


**DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 W. SARATOGA STREET
BALTIMORE, MARYLAND 21201**

DATE: November 15, 2016

POLICY #: SSA – CW #17-7
(This policy directive supersedes and replaces policy directive SSA-CW#16-11)

TO: Directors, Local Departments of Social Services
Assistant Directors, Services

FROM: Rebecca Jones Gaston, MSW
Executive Director
Social Services Administration 

RE: Disability Benefits Advocacy Program

PROGRAMS AFFECTED: Out-of-Home Placement Services

ORIGINATING OFFICE: Out-of- Home Placement Services

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implementation of Policy

ACTION DUE DATE: November 15, 2016

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PURPOSE:

The purpose of this policy is to provide guidance to the local departments of social services (LDSS) on the Disability Benefits Advocacy Program.

DEFINITIONS:

Supplemental Security Income otherwise known as SSI falls under **Title XVI** of the Social Security Act. SSI is a means-tested benefits program that provides disability benefits to individuals who have never worked, or whose work history has not earned them the credits needed to qualify for Social Security Disability Insurance (SSDI). Eligible individuals are deemed to be physically and/or mentally disabled.

Old Age, Survivors' and Disability Insurance otherwise known as OASDI falls under **Title II** of the Social Security Act. OASDI is a comprehensive federal benefits program that provides monthly benefits intended to replace, in part, the loss of income as a result of retirement, disability or death. Children can be eligible for Survivors benefits as a result of a deceased parent or Disability Insurance from an eligible parent's Social Security record. OASDI is not a means-tested benefit program.

BACKGROUND:

As part of the Title IV-E eligibility process, local departments of social services (LDSS) routinely screen, file applications and become the representative payees for social security benefits (Title II & Title XVI) on behalf of children in their care. The benefits are then used to offset the cost of foster care. Funds in excess of the cost of care are deposited into conserved accounts.

In August 2012, DHR procured the services of a consultant to assess and offer recommendations to improve the State's ability to identify and collect Title II and Title XVI benefits on behalf of eligible children in foster care. The report indicated that with improved practices the State could increase the amount of federal revenue that could be used to support the health, welfare and safety of its foster care population. Based on the results of the report DHR has contracted with a Vendor that will be responsible for meeting the goal of the timely acquisition of Social Security Title II and Title XVI benefits for children in foster care that are in the legal custody of the LDSS.

In June 2016, the Social Services Administration was notified by the Social Security Administration that children in out-of-home placement that are deemed IV-E eligible and have a cost of care greater than the monthly SSI monetary benefit will be denied a monetary benefit when an SSI application is filed on their behalf. These children will be denied because the Social Security Administration considers its payment for cost of care as income to the child, therefore making them ineligible for SSI benefits. This will not include children that are residing in a regular foster home where the foster parents are being paid a board rate ranging from \$835-\$950 per month.

ACTION:

The Vendor will be responsible for managing the benefit application, acquisition, and adjustment process for all children in the custody of the LDSS. The core functions include the following:

- Screening potentially eligible children for Title II benefits;
- Screening potentially eligible children for Title XVI benefits.
- Completing and filing Social Security applications;
- Completing documentation from Social Security to ensure ongoing eligibility (Continue Disability Reviews and Non-Medical Reviews);
- Transitioning children from childhood to adult SSI;
- Executing Representative Payee changes;
- Notifying Social Security Administration (SSA) of placement changes when the social security benefit is impacted; and
- Completing the DHR/SSA 224 Notification to Child's Counsel for Title II and Title XVI Benefits.

Title II (OASDI) Benefits:

All children who are potentially eligible for Title II benefits, also referred to as OASDI benefits, will be referred to the Vendor. Eligibility for Title II benefits is not affected by a child's IV-E eligibility.

Entry into Out-of-Home Placement (OHP)

Upon entry into OHP, the Title IV-E Specialist will notify the IV-E Liaison assigned to the LDSS that a child is receiving a Social Security Benefit. The IV-E Liaison should consult with the IV-E Specialist to determine if the child should be referred to the Vendor for further action.

Title XVI Supplemental Security Income (SSI) and IV-E Eligible Children:

Children who are recipients of Title XVI-Supplemental Security Benefits (SSI), and have been determined to be IV-E eligible, **should only** be referred to the Vendor if they reside in a Regular/Restricted Foster Home, where the provider is receiving a monthly board rate of \$835.00 - \$950.00. The IV-E Liaison should consult with the IV-E Specialist, as it may be determined that it is beneficial to stop the IV-E reimbursement and receive the SSI on behalf of the child. Should this child enter a placement that has a higher cost of care, the SSI should be suspended.

IV-E eligible children that reside in higher paid placements (i.e., group homes, Treatment Foster Homes) **should not** be referred to the Vendor. These children will be denied because the Social Security Administration considers the cost of care as income to the child, therefore making them ineligible for SSI benefits.

Title XVI Supplemental Security Income (SSI) and State Funded Children:

Children who are state funded and receiving Title XVI-Supplemental Security Income (SSI) or are potentially eligible for SSI should be referred to the Vendor. The type of placement for a State funded child does not impact SSI eligibility.

IV-E Eligible Older Youth in Out-of-Home Placement:

In order to assist older youth with transitioning out of foster care, or transitioning to a SILA placement, a decision may be made to apply for Title XVI Supplemental Security Income (SSI) benefits if it is believed that the youth is potentially eligible. In these cases, please refer both IV-E eligible and State funded youth.

