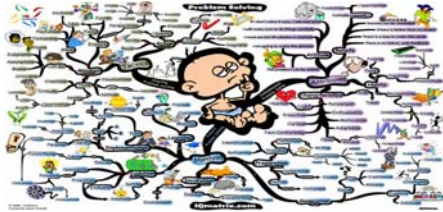


Financial Benefits for Our Foster Youth



1

Cast of Characters

- AFDC-FC
 - The Problem of Relative Placements
- ARC
- CalWORKs
- EFC Benefits
- Food Stamps
- Kin-GAP
- AAP
- SSI



Historical Context: Why are benefits for children in out-of-home care so complicated?

- | | |
|--|---|
| • 1961 Title IV-A AFDC | • 2003 Rosales (321 F.3d 835) |
| • 1979 Youakim (440 U.S. 125) | • 2005 Deficit Reduction Act (P.L. 109-171) |
| • 1980 Title IV-E (42 U.S.C. § 670 et seq) | • 2008 Fostering Connections to Success Act (P.L. 110-351) |
| • 1987 King (186 Cal.App.3d 648) | • 2010 California's Fostering Connections to Success Act (AB 12) |
| • 1992 Lipscomb (962 F.2d 1374) | • Approved Relative Funding Option Program (Welf. & Inst. Code § 11461.3) |
| • 1996 Welfare Reform PRWORA (TANF and CalWORKs) (42 U.S.C. § 601) | • 2015 California Continuum of Care Reform (AB 403) |
| • 1997 ASFA (42 U.S.C. § 671) | |
| • 1999 FCIA Chafee (P.L. 106-169) | |

Aid to Families with Dependent Children- Foster Care (AFDC-FC)

- Title IV-E of the Social Security Act
 - 42 U.S.C. § 670 et seq.
 - 45 C.F.R. § 1356 et seq.
- Cal. Welf. and Inst. Code § 11400 et seq.
- California’s Manual of Policy and Procedure (MPP) § 45-200 et seq.

Foster Care Benefits – Two Different Programs with the Same Name

Federal AFDC-FC (or “IV-E”)
– Must meet federal eligibility criteria

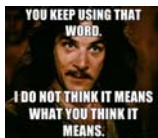


State AFDC-FC
- Available to all placements **except** relatives (this is changing!)

5

Foster Care Benefits

- Some children **in foster care** are not eligible for **foster care** benefits.
 - Youth, who are not federally eligible, placed with relatives
- Some children **who have never been in foster care** are eligible for **foster care** benefits
 - Some youth in delinquency who have never been in the dependency system
 - Youth in **non-relative** guardianships



Foster Care Benefits (AFDC-FC): Basic Eligibility (42 U.S.C. § 672; WIC § 11401)

1. Categorical requirements of the child
 - Age, residency, immigration status, deprivation
2. Conditions of removal from the home and placement into approved/licensed facility
3. Financial eligibility
 - For full set of the 1996 AFDC Regulations see <http://www.dss.cahwnet.gov/ord/PG1780.htm>



AFDC-FC (Foster Care Benefits)

- Licensed foster family home, group home, resource family approved home, or foster family agency*
- Approved home of a relative, *IF eligible for federal financial participation**
- Approved home of a nonrelative extended family member*
- Home of a non-related legal guardian
- Supervised Independent Living Settings (SILS) – over 18
 - Includes THP+FC & SILP

8

AFDC-FC: What Do They Get?

(WIC § 11461) (ACL 13-62)

- Youth who are **eligible** for AFDC-FC receive a monthly cash benefit based on:
 - **Placement:** different rates for relatives/foster homes, FFAs, Group Homes, THP-Plus Foster Care, SILPs
 - **Special needs:** specialized care increments and dual agency rates available in some types of placements
- Full scope Medi-Cal, no share of cost (Medicaid if they move out of state)
- Other funded services/allowances
 - County clothing allowance (if provided by county)
 - Infant supplement

9

Specialized Care Increments

(WIC § 11461(e))

- Specialized Care Increments: supplemental payments to foster parents for youth who have been identified as needing more intensive care than typical because of behavioral and health needs. *Rationale: SCI increments make it easier to find placements for children close to their families of origin.*
 - Specialized Care Increment (SCI) = the increment only
 - Specialized Care Rate = basic foster family home rate + increment

10

California's Specialized Care Rate "System" Is Not a System

- Not widely available: SCI only apply to a limited number of placements – county foster homes, NREFMs, NRLGs, and federally eligible children in the home of a relative
- Not standardized throughout the state: The levels of these payments vary greatly by county
- No system to track who actually receives SCI: CDSS does not have a way to accurately determine how many children in each county are receiving which kinds of payments.

