

Child and Family Services Policy Action Memo (PAM)

PAM # 09-18

Date: July 1, 2009

Topic: SSI Advocacy for Foster Youth

Updated

Reference: ACL No. 08-12 dated March 19, 2008
Implementation of AB 1331
Letter from Social Security to CDSS Director dated January 24, 2008
Assembly Bill 1633 (Chapter 641, Statutes of 2006)
ACL 07-10 dated February 28, 2007

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Background:

AB 1633 required California Department of Social Services (CDSS) to convene a workgroup to develop best practice guidelines to assist foster children to receive all Federal Retirement Survivor, or Disability insurance (RSDI) benefits or Supplemental Security Income/State Supplement Payment (SSI/SSP) benefits to which they are entitled. The workgroup developed the guidelines outlined in ACL 07-10 dated February 28, 2008.

AB 1331 was a follow up bill to AB 1633. AB 1331 became effective January 1, 2008 but no funding was available. It requires counties to screen all foster youth for potential SSI/SSP eligibility when foster youth are at least 16.5 years of age and no more than 17.5 years of age. Counties were encouraged to implement in fiscal year 07-08 within the limits of their allocations. Limited funding became available in 08-09.

ACL 08-12 provided instructions to counties to forgo federal AFDC-FC benefits for potentially SSI/SSP eligible youth for one month, during which time an SSI/SSP application is submitted. This means that counties will transfer a youth from federal AFDC-FC to State AFDC-FC for one month while the SSI/SSP application is submitted. After the one month transfer, the youth must be transferred back to federal AFDC-FC.

The Community Services Agency Child and Family Services Division (CSA CFSD) completed a Request for Qualifications (RFP) process. CSA selected MAXIMUS Human Services, Inc. as the provider to do the CSA CFSD SSI Advocacy Program for foster youth.

Policy:

Effective immediately:

1. Social Workers must screen and refer the following foster youth for SSI/or SSA benefits:

- a. Youth who are least 16.5 and not older than 17.5 years of age. This is the priority.
 - b. Children/youth in foster care regardless of age who may be eligible for SSI due to some disabilities.
2. The social workers must complete a referral form and submit to the CFSD SSI liaison. **All referrals must be sent to the CFSD SSI Liaison.**
 3. The SSI Liaison will send all the referrals to MAXIMUS.
 4. Social Workers must refer any youth who are currently receiving children SSI to MAXIMUS for adult SSI applications six months prior to the youth's 18th birthday.
 5. During the time when a child is placed in foster care, the county staff must apply to have the county become the child's representative payee. This request could be sent to MAXIMUS to complete the process.

CFSD has contracted MAXIMUS to assist social workers in reviewing and filing SSI/SSP applications.

Procedures:

A. Responsibility of Social Workers

1. Screen and complete a referral form on all foster youth 16.5 and not older than 17.5 years of age.
2. Six months prior to the youth's 18th birthday, screen and complete a referral form for adult SSI on all foster youth who are receiving children's SSI.
3. Screen and complete a referral form on all children/youth regardless of age who have some disability and may be eligible for SSI or SSA benefits.
4. Work collaboratively with MAXIMUS's SSI Advocate in gathering and obtaining information for the SSI applications.
5. Provide copies of all the information that are needed for the applications such as but not limited to the following:
 - Birth certificate or Naturalization Certificate
 - Most recent court order establishing juvenile court dependency
 - Medical records within the last 12 months
 - Psychological evaluations and therapy or counseling progress within the last 12 months

- School records within the last 12 months
- Additional reports or records that support the allegation and duration of disability within the last 12 months.

6. Refer any child who are receiving SSI for a change of payee process when a child becomes a dependent child of Juvenile Court.

B. Responsibilities of SSI Liaison

1. Receive SSI referrals from social workers and compile these referral forms in an SSI binder.
2. Send all the referral forms to MAXIMUS for review and processing and inform the referring social worker of the submission.
3. Communicate regularly with MAXIMUS and assist the MAXIMUS'S SSI Advocate in connecting with specific social worker to obtain the necessary information needed for the SSI applications.
4. Provide assistance to referring social worker if needed.
5. Track month by month any children in foster care turning 16.5 years of age during that month to remind social workers of referrals to SSI.

C. Responsibilities of MAXIMUS as provider

1. Assign referrals to an SSI Advocate within 48 hours of receipt.
2. Screen and file for initial SSI claims and/or Title II Social Security Benefits within 30 days of receipt of referrals for children currently in foster care and at least 16.5 years of age.
3. Conduct telephone interviews to obtain key eligibility related information on the child such as current placement (group care, foster care, and so on), documented impairments and child's level of functioning, treatment programs, and critical school information.
4. Review the child's case file and confirm that the file includes a copy of the birth certificate or naturalization certificate, most recent court order establishing State custody/guardianship, most recent medical information within last 12 months, and most recent school information within the last 12 months.
5. Connect with CFSD SSI Liaison for any issues regarding compilation of evidence.
6. Complete the following application forms:

Under 18 years of age	Over 18 years of age
Case Cover Sheet Case Narrative SSA-800 SSA-11 SSA-3820 SSA-1696 SSA-827 SSA-821-when appropriate Age Function Report: <ul style="list-style-type: none"> • SSA-3375 • SSA-3376 • SSA-3377 • SSA-3378 • SSA-3379 • SSA-3373-BK 	Case Cover Sheet Case Narrative SSA-8000 SSA-11 SSA-3368 SSA-1696 SSA-827

7. Maintain a data base to track and monitor the screening, filing and final disposition of applications.
8. Follow up applications filed and provide additional supporting evidence to Social Security office if needed.
9. Notify the social worker of any referrals that do not meet the criteria and any SSI applications that are approved or denied.
10. Review any denied applications and file for an appeal if an appeal is warranted. File for reconsideration and/or a Hearing by an Administrative Law Judge.
11. Complete the following appeal forms for appeal process:

Reconsideration	Administrative Law Judge Appeal
Case Cover Sheet Case Narrative SSA-561 SSA-3441 SSA-1696	SSA-827 Case Cover Sheet Administrative Law Judge Hearing Letter HA-501-U5 SSA-3441

12. Handle all information and documentation in a confidential, HIPAA-compliant manner and W&I Code confidential guidelines.
13. Submit names of approved SSI applications to SSI Program Manager, social worker and SSI Liaison.
14. Submit claim for payments to CSA fiscal/accounting division.

D. Responsibilities of CSA Fiscal/Accounting Staff

1. Receive and process claims for payment from Maximus in accordance to the contract between Stanislaus County CSA and Maximus.

E. Responsibility of Family Services Specialist (FSS Foster Care Unit)

Process the SOC 158 received from the social worker approved by SSI Program Manager, to transfer a youth who are potentially eligible but are in receipt of AFDC-FC Federal aid (42 case), to State AFDC-FC (40 aid code) for one month while the SSI/SSP application is submitted; and after the one month transfer, transfer the youth back to Federal AFDC-FC.