



## SOCIAL SECURITY

Office of Disability and Income Security Programs

January 24, 2008

Mr. John A. Wagner  
Director, California Department of Social Services  
744 P Street MS 17-11  
Sacramento, CA 95814

Dear Mr. Wagner:

Commissioner Astrue asked me to respond to your September 4, 2007 email asking that the Social Security Administration accept Supplemental Security Income (SSI) applications from children in foster care earlier than 30 days before they exit the system. We share your interest in this important issue and agree that an earlier decision could help prevent homelessness by ensuring that disabled children have income after leaving foster care.

We considered various options that might allow us to make decisions earlier on these cases. Most options would require regulatory or law changes and complex systems changes that would be costly and take a long time. However, in discussions with the staff from the California Department of Social Services, we believe we have identified a workable solution that can be implemented immediately.

An earlier SSI decision can be made for children in foster care if the State converts foster care payments from Federal funding to State funding for one month. I understand that California established authority to do this via recent legislation. While Federal-funded foster care payments count as income for determining SSI eligibility, State-funded foster care payments do not. As part of the SSI claims process, the applicant will need to present evidence (e.g., a written notice) of receipt of State foster care payments for that one month period.

Applying for SSI during that one month when the child is receiving State-funded foster care payments will allow us to process the claim and make a disability determination. This assumes the child meets all other factors of eligibility (e.g., income, resources, citizenship). The application for SSI can be filed anytime before age 18 as long as it is during that one month when foster care payments are State funded and not sooner than 12 months before attaining age 18.

SSI payments are not paid for an individual's first month of eligibility. Therefore, no SSI payment will be made for that one month in which foster care payments were State-funded. The State will then switch back to Federal-funded foster care payments for subsequent months, and SSI will not be paid for those months. The benefit to this process is that by accepting an early application, we can make a disability determination using child criteria before age 18.

If the child is determined to be disabled, the child may contact us as soon as the month before attaining age 18 to request SSI payments. This request must be within 12 months after the initial SSI decision. SSI payments will begin when the child is eligible (i.e., no longer receiving Federal foster care payments or other income/resources causing ineligibility). We will obtain a second disability determination using adult criteria when the child is age 18. SSI payments may continue while the adult disability determination is pending.

We believe the process described above will meet the needs of these children and alleviate the current problem. We look forward to any further discussions with the Department of Social Services on this issue. Please don't hesitate to contact me at (410) 965-5514 if you would like to discuss further. Our staff contact is Ron Sribnik in SSA's San Francisco Regional Office at (510) 970-8444.

Sincerely,

A handwritten signature in cursive script that reads "Marianna LaCanfora".

Marianna LaCanfora  
Assistant Deputy Commissioner  
for Disability and Income Security Programs