UC Davis Study recommended "CDSS might consider developing a standardized statewide SCI payment system. A more uniform payment system might also include a uniform assessment system."

11

Closer Look at Specialized Care



12

Dual Agency Children: Regional Center Consumers in Foster Care (WIC § 11464)

- Dual agency rate available to foster children who are Regional Center consumers AND receiving an AFDC-FC payment
 - \$2,265 (children with developmental disability diagnosed) + up to \$1,000 additional supplement (available in increments of \$250)
 - \$1,013 (Early Start program children 0-3 not diagnosed yet)



AFDC-FC Benefits: Basic Rate by Placement (ACL 15-58)

- NREFM / Licensed Non-Relative/Resource Family Approval/Federally-eligible child with relative
 - Between \$688 and \$859
 - Plus SCI or dual agency rate
- Foster Family Agency (FFA)
 - Between \$877 and \$1,048
 - Total rate between \$1,789 and \$2,060
- Group Home
 - Level 12 = \$8,935, Level 14 = \$10,130

Funding for Relative Placements



The Story of Naomi and Farrah



Rachel

- Aspires to be a chef.
- Has experienced severe abuse and neglect. Multiple calls made to child protective services since she was 12
- Now age 15, Naomi's grandmother has taken her in at the urging of a social worker. There is no foster care placement.

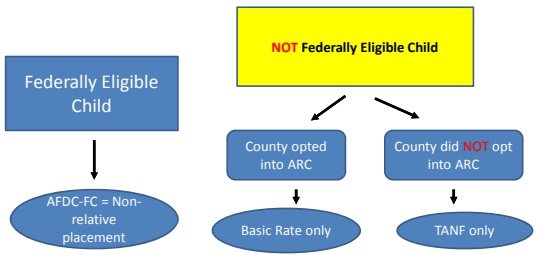


Naomi

- Aspires to be a chef.
- Has experienced severe abuse and neglect. Multiple calls made to child protective services since she was 12
- Now age 15, she is removed from her home and formally placed into foster care with a non-relative.

AFDC-FC Benefits: Basic Rate by Placement

The Fragmented Rate of Relative Placements in CA



Who is a relative?



An adult related to the child by blood, adoption, or marriage within the fifth degree of kinship. Includes:

- Mother
- Father
- Stepparents
- Siblings
- Step-Siblings
- Grandparents (great, great-great, great-great-great)
- Aunts and Uncles (great, great-great)
- First cousins
- First cousins once-removed
- Nieces and nephews
- Spouse of any relative on list (even if relative is divorced or deceased)

Everyone else is a non-relative!

Federal Foster Care Benefits: Financial Eligibility



To receive **federal** foster care benefits, the youth must meet the 1996 AFDC criteria **in the home of removal** in the month of removal or one of the six months prior to removal

- In 1996, income limit for a family of 3 to qualify for AFDC was \$723
 - o **BY CONTRAST:** The income limit for the same family to qualify for cash assistance today is \$1,257**

- **What that means:** a child can be removed from a parent receiving welfare benefits and **STILL** not qualify for federal foster care benefits

IMPORTANT: Federal test has **nothing** to do with the needs of the child or the needs of the relative where the child is placed

** California income eligibility limits. See [ACL 15-52](#).

Little Known Facts about Federal Eligibility



- Federal eligibility is a **one-time determination** done at removal
- Federal eligibility does not depend on the type of placement
 - o A youth, who is not federally eligible in a relative home, is also not federally eligible in a group home
- Eligibility for federal foster care benefits is distinct from meeting federal home approval standards
 - o A relative in California who meets federal home approval standards is still denied foster care benefits when the child does not meet the 1996 welfare standards
- o Federal eligibility has nothing to do with the home where the child is placed

20

Benefits to Care for Rachel and Naomi

If Rachel and Naomi are **federally eligible**, they receive the same level of support

Naomi: placed with a Non-Relative Foster Parent	\$859 (federal foster care)
Rachel: placed with Grandma	\$859 (federal foster care)

**The foster family home rates are based on a report from the Center for Public Policy Research at UC Davis that calculated the Minimum Adequate Care Rates for children in foster care

Benefits to Care for Rachel and Naomi

If Rachel and Naomi are **not federally eligible**, their caregivers receive different benefits based on whether they are related to the child

Naomi: placed with a Non-Relative Foster Parent	\$859 (state-only foster care)
Rachel: placed with Grandma	\$387 (CalWORKs aka TANF)

FACT: The CalWORKs grant for one child is equal to just 39% of the federal poverty line

NEW Approved Relative Caregiver (ARC) Funding Option Program

- County opt in program providing **basic foster care rate** to children placed with relatives who are not federally eligible.
- Does not provide SCL, dual agency rate, or infant supplement.
- For more details, see ACIN I-42-14.