In order to perform the above functions the Vendor will receive a monthly list of children from DHR. This list will identify the children that have been identified by the LDSS to meet at least one of the following criteria:

- Child is potentially eligible for Supplemental Security Income (SSI) Title XVI benefits. This is an initial referral for an SSI application to be filed on behalf of a child in out-of-home-placement.
- Child's out-of-home placement/living arrangement has changed, and needs to be reported to the Social Security Administration. This change is being reported because it impacts the child's social security benefit.
- Child's Representative Payee for benefits needs to be changed.
- Child is 17.5 years old. SSI adult conversion is needed.
- Child is potentially eligible to receive Old Age/Survivors Benefits/Disability Insurance (OASDI) Title II benefits.
- Child has entered out-of-home placement and is receiving Title XVI or Title II benefits upon entry. See specifics above regarding IV-E eligible children and State funded children.
- Young adults 18-20 years old receiving Title XVI benefits and exiting out-of-home placement. This needs to be reported to the Social Security Administration as the Representative Payee must be changed when a young adult leaves care.

Referring children to the Vendor:

- a. The LDSS will be responsible for identifying children that meet the above criteria. This will be done by completing the electronic referral sheet, and submitting it to the Social Services Administration (SSA). Submission of a referral to SSA puts the child on a list that is sent to the Vendor on a monthly basis. Once the child has been put on the list, the Vendor now has the ability to begin working on the child's case.
- b. The following link will take the LDSS to the electronic referral sheet <http://goo.gl/forms/M499T9YVf36nr8Tt1>. Please complete the referral and submit to SSA. This link can also be found on the SSA Knowledge Base, on the Out-of-Home Placement page.
- c. Once a referral is submitted to SSA, the child's information, along with the reason for the referral, will be added to the monthly list forwarded to the Family Investment Administration (FIA). SSA forwards the child's

information to FIA on the 6th of every month. There may be cases that are referred to the Vendor on more than one occasion. For example, a child may be referred to the Vendor to file an initial application for SSI benefits. In the future, you may need to refer the same child to the Vendor as a result of a placement change that impacts the SSI benefit.

- d. FIA is the contract monitor, and in return forwards the list to the Vendor.
- e. Once the Vendor receives the information from FIA, they will contact the LDSS about the child that has been referred.

Children placed out-of-the home under a Voluntary Placement Agreement - Child with Disability or a under Time Limited Voluntary Agreement **should not** be referred to the Vendor.

Application Process:

Once the Vendor receives the monthly list from FIA, they will contact the LDSS liaison that has been identified by each local jurisdiction. Confirmation will be made that the Vendor will be moving forward with the appropriate actions requested by the LDSS. The liaison or designated person should make the appropriate documents available to the Vendor, depending on the type of referral that was submitted. The Vendor also has access to MDCHESSIE, and can access the documents once they are scanned and put into MDCHESSIE by the LDSS.

General Information regarding SSA benefits and children in foster care:

If necessary, the Vendor will inform the child's LDSS caseworker in the event the child needs a consultative medical exam to complete the social security application. This determination is made by Maryland Disability Determination Services (MDDS). The letter will be prepared by MDDS, and mailed to the Vendor. The caseworker will be supplied with a copy of the letter by the Vendor. The letter will include the date and time of the appointment, and where to take the child. It is the responsibility of the caseworker to get the child to the medical appointment, or make arrangements to get the child to the medical appointment. After the exam is completed, the doctor completing the medical exam will forward the report to MDDS.

When making application for SSI benefits for a child 12 years and older, the child must sign the SSA 827 form. This is the "Authorization to Disclose information to the Social Security Administration." The Vendor will notify the child's caseworker when there are forms needing the child's signature. The forms will be provided to the child's caseworker by the Vendor. The forms will be signed by the child and returned to the Vendor no later than 30 calendar days after they are provided to the child's caseworker. Please scan a copy of the signed Authorization and attach it in the MDCHESSIE file cabinet.

The Vendor is responsible for completing a portion of *DHR/SSA 224-Notification To Child's Counsel for Title II and Title XVI Benefits*. Please refer to Policy **SSA-CW # 16-7 (replaces**

SSA-CW # 15-1), for specifics regarding the completion of DHR/SSA 224. The LDSS retains responsibility for providing the mandatory notices to the child's CINA counsel.

Upon determination of the benefits, the Vendor will notify the LDSS. The Vendor will review all denied cases, and will pursue all appropriate reconsiderations and appeals (excluding federal court appeals) including preparing and filing required information and presenting materials to the Social Security Administration no later than 30 calendar days from the date of the denial decision, or within the timeframe required by law, whichever period is shorter.

If a child is placed in a Formal Kinship placement or a Trial Home Visit with the parent/guardian and is a recipient of Social Security benefits, and remains in the care and custody of the LDSS, it is the responsibility of the Formal Kinship provider or the Parent/Guardian to apply to be the Representative Payee on behalf of the child. The LDSS should **not** remain the Representative Payee for the benefit. The Vendor will notify the Social Security Administration that the child has moved. The LDSS should assist the Formal Kinship Provider or the Parent/Guardian by providing a letter to the family that can be taken to the Social Security Administration when they apply to be the Representative Payee.

In the case of children who exit foster care and the case is closed with a pending Social Security Benefit application, the Vendor will stop working on the case upon receiving notification from the LDSS that the child's foster care case has closed. The Vendor shall notify the LDSS responsible for the foster child as to where they are in the application process. This shall be done regardless of where the Vendor is in the application process. The Vendor shall return all case-related documentation to the LDSS responsible for the foster child no later than seven (7) calendar days after receiving notification of the child's foster care exit. The LDSS should assist the family by updating them on the status of the pending application, and assist them by providing them with documentation if they wish to continue with the application process.