

## Child and Family Services Policy Manual: Substitute Care for Children SSI

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### APPLICATIONS For Youth Under Age 18

It is in the best interests of all children in the care of CFSD to make an application for SSI if they have special needs such as AIDS, premature or low birth weight, developmental disabilities (e.g. Downs Syndrome), psychiatric impairments that affect daily functioning, and or physical (i.e. blind, deaf) handicaps. The child only needs to be disabled for 1 year to be eligible for SSI. Once application is made by the Regional SSI Specialist, any denial must be responded with a request for a reconsideration. A different review team will then look at the medical evidence and at this time doctors or other service providers may give additional details as to the extent of the impairment. The second stage of the appeal is the hearing before the administrative law judge who reviews the record and hears new evidence. These appeals are pursued by the Regional SSI Specialist who has experience in the SSI process.

### SSI Benefits

As a result of receiving SSI, children receive these specific benefits:

- Diagnostic evaluations completed during the application process which will improve the likelihood that the child or youth will receive timely and appropriate treatment.
- SSI benefits can increase the amount of funds available to meet the child's/youth's needs.
- SSI benefits follow a child or youth who is returned home to a lower income biological family.
- SSI benefits can be a critical source of cash assistance and Medicaid for a youth who ages out of care and cannot be self-supporting because of a severe disability.
- SSI benefits ensure eligibility for a IV-E adoption subsidy if a child or youth cannot be returned to the parents.

### Receiving SSI

Every child under age 18 who receives SSI or Social Security benefits must have a representative payee appointed to receive the benefits on behalf of the child. The Department will become the representative payee for a child's Supplemental Security Income if the Department has been granted custody, supervision, or control of the child and is funding the child's cost of care. **If the Department is not funding the cost of care, SSI should be manually entered on CELL.** If a non-paid

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placement changes to paid placement, the placing worker shall notify the Regional SSI Specialist. This will insure the provider receives the CFSD payment only and not the SSI payment, resulting in “double-dipping.” If the child’s benefits are terminated in the future, it is the department’s responsibility to appeal the decision on behalf of the child.

Children in foster homes and groups homes qualify for the Montana State Supplemental Payment. Department Form 108 should be submitted to the Social Security Administration to initiate this payment.

**Resources**

Children receiving SSI benefits may have resources up to \$2,000.00. Resources = current balance minus income received in the current month. If the youth is in danger of exceeding the \$2,000.00 limit, the department should ask the Social Security Claims representative about ways to create a Plan to Achieve Self Support (PASS). Once approved by SSA, funds allocated to PASS for a specific goal such as vocational school or setting up a business, are not subject to the \$2,000.00 asset limit for SSI benefits.

**Lump Sum**

Large retroactive SSI payments covering more than 6 months of benefits are referred to as SSI lump sum payments. These payments must be paid into a “dedicated account” in a financial institution and cannot be combined with any other funds. These funds can be used only for the following:

- Medical treatment and education for job skills training;
- Personal needs assistance, special equipment, housing modification, and therapy or rehabilitation; or
- Any other item or service related to the child’s disability that the SSA determines to be appropriate.
- Lump sum benefits become the property of a youth at age 18 unless a new representative is appointed.

**SSI/IV-E**

Children receiving SSI benefits at the time of removal are not eligible for IV-E. This eligibility is denied based on the fact that the child received SSI benefits in the month the petition was filed or the parental agreement was signed. In cases where the child is eligible for both SSI and Title IV-E and there is concurrent receipt of payments from both programs, “the child’s

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SSI payment will be reduced dollar for dollar...”, thus decreasing the SSI benefit by the amount of the federal share of the Title IV-E payment. Because the child’s eligibility for SSI continues after the youth reaches majority, the Regional SSI Specialist must make every effort to assure continued SSI eligibility.

NOTE: This reduction of dollar for dollar does not apply if the foster care payment is made with emergency assistance funds. If Social Security administration questions this, please call the IV-E program officer at 444-4249 for assistance.

If the child receives SSI benefits at the time of removal, the child cannot be IV-E Eligible but continues to receive Medicaid under SSI. **Children who are dually eligible (SSI & IV-E) cannot exceed the resource limit of \$2,000.00.**

If the child in a IV-E foster care placement, subsequently becomes eligible for SSI and then becomes ineligible for SSI, the child does not lose his/her IV-E status. Redetermination must continue at the 12 month intervals for as long as IV-E funds are used to make foster care payments. If the child is placed in unpaid foster care or if SSI is used to fund the foster care payments, redeterminations are not required until/unless IV-E funded foster care payments are made.

### State Supplemental Payments

The Department supplements SSI benefits in the amount of \$52.75 per month per child or youth who resides in foster care homes. The supplement is included with the monthly SSI check. Out of the combined check, \$40.00 personal needs money must be set aside for the personal needs of the youth or child.

The SSI Unit will assist young adults who have exited CFSD care with their SSI eligibility until they turn 21. Workload demands and the cooperation of these young adults will determine whether an SSI Specialist will assist them. The SSI Specialist will weigh the merits of each case and the likelihood there would be a successful outcome. The CFSD Administrator and/or Fiscal Bureau Chief will approve or disapprove representation by the SSI Specialist and become more directly involved as necessary when there is a workload issue or high-profile claim being monitored.

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It's much easier for the SSI Unit to assist youth while they're in CFSD care and steer their SSI applications thru the appeals process than after they leave care. Because an SSI application can take up to 1 ½ years, policy will require each Child Protection Specialist to evaluate their assigned youths at age 16 for how they will transition their youths out of CFSD care. If the Child Protection Specialist thinks a youth will not transition successfully, a referral for SSI will be made. Where deemed appropriate, Child Protection Specialists are encouraged to consider a Continuation for Foster Care Agreement for youths on their case loads already receiving SSI following the guidelines established in the CFSD Policy Manual – Section 405-4.

There are two broad categories for assisting young adults with their SSI:

1. Assisting youths with their Age 18 SSI Redeterminations after they've aged out. This means they were eligible for Disabled Child SSI benefits before they left care. SSA decides when it will conduct Age 18 Redeterminations. Some youth don't have them until they've turned 19 after CFSD has dismissed on them. The SSI Unit will assist them with their Redeterminations and if warranted with their appeals.
2. Assisting youths after they leave care who were not SSI eligible with an Adult Initial SSI claim if such a claim is warranted. It is hoped these occurrences would be rare because most of these youths should have been identified at age 16 by their assigned Child Protection Specialist if a Regional SSI Specialist had not already contacted them.

If an SSI Specialist decides not to assist an aged out young adult, he/she will document why in the person's file. Additionally, there are other entities which assist people with their SSI applications. The Child Protection Specialist can obtain a list of these entities from their Regional SSI Specialist.