The Approved Relative Caregiver Funding Option Program: General Overview

- Established in Budget Trailer Bill SB 855 (W&I Code 11461.3) signed into law by Governor Brown on June 20, 2014.
- Intended to pay approved relative caregivers of children ineligible for AFDC-FC a payment equal to the basic rate paid for other children who are AFDC-FC eligible.
- Program started January 1, 2015
- Optional for counties to participate
 - This year, Counties must opt-into the program by June 30, 2015 in order to pay retroactive benefits to January 1, 2015

Once County Has Opted In – Eligibility for ARC



Criteria for relatives to receive assistance:

1. Home must meet approval standards
2. Child placed with approved relative in California (NOTE: ARC can be paid when youth placed out of county)
3. Child must have been removed from the home and under CWS or Probation jurisdiction. Includes:
 - Youth with suitable placement orders through probation
 - Non-minor dependents
 - Youth placed through a Voluntary Placement Agreement
 - Undocumented youth
4. Child is not eligible for federal financial participation (Title IV-E benefits)

ARC Application: Relatives Must Opt to Receive ARC

- An ARC Program application must be completed for each child. If this is not done, an otherwise eligible child cannot participate in the ARC Program.
- ARC application contains questions related to CalWORKs eligibility. The CalWORKs questions do NOT factor into the child's eligibility for ARC.
- Approved relatives applying for ARC do NOT have to complete:
 - Statewide Fingerprint Imaging System (SFIS)
 - Face-to-face interview
 - Photo-image



ARC Benefit Details

- Rate is equal to the AFDC-FC basic rate paid to licensed foster families which varies by age of the child.
 - Annual adjustments are made to the basic rate January 1 each year based on changes to CNI (on a calendar year basis)
- **Not** eligible for:
 - County supplementary clothing allowances
 - Specialized care increments (SCI)
 - Infant supplements.



General Overview & Program Detail

- Relative is not eligible to receive additional CalWORKs payments on behalf of a child receiving funding under the new program
- Payment under this program is exempt as income in determining eligibility for other benefits, subject to federal law.
- Allows for the suspension of child support collections, consistent with the treatment of AFDC-FC eligible caregivers.
- Out-of-County Placements: Children placed out of county are eligible for ARC if the county of jurisdiction opted in
- Out-of-State Placements: The child must reside in CA to receive payments under the new program

Benefits to Care for Rachel and Naomi

If Rachel and Naomi are **not** federally eligible, their caregivers receive different benefits based on whether they are related to the child

Naomi: placed with a Non-Relative Foster Parent	\$859 (state-only foster care)
Rachel: placed with Grandma	\$387 (CalWORKs aka TANF) OR \$859 (ARC)

FACT: The CalWORKs grant for one child is equal to just 39% of the federal poverty line



Relatives Struggle to Support Youth with Special Needs

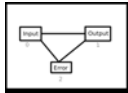
When relative foster parents care for youth with special needs who are **not** federally eligible, the relatives do **not** receive:

- Specialized Care Increments to provide for the special needs of the youth
- Dual Agency Rates for youth with developmental disabilities
- Infant Supplement for youth who are parenting

	Naomi (placed with non-relative)	Rachel (placed with grandma)
If the youth has severe emotional disturbance and qualifies for Specialized Care Increment in LA County	\$1,220	\$387 (CalWORKs) Or \$859 (ARC)
Youth with autism who is a regional center consumer	\$2,265 - \$3,265	\$387 (CalWORKs) \$859 (ARC)
Youth who is parenting	\$1,270	\$636 (CalWORKs) \$1,246 (ARC + CalWORKs)

Group Home vs. Foster Home Annual Costs

- Group Home Annual Costs
 - \$107,220/year for 1 youth at RCL 12 (52% of youth in group homes placed in this level)
 - \$121,560/year for 1 youth at RCL 14
- **BY CONTRAST** – it costs \$10,308/year for a 15-year old to be supported in a non-relative home or a federally-eligible relative's home
 - Relative foster parents caring for the same 15-year old who is non-federally eligible child receive a maximum of \$4,644/year



Fragmented Benefits for Relatives – Help is on the Way!

