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ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

Effective Date: July 17, 2006 **Number: H-0122**
Revised: November 21, 2008
Revised: October 12, 2010

Social Security Benefits: Foster Children

Purpose

To provide guidelines to secure Social Security benefits for children in out-of-home care, including children preparing to exit foster care.

Approved

This policy was approved by Gary Taylor, Director of CFS, on October 12, 2010. *Signature on file*.

Background

Federal financial benefits are an important source of support for children in foster care, as well as for youth aging out of foster care. They may have eligibility to Supplemental Security Income (SSI) (based on disability, income, and property) or Retirement, Survivors, Disability Insurance (RSDI) (based on entitlement because the parents contributed to the Social Security system), or both.

Believing that many eligible foster children go without Social Security benefits because no one is available to assist them with the application process, Assembly Bill (AB) 1633 (Chapter 641, Statutes 2005) amended Section 11403 of and added Sections 11401.6 and 13750 to the Welfare and Institutions Code (WIC). This law requires Children and Family Services (CFS) staff to:

A. Determine, at time of assessing funding for a child's initial placement, whether a child is receiving SSI and/or RSDI benefits and, if so, apply to become the representative payee.

B. Inform youth receiving SSI and/or RSDI of the requirements to continue benefits prior to the youth's exit from the system.

AB 1331 (Chapter 465, Statutes of 2007) added Section 13757 to the WIC, effective January 1, 2008. This law requires CFS to screen every youth in foster care for potential SSI eligibility between ages 16 ½ and 17 ½. If determined that the youth is likely to be eligible, an application will be submitted to the Social Security Administration (SSA) and, if necessary, CFS will forego federal Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits during the month of application (a child cannot receive benefits from two federal programs, termed "double-dipping"). The application will be timed to allow a determination from SSA (requires approximately six months) prior to the youth's aging out of foster care. The approval, with benefits suspended, remains effective for one year. The intent is to allow eligible youth to exit from the foster care system with supportive income in place.

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California Department of Social Services (CDSS) received SSA approval to implement AB 1331 and to allow processing of SSI applications for youth receiving federal AFDC-FC. This was a historic shift in federal policy and included approval to change placement funding from federal to non-federal dollars during the month of application, then changed back to federal AFDC-FC the following month.

The CFS Resource Development and Management (RDM) program applies for SSI and/or RSDI benefits on behalf of children placed in out-of-home care. Benefits may be used to defray the child's placement costs. If the amount is greater than placement costs, the excess is placed in a conserved funds account to accumulate as savings for the child.

Definitions

Supplemental Security Income (SSI):
SSI is a federal SSA program that provides benefits for children meeting disability, income, and asset criteria. Children receiving benefits must be unable to work at a job considered "substantial gainful activity."

Disability:
A disability, as defined by SSA, is a physical, mental, or combined condition resulting in "marked and severe functional limitations." The condition must last or be expected to last at least 12 months or be expected to result in the child's death. SSA maintains a listing of functional impairments and requires documentation of a child's condition(s) and level of functioning in the determination of eligibility for benefits.

Retirement, Survivors, Disability Insurance (RSDI): (*also referred to as Social Security benefits)*
The RSDI program is a Social Security program that provides benefits to eligible children whose parent is or becomes deceased, disabled, or retired. RSDI benefits are granted to children that have a deceased parent(s) that contributed to the Social Security System. Children in out-of-home placement may be eligible for survivor benefits or a portion of the benefits until age 18 or high school graduation. This may be extended up to the 19th birthday for youth meeting the educational requirements.

Representative Payee:
Social Security's Representative Payee Program allows CFS to manage Social Security and SSI payments for Orange County dependent children.

Legal Mandates

- Welfare and Institutions Code Section 11401.6 and 11403
- Welfare and Institutions Code Section 13750 and 13757
- United States Reconciliation Act of 1996
- CDSS Policy and Procedures Manual, Division 45, Section 302.1
- All County Letter (ACL) 08-12, dated March 19, 2008

POLICY

Initial Eligibility

The SSI/RSDI Project, RDM Program, will be responsible for tracking SSI and RSDI applications on behalf of children placed in out-of-home care.

