

DSS Policy #84-007

Effective: 01/01/1985

Revised: 11/16/1987

Revised: 07/01/1989

Revised: 10/01/1990

Revised: 02/10/1998

Revised: 07/08/2008

SSI/TITLE II

SSI (Supplemental Security Income) and Title II (Social Security Retirement, Survivors and Disability Insurance) are financial and medical benefits programs administered by the Social Security Administration (SSA). SSI provides needs based assistance to disabled, blind and elderly persons with low income and resources. Title II provides benefits for insured wage earners and their dependents. Children living at home or in substitute care may be eligible for SSI and/or Title II. The benefits are intended to be used for the child's ongoing costs of care and maintenance. Medicaid is granted automatically to each SSI recipient. (See Attachment A, Fact Sheet on SSI/Title II.)

POLICY

It is the policy of the Department that SSI/Title II applications be filed on behalf of every potentially eligible child in substitute care, by the Department or the parent(s)/guardian, and that these benefits be used for the child's personal needs and cost of substitute care.

When the Department is designated by SSA as the Representative payee on behalf of a child in its care/custody, the Department will establish a Personal Needs Account (PNA) to be used for that child. An annually designated portion of each monthly benefit will be deposited into the PNA. The remaining balance of the benefit will be applied to the cost of the child's care. No disbursement to the Department will exceed the actual cost of the child's care. Any remaining monthly benefit will be added to the child's PNA. The Social Worker accesses the child's PNA as needed.

SSA may prefer to designate the parent(s)/guardian as Representative Payee if she/he demonstrates a strong interest in the child's well-being, visits regularly, pays a child support fee and/or reunification is planned within one year.

If the parent(s)/guardian is designated as Representative Payee, 75% of the SSI benefit will be included as a portion of the sliding fee; Title II benefits for the child will be included as part of the family income for computation purposes.

The Area Administrative Manager or designee supports the preparation of applications, monitors benefits activities and provides technical assistance to social work staff as needed.

PROCEDURES

1. **Screening for Eligibility.** For each child in substitute care, the Social Worker, in consultation with the Supervisor, reviews completed Assessment and Medical Passport data, as well as other case record information to identify current and potential SSI/Title II recipients who may have physical, and/or psychological impairments, or who have a deceased parent. (See Attachment B, Disability Screening Guide.) The decision to pursue or not pursue SSI/Title II benefits for a child(ren) should be documented in the ongoing dictation in the case record.

The Social Worker informs the Area Administrative Manager or designee of potential/eligible SSI/Title II children.

2. **Consent for Voluntary Placement Cases.** The Social Worker contacts the parent(s)/guardian of the current/potential SSI/Title II child to advise him/her of the requirement in the Voluntary Placement Agreement, "Payment for Services Provided to Child" section. If the parent(s)/guardian has demonstrated a strong interest in the child's well-being, then she/he either: 1) serves as Representative Payee and pays the sliding fee in accordance with the policy, or 2) consents to the Department applying for SSI/Title II and/or to be designated Rep. Payee. If the parent(s)/guardian is

uncooperative or demonstrates little interest in the child's well-being, the Social Worker proceeds to file the necessary applications with SSA.

3. **Consent for Court-Ordered Cases.** The Social Worker completes and sends Notice Re: SSI/Title II for Children in Department Custody and SSI/Title II Consent for Children in Department Custody (Client Benefits 1 and 2) to the parent(s)/guardian of the current/potential SSI/Title II child. Upon receipt of parent(s)/guardian consent, Social Worker proceeds as indicated to file necessary applications. If parent(s)/guardian does not respond by the date specified in the notice (3 weeks subsequent to date notice mailed), the Social Worker completes and sends another notice and consent form (Client Benefits 1 and 2). If parent(s)/guardian refuses consent or does not respond, Social Worker consults with Supervisor and Department Attorney to pursue court approval for the Department to file SSI/Title II or Rep. Payee applications on behalf of child in custody, or for court-ordered child support.

No family consent is necessary for children freed for adoption (granted 210 and adoption surrender). Social Worker files necessary applications.

4. **Applications.** The Social Worker may consult with the Area Administrative Manager for specific technical assistance in completing SSA forms. SSA Claims Representatives are available at SSA offices, and in some areas will come to the Department Area Office to complete applications.

When completing SSI/Title II and/or Representative Payee applications, the Social Worker must include the following:

- **Address or Mailing Address Sections:** The designated centralized Department address MUST be written on all forms so that SSA correspondence and checks are sent to a central location.
- **Home Address Sections:** Address of child's placement.
- **Representative Payee Applications:** Employer Identification Number 04-6002-284.
- **SSI Applications:** Copies of all medical, psychological, and educational reports, evaluations and treatment plans relevant to the child's disabilities should be submitted along with the application. The names, addresses and telephone numbers of pertinent doctors, therapists, schools, clinics, and hospitals should also be included. Disabilities must be documented by a physician. After reviewing these materials, SSA may ask social workers to accompany a child to a consultative exam (CE) for verifying the presence of disability. The Social Worker ensures that the child attends this exam.
- **Title II Survivors Applications:** Birth, marriage, and/or death records may be required. See Letter to Registry of Vital Statistics, Client Benefits-4, to obtain free certified birth/marriage/death records in Massachusetts.
- **Authorized Signatures:** All applications are to be signed by Department staff so designated by Area Directors.
- **Copies of Applications:** A copy of every application must be submitted to the Area Administrative Manager, who logs and forwards applications to Central Office which handles SSA reviews and appeals.
- **Appeals:** Central Office reviews every denial, and refers the denial letter to the Social Worker responsible for the case to determine whether grounds exist for appeal. If so, the Area Office files the appeal. If an SSA hearing is required, the Social Worker attends the hearing.
- **Redeterminations:** Central Office (OER/Revenue Unit) completes all redeterminations, which SSA requires semi-annually. Social Workers are consulted as necessary to update information for continued eligibility.

