities.

ABLE Plans Open to North Dakota Residents (as of July 14, 2024) *Plans vary from state to state, please refer to state Plan Disclosure documents to compare terms.

Alabama (Sumday/Vestwell)	Indiana*	Nevada*
Alaska*	Iowa*	New Jersey*
Arkansas*	Kansas*	New York*
California**	Maryland**	North Carolina*
Colorado*	Massachusetts (Fidelity)	Ohio**
Connecticut*	Michigan*	Oregon**
Delaware*	Minnesota*	Pennsylvania*
District of Columbia*	Mississippi*	Rhode Island*
Hawaii**	Montana*	Virginia (Virginia529)
Illinois*	Nebraska (NE State Treasurer)	Washington**

* Ascensus ** Vestwell

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