Upon the child's initial foster care determination:

A. The Foster Care Eligibility Technician (ET) will contact RDM in the event that a child entering out-of-home care is a current recipient of SSI and/or RSDI.

B. If the child is a current recipient of SSI or RSDI benefits, RDM will contact SSA to:

1. Request that payments to the current representative payee of SSI and/or RSDI benefits be suspended.

2. Apply for CFS to become the child's representative payee. If CFS cannot receive the child's SSI benefits due to "double-dipping" of federal benefits, a request to suspend benefits will also be made.

Note: State-funded AFDC-FC cases have no impact on SSI eligibility and can receive both benefits. However, when children are recipients of SSI and also eligible to federal AFDC-FC, the ET will assess whether to support the placement with SSI or the AFDC-FC payment. If it is more advantageous to receive SSI while in placement, a *County Funds Request (F063-25-415)* will be completed with "Funds will be recouped by SSI" noted on the form.

SSI—Screening and Referral

Screenings and referrals will serve as a resource for identifying children with potential eligibility to the programs.

A. The assigned Senior Social Worker (SSW) will submit a referral to RDM for the child's application to SSI *at any point in the case* if the child:

1. Displays a physical, mental, or combined condition with severe functional limitations, *or*

2. Received SSI benefits in the past.

A state form, *SSI Screening Guide (FC 1633A),* may be used by the SSW to assess referral.

B. SSI/RSDI Unit staff will screen children placed in out-of-home care for potential SSI eligibility, as follows:

1. **Weekly:** Staff will review the CFS Emergency Preparedness Report (previously known as the FEMA placement list) to identify children already placed in out-of-home care who may qualify for disability benefits. Staff will review court reports and Child Welfare Services/Case Management System (CWS/CMS) to identify children with outstanding physical, developmental, or mental health issues.

2. **Monthly:** RDM staff will coordinate with the Transitional Planning Services Program to identify children nearing emancipation who meet SSI eligibility criteria.

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3. **Ongoing:** Staff will receive SSI/RSDI Unit referrals from the assigned SSW.

4. **Youth age 17 ½:** Staff will review a listing generated by the CWS Systems Group that identifies dependent youth reaching age 17 ½.

RSDI—Screening and Referral

CFS staff will contact the SSI/RSDI Unit upon learning that a parent of a child in out-of-home care meets any of the following criteria:

- Receives disability benefits
- Receives retirement benefits
- Becomes deceased

Application

The SSI/RSDI Unit staff will facilitate an application for new SSI or RSDI benefits on behalf of children referred to RDM or children meeting the screening criteria above. SSI/RSDI Unit staff will complete the following:

SSI Application:

A. Review CalWIN, MEDS, and CWS/CMS for all children with potential eligibility. Typically, those ineligible for SSI are children receiving federal AFDC-FC and undocumented children.

B. Contact the SSW and obtain medical and educational information from the child's case file.

C. If the above information is not available in the child's file, work with the SSW to obtain the required documents.

D. Complete the application online and submit the appropriate SSI application hard copy forms to the local SSA.

E. If an SSI application is denied by SSA, RDM staff will:

1. Inform the SSW of the denial and discuss possible appeal issues.

2. File the appeal within 60 days of the date on the denial letter. If the letter from SSA arrives late, contact SSA to request an extension.

3. Submit the appropriate SSI appeal forms.

RSDI Application:
Complete and submit the RSDI application and request CFS to become the representative payee to SSA.

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Conserved Funds

Funds that accumulate in a child's SSI or RSDI trust account are the child's personal property and may be used as a part of the service plan for the child, for needs not met by other resources.

A. CFS will review and adhere to CFS Policy and Procedure (P&P) Conserved Funds (H-0103) for managing the child's SSI or RSDI trust account.

B. RDM will notify the assigned SSW if the child's conserved funds account approaches the $2,000 limit for SSI (there is no limit for RSDI conserved funds accounts).

Placement to Age 19

A foster child may remain funded in out-of-home placement beyond age 18 to the day before age 19 if the child participates in a full-time high school, vocational/technical program, or high school equivalency diploma program and is expected to complete the educational program before age 19. See CFS P&P AFDC-FC: 18 Year Olds (H-0101).