- All community placements will be Resource Family placements beginning in 2017
- All resource family placements – including relatives:
 - will need to go through the Relative Family Approval Process.
 - Will be eligible for full AFDC-FC benefits.





When Do Benefits End?

AFDC-FC (Foster Care benefits)

- 18
- 21 IF EFC rules
 - Foster care placement order on 18th birthday
 - Meeting participation requirements
- 19 or HS graduation (whichever occurs first) – this is known as the “school completion rule”
 - Non-relative Guardianship through Probate Court

Temporary Assistance for Needy Families (TANF) & California Work Opportunity and Responsibility to Kids (CalWORKs)

- "Title IV-A": Title 42 of the Social Security Act, Chapter 7, Subchapter IV, Part A
- 42 U.S.C. § 601 et seq.
- 45 C.F.R. § 260 et seq.
- Calf. Welf. and Inst. Code § 11200 et seq.
- California's Manual of Policy and Procedure (MPP) § 45-200 et seq.

CalWORKs—What Is It?

(WIC § 11200 et seq)



- Provides monthly cash assistance to relatives who are caring for children in their home including:
 - Youth who are **NOT** in foster care living in the home of a relative— informal care
 - Youth who are **IN** foster care but do not qualify for federal foster care benefits
- NOTE: Needy relatives who qualify under the income standards can be included on the grant

CalWORKs: Basic Eligibility

(WIC § 11250 et seq)

Child must be:

- Needy
- Living in the home of a "caretaker relative"
- Under 18 years of age (or enrolled in school and will graduate by 19)
- U.S. Citizen or Qualified Status AND
- Deprived of parental support by parent's physical or mental incapacity, incarceration, unemployment, or continued absence from the home

Non-Needy Caregiver Benefits

- Children in the home of a relative who is not his/her parent (biological or adoptive)
- Children in foster care who are not eligible for Title IV-E AFDC-FC



37

Needy Relative Caretakers

Needy relative caregivers may receive CalWORKs for themselves if the child is receiving:

- CalWORKs
- AFDC-FC
- Kin-GAP
- SSI



38

CalWORKs: What Do You Get?

REGION 1		
AU Size	MAP Exempt	MAP Non-Exempt
1	387	350
2	636	569
3	788	704
4	936	840
5	1065	954
6	1197	1072
7	1315	1178
8	1434	1283
9	1549	1387
10	1665	1490
10+	1688	1513

Payment Decreases Per Child!

39

CalWORKs: What Do You Get?

REGION 2		
AU Size	MAP Exempt	MAP Non-Exempt
1	369	331
2	607	541
3	751	670
4	891	799
5	1017	909
6	1141	1021
7	1254	1120
8	1366	1222
9	1477	1321
10	1587	1418
10+	1610	1441

Payment *Decreases* Per Child!

40

CalWORKs: When Does It End?



- Age 18
- Age 19
School completion rule
- Age 21 – Extended foster care

41

Benefits and Extended Foster Care



42



Requirements

- Have an open court case with suitable placement order at age 18
- Satisfy one participation requirement
- Sign a mutual agreement
- Agree to meet with Social Worker or Probation officer
- Agree to work on transitional independent living skills
- Live in a licensed or approved setting

43

Participation Requirements

1. Be enrolled in high school or equivalent program
2. Be enrolled in college/vocational school
3. Work at least 80 hours/month
4. Participate in a program/activity that helps you find a job or removes barriers to employment
5. Be unable to do one of the above because of a medical or mental health condition



44

Licensed or Approved Setting

- Same placement options as for minors
 - Limitations on group home placements for NMDs
 - Limitations on THPP for NMDs
- New placements for NMDs
 - THP-Plus Foster Care
 - SILPs
- NMDs placed out-of-state can receive benefits



Group Homes for NMDs



- Decision on group home placement is to be a youth-driven, team-based case planning process
- Youth can remain in group home if under age 19 AND continuing in group home is in NMDs best interest in order to complete high school or equivalent
- Once NMD completes high school or turns 19, whichever is first, continuing in a group home is prohibited UNLESS
 - NMD has a medical or mental health condition (participation condition #5) and continuing in group home functions as a short-term placement;
 - Treatment services to alleviate the medical condition cannot be sole basis for disqualification from group home;
 - Treatment strategies should prepare NMD for discharge to a less restrictive and more family-like setting.