PERSONAL NEEDS ACCOUNTS (PNA)

1. To access a Department Personal Needs Account on behalf of a child recipient, the Social Worker identifies the child's personal needs, e.g., swim lessons, music classes, toys, books, radios, prom gowns, camp, etc. Any non-consumed items purchased with PNA funds must accompany child if

placements change. PNA funds may not be utilized for custodial care costs (babysitting, respite, basic clothing).

2. The Social Worker completes the PNA Expenditure Request form (Client Benefits 5). The Social Worker must receive Area Director's signed approval. For requests exceeding \$1,000.00, the Social Worker must also receive the Field Support Director's signed approval.
3. The Social Worker sends the PNA Request Form to the OER/Revenue Unit in the Department's Central Office.
4. When approved PNA funds are utilized, the Social Worker sends receipts of all major purchases to the OER/Revenue Unit, Central Office.
5. Upon case closure, the Social Worker notifies OER/Revenue Unit in order that remaining PNA funds can be sent to the recipient or new Representative Payee.

Attachment A

Fact Sheet

Child Benefits: SSI and Title II Social Security RSDI

- SSI (Supplemental Security Income)
- SSI is a federal/state needs based program administered by the Social Security Administration.
- SSI provides a minimum monthly income to *persons who are disabled, blind or elderly and who have both low income and low financial resources.*
- A disability is a chronic, severe, medically determinable condition that lasts for 12 months and prevents competitive employment.
- Children are disabled if a chronic, severe, medically determinable condition exists which will last for 12 months, and which significantly interferes with daily functioning, age-appropriate activities or interests.
- Every SSI recipient automatically receives Medicaid.
- Children in Department care receive approximately \$416/month. The first \$70.00 of each check is placed in a Personal Needs Account (PNA) for that child. Then, the cost of care is deducted from the balance of the check. Any funds remaining are also put in the child's PNA. There is \$2,000 limit on financial resources, as SSI is a needs based program. PNA funds from SSI should regularly be spent down for the child so that the PNA balance never exceeds \$2,000.

Title II Social Security RSDI (Retirement, Survivors, and Disability Insurance)

- Title II is a federal insurance program for participating wage earners for Retirement, Survivors, and Disability benefits, administered by SSA.
- Title II provides monthly income determined by the wage earner's participation level and duration.
- *Children may be eligible for Title II RSDI benefits on a parent's account:*
 - *if the child is dependent upon a parent (biological, adoptive, step, or grandparent) for ongoing, substantial support at the time the parent retires, becomes disabled, or dies;*
 - *in addition, if a child receiving Title II benefits becomes disabled prior to age 22, Title II benefits continue into adulthood otherwise, Title II child benefits terminate when the child turns 18 years old, or, up to the age of 19, if the child is still in secondary school.*
- Medicaid may be granted to Title II recipients.
- The amount of the Title II monthly check varies depending upon the extent of wage earner (parent) contributions to F.I.C.A. For children in Department foster and group care, the first \$70/month is placed in a Personal Needs Account (PNA) for that child. The balance of the check goes toward cost of care. Any remaining funds are also placed in the PNA. There is no ceiling on the amount of PNA money for Title II recipients.

Attachment B

Disability Screening Guide

SSI and Title II Disability

Physical Characteristics

Non-ambulatory
Motion Impairment
Cerebral Palsy
Seizure Disorder
Vision Impairment
Hearing Impairment
Chronic Medical Condition
Physical Disability
Apnea
Chronic Communicable Disease
Terminal Illness
Congenital Abnormalities

Cognitive/Developmental Characteristics

Developmental Delays
Mental Retardation
Learning Disability*
Speech/Language Disorder*
Autism

Emotional Characteristics

History of Physical Abuse*
History of Neglect*
History of Sexual Abuse*
Failure to Thrive
Chronic Depression*
Chronic Anxiety/Phobia*
Attachment Disorder
Suicidal*
Borderline Personality Disorder
Psychosis

Behavior Characteristics

Attention Deficit Disorder*
Hyperactivity*
Conduct Disorder
Alcohol/Drug Abuse
Physical/Verbal Aggression*
Sexually Assaultive*
Eating Disorder
Asocial/Antisocial*
Fire Setting*
Stealing*
Chronic Runaway*

***Must be accompanied by other characteristics.**

Considerations:

- Does the child have a single condition or a combination of conditions?
- A single impairment must be severe; a combination of impairments can be less severe individually, but must have a severe overall impact.
- Are the conditions suspected, or have they been confirmed by a doctor (MD)?

- An application can be filed for a suspected impairment, but it must be confirmed by a doctor before SSA will award benefits.
- Does the condition restrict:
 - placement—foster family or residential?
 - school—regular classes or special education
 - public school or private special education school?
- The more restrictive the condition, the more likely SSA will award benefits.
- Does the condition require ongoing medical treatment/therapy/medication? If so, apply.
- Is the child expected to fully/significantly recover from the condition within a year? If so, then the child probably is not eligible.
- Do you think the child will be able to work competitively and live independently when she/he is an adult (age 18)? If not, then apply.