In the event that a foster child receiving SSI or RSDI benefits will remain in placement up to age 19, RDM staff will:

A. Obtain documentation of the child's educational status (i.e., a school letter) from the assigned SSW or ET.

B. Notify SSA, in writing, of the child's placement status and attach documentation of the child's educational status.

Emancipation Services

A. The SSW will complete the following for **emancipating youth currently receiving SSI benefits:**

1. Notification to the caregiver and youth at least two months prior to the youth's 18th birthday or scheduled emancipation.

   a. Advise the youth and caregiver to make an appointment at the SSA office and appear in person to arrange for the youth to become the payee (or to change the representative payee). Specify the documentation needed (Juvenile Court minute order terminating dependency and identification).

   b. Provide the youth and/or caregiver with the necessary documentation (minute order terminating dependency).

B. The SSI/RSDI Unit staff will complete the following for **all dependent youth approaching age 17 ½**. Staff will:

1. Screen the youth's circumstances for potential eligibility to benefits, if not already receiving SSI. If it appears the youth may be eligible and case is federally funded, coordinate a change of aid code with the ET for the month application will be made.

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2. Submit an SSI application on behalf of the child, noting the application is due to AB 1331 requirements. Provide the expected date of dependency termination. **Note:** SSA may take up to six months to determine eligibility. If child is eligible, SSA will note no payments will be made, CFS is payee, and approval will be effective for 12 months.

3. The Independent Living Program (ILP) SSW will assist emancipated youth in finalizing SSI applications and acquiring documentation, if requested.

Exception: For youth who are Regional Center of Orange County (RCOC) consumers and placed in Orange County, the RCOC liaison will be notified to make application. The SSI/RSDI Unit will provide the application process for those placed out-of-county.

C. **Coordination Between RDM and ILP:**

1. ILP staff will refer youth with special needs to RDM for SSI screening and application.

2. ILP staff will coordinate the following:

- Specialized ILP services for disabled youth
- Assistance with SSI fiscal issues, as necessary
- Planning for post-emancipation services for disabled youth, through age 25
- Social Security/SSI application information in the emancipation binder provided to emancipating youth

Documentation

For children receiving SSI or RSDI benefits, RDM staff will:

A. Notify SSA of placement address changes.

B. Retain application materials, SSA correspondence, and placement history information in the child's SSI/RSDI file.

C. Enter in CWS/CMS applications for SSI utilizing CWS/CMS Data Entry Standards—Documenting SSI Application Tracking.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- CWS/CMS Data Entry Standards—Documenting SSI Application Tracking

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Hyperlinks Staff accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Conserved Funds (H-0103)
- CFS P&P AFDC-FC: 18 Year Olds (H-0101)
- Social Security Online

REQUIRED FORMS

Online Forms Required forms that may be printed out and completed, or completed online, are listed below and may be accessed by clicking on the link provided.

Form Name	Form Number
SSI Project Referral Form	F063-25-266
SSI Screening Guide	FC 1633A

Hard Copy Forms Required forms that must be completed in hard copy (including multi-copy NCR forms) are listed below, and must be obtained in the CFS forms rooms. ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
County Funds Request	F063-25-415

CWS/CMS Forms The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURES

Required Actions—Application To Become Representative Payee	The following actions must be completed when submitting an application to become the child's representative payee *for SSI or RSDI benefits*:	
Staff Responsible	**Step**	**Required Action**
SSI/RSDI Unit Staff	**1.**	Contact the Social Security Administration (SSA), in writing, and request that payments to the current payee be suspended when the child is placed in out-of-home care.

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2. Submit the following to SSA:

a. *Payee Form (SSA-11-BK)* – request for CFS to become the appointed representative payee.

b. Juvenile Court minute order establishing jurisdiction.

c. Supporting documents, as requested by SSA.