46

Supervised Independent Living Setting (SILS)

- SILP – Supervised Independent Living Placement
- THP+FC – Transitional Housing Program Plus **Foster Care**



SILP Overview

- Supervised Independent Living Placement (SILP)
- Settings may include but not limited to:
 - Apartment living
 - Renting a room (*including from relative*)
 - Shared roommate settings
 - Dorms
 - Living situations with adult siblings, appropriate extended family members, tribal members, NREFM or mentors should be explored
 - Adult Residential Treatment Facilities



48

SILP Rate



- Basic rate (currently \$859/ month) – no specialized care
 - Out-of-state SILPs should receive same rate*
- NMD may receive the foster care benefit directly
- Clothing allowance available (if offered by county)
- Parenting NMDs receive the Infant Supplement (currently \$411.00/month)
 - Parenting NMDs can now also receive an additional \$200 supplement if they develop a parenting support plan (WIC 11465, AB 2668)

49

SILPs With Relatives: AFDC vs. CalWORKs



- SILP can be in the home of a relative
- NMD who receives CalWORKs while placed with a relative receives AFDC-FC if they move into a SILP with that relative
 - \$387 → \$859

50

Placement with Relative vs. SILP with Relative

	Placement with Foster Parent/Relative Caregiver	SILP with a relative/former foster parent
Approval Standards	Must meet approval standards (same as licensing of FFH)	Basic health and safety standards
Benefit Available	AFDC-FC (if federally eligible) - OR - CalWORKs (if not federally eligible)	AFDC-FC (regardless of federal eligibility)
Youth with Special Needs	Dual Agency Rate or Specialized Care Increment	No specialized rates available

51

SILP Readiness Assessment

- SILP readiness is **contextual**
 - Grandma’s house vs. studio apartment vs. ART
- Example reasons for denial:
 - Rent and utilities exceed income
 - Unstable income
 - No knowledge of how to manage money
 - Unable to care for self without assistance due to a medical or mental health condition
- If NMD is not ready for a SILP, areas of improvement should be turned into goals in their TILP
- Reason for denial should be documented on the assessment and provided to NMD
- If NMD disagrees, he/she has the right to a grievance process



52

Approval of SILP Site



- SILP may **not** include living with biological parent*
- Sites are subject to health and safety inspection
 - Basic health and safety only
 - NMDs allowed to live in an unapproved SILP temporarily
 - County must inspect new SILP within 10 calendar days
- ACL 11-77 vs. ACIN I-29-13
 - ACL 11-77: County has 10 days to approve SILP to SILP placement to ensure continuity of payment
 - ACIN I-29_13: A SILP pending approval is not **federally** reimbursable
- Must be re-inspected annually

53

Transitional Housing Plus Foster Care

- Transitional housing for non-minor dependents
- Need to be licensed by CCL (ACL 12-44)
 - May be THPP expansion.
- THP+FC rate: \$2,393 / \$3007

THP-Plus vs. THP-Plus Foster Care

THP-PLUS

- No child welfare supervision
- Ages 18-24
- No participation conditions
- Up to 24 months
- Dependency or delinquency dismissed

THP-PLUS FC

- Child welfare supervision
- Ages 18-21 (phase in)
- Must meet participation conditions
- No maximum time
- Remain under dependency, delinquency, or transition jurisdiction

THPP vs. THP-Plus Foster Care

THPP

- Probation or child welfare supervision
- Ages 16-18
- Must participate in ILSP
- Remain under dependency or delinquency jurisdiction as a foster youth
- IV-E dollars may be available

THP-PLUS FC

- Probation or child welfare supervision
- Ages 18-21
- Must meet participation conditions
- No maximum time
- Remain under dependency, delinquency, or transition jurisdiction
- IV-E dollars may be available.