Required Actions—SSI Application	The following actions must be completed to submit a child's application for SSI benefits:	
Staff Responsible	**Step**	**Required Action**
SSI/RSDI Unit Staff	**1.**	Obtain the following documentation from the child's case file or the assigned Senior Social Worker (SSW): a. Available medical documentation (including physical and psychological evaluations and documents from doctors and medical providers). b. Current Juvenile Court minute orders. c. Certified Birth Certificate. d. Copy of Legal Permanency Card (Green Card), if appropriate. e. Copy of Social Security Card or Medi-Cal printout. f. Placement records. g. Educational records and the Individual Education Plan (IEP), if applicable. h. Signed, dated, and witnessed *Authorization to Disclose Information to SSA (SSA-827)*. **Note:** Per SSA, the SSW is allowed to sign application for child. i. Any other forms requested by SSA.
	2.	Enter child's application online on the Social Security Administration website. At completion, print cover sheet, attach hard copies listed below, and send to local SSA. a. *Application (SSA-8000-BK).* b. *Payee Form* (*SSA-11-BK*). Under "Remarks," add routing and bank number for direct deposit.

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c. *Disability Report*:

- Child (*SSA-3820-BK*)
- Adult (*SSA-3368-BK*) – if requested by SSA due to the child's age

d. *Function Report* (select the appropriate report):

- Child Birth to 1st Birthday (*SSA-3375-BK*)
- Child Age 1 to 3rd Birthday (*SSA-3376-BK*)
- Child Age 3 to 6th Birthday (*SSA-3377-BK*)
- Child Age 6 to 12th Birthday (*SSA-3378-BK*)
- Child 12 to 18th Birthday (*SSA-3379-BK*)
- Adult (*SSA-3373-BK*)
- Adult-Third Party (*SSA-3380-BK*)

e. *Statement of Claimant or Other Person (SSA -795).*

f. *Authorization to Disclose Information to SSA (SSA-827).*

g. *Questionnaire for Children Claiming SSI Benefits (SSA-3881)*

3. Document progress of screening, assessment, and application status in CWS/CMS, per CWS/CMS Data Entry Standards—Documenting SSI Application Tracking.

Required Actions—17 ½ year olds	The following **additional** actions must be completed when submitting SSI applications based on the screening process completed for dependent youth reaching age 17 ½.	
Staff Responsible	**Step**	**Required Action**
SSI/RSDI Unit Staff	**1.**	Complete Step 1 of above "Required Actions-SSI Application." **Exception:** If youth is a Regional Center of Orange County (RCOC) consumer and placed in Orange County, notify RCOC Liaison to make application.
	2.	Notify child's ET to change case aid code to non-federal funding, according to placement type and eligibility criteria.
Eligibility Technician (ET)	**3.**	Change case aid code to non-federal funding. Notify SSI/RSDI Unit of effective month of change.
SSI/RSDI Unit Staff	**4.**	Print CalWIN screen to verify non-federal funding is supporting youth's placement in the month of application.
	5.	Complete Step 2 of above "Required Actions-SSI Application," noting "AB 1331" and youth's expected dependency termination date on cover letter. Include CalWIN screen with the required documents.

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	6.	Complete Step 3 of above "Required Actions-SSI Application" to document the application process.
ET	**7.**	Change case aid code back to federal funding after one full month of non-federal funding for the SSI application process.

Required Actions—RSDI Application	The following actions must be completed in submitting a child's application for RSDI benefits:	
Staff Responsible	**Step**	**Required Action**
SSI/RSDI Unit Staff	**1.**	Contact the Social Security Administration (SSA) and inquire, in writing, as to the child's eligibility for RSDI.
	2.	Submit the following to SSA: a. *RSDI Application Form (SSA-4-BK)*. b. *Payee Form (SSA-11-BK).* c. Juvenile Court minute order establishing jurisdiction. d. Supporting documents, as requested by SSA.

Required Action—Filing An SSI Appeal	The following actions must be completed in appealing the denial of a child's application for SSI benefits:	
Staff Responsible	**Step**	**Required Action**
SSI/RSDI Unit Staff	**1.**	a. Submit the following forms for an appeal: • *Request for Reconsideration (SSA-561-U2)* • *Reconsideration Disability Report (SSA-3441-F6)* • *Authorization to Disclose Information to the Social Security Administration (SSA-827)* b. Send appeals to: Social Security Administration Department of Health and Human Services 1851 E. 1st Street, Suite 500 Santa Ana, CA 92705

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