56

EFC Re-Entry and Benefits

- For non-minor dependents **re-entering** foster care:
 - A new qualification for foster care benefits is necessary
 - Qualification is based on **youth's income and property only**
 - NMD is eligible for benefits again as of the date that the Voluntary Reentry Agreement is signed and the NMD is placed in an eligible facility



57

CalFresh a/k/a Food Stamps



- **Household based**
 - Living together, buying & preparing food together
- **Youth living with a foster family**
 - Treated as a boarder
 - Not included in the household
 - Foster care benefits don't count
 - Can opt in

YOUTH ALERT: Food Stamps

- Non-Minor Dependent (NMD) foster youth living in SILPs or THP+FC may be eligible for food stamps as long as they are otherwise eligible.
- Average grant between \$26 and \$120 depending on utilities





Eligibility and Overview of Status Based Benefits – Supporting Exits to Permanence

60

Kinship Guardianship Assistance Payment Program (Kin-GAP)



61

What is Kin-GAP?



- California's Kinship Guardianship Assistance Payment program
- Children in relative guardianship established by the juvenile court
- Allow youth to exit foster care to guardianship with a relative caregiver without loss of funding

62

Kin-GAP: What do You Get?



- Monthly negotiated payment:
 - Up to foster family home rate, including specialized care or dual agency rates and "whole family home" rate for minor parents
 - Maximum Kin-GAP depends on date of Kin-GAP guardianship
 - Set forth in agreement - adjusted as needs of the child change
- Medi-Cal (Medicaid in other states)
- Education/Training Vouchers – if youth entered Kin-GAP at 16 or older

63

Kin-GAP: When does it end?



- **Age 18:** if Kin-GAP payments started *prior* to the youth turning 16 and no physical or mental disability
 - NOTE: if youth meets the completion rule benefits can continue until 19 or completion, whichever is first)
- **Age 21:** if the child has mental or physical handicaps that warrant continuation – does not matter how old the youth was when entered Kin-GAP
- **Age 21 :** if negotiated Kin-GAP payments commenced at age 16 or older and the youth meets one of the five participation conditions

NOTE: Kin-GAP continues if the family moves to another state

64

Adoption Assistance Payments (AAP)



65


What are Adoption Assistance Payments (AAP)?

- Monthly cash assistance available to relatives or nonrelatives who adopt children with “special needs”
- “Special needs” is broadly defined -- includes all youth who are adopted out of foster care
- Others – At Risk of Foster Care; SSI



66


AAP: What Do You Get?



- Monthly negotiated payment:
 - Up to foster family home rate, including specialized care or dual agency rates
 - Maximum AAP depends on date the AAP agreement was signed
 - Set forth in agreement - adjusted as needs of the child change
- Residential Care or Wrap Around services
- Medi-Cal (Medicaid in other states)
- Education/Training Vouchers – if youth entered AAP at 16 or older

67

AAP: When does it end?



- **Age 18:** if the initial AAP agreement was signed *prior* to the youth turning 16 years old and no physical mental disability
- **Age 21:** IF the child has mental or physical handicaps that warrant continuation of benefit – does not matter how old the youth was when entered AAP program
- **Age 21** – if date the initial AAP Agreement was signed is when the youth was age 16 or older and the youth meets one of the five participation conditions

NOTE: AAP continues if the family moves to another state

68

Supplemental Security Income/State Supplemental Payment



69

What is SSI/SSP?

- Supplemental Security Income / State Supplementary Payment
- Need-based program that provides cash aid and Medicaid to qualified individuals with low income, few resources, and who are:
 - Age 65 or older,
 - Blind, OR
 - **Disabled**



70



SSI/SSP: Basic Eligibility

Children may be eligible for SSI/SSP benefits if they meet the following criteria:

- Income and resources
 - No deeming if the child is living apart from parents
 - No deeming once a child turns 18
- Citizen or certain categories of immigrant
- Disability

71

SSI/SSP: Basic Eligibility



- Children (under 18)
 - Marked or severe functional limitation
 - Expected to last at least 12 months or result in death
- Adults (over age 18)
 - Inability to engage in substantial gainful employment
 - expected to last at least 12 months or result in death

72

Disability Listings

- Medical criteria for the evaluation of children under 18 can be found here:
<http://www.ssa.gov/disability/professionals/bluebook/ChildhoodListings.htm>
- Examples of categories of disabilities:
 - 103.00 Respiratory System
 - 111.00 Neurological
 - 112.00 Mental Disorders

73

SSI/SSP: What Do They Get?

- Medicaid + Cash Benefit
- Disabled child - \$784.40
- Disabled child in the home of another - \$547.50
- Independently living adult - \$889.40
- **Non-Medical Out of Home Care: \$1145.00**
 - Children who are not living with their parents.
 - Must complete the SSP 22 to get the full benefit.

74

NMOHC

- Non-Medical Out of Home Care (MPP 140.63)
 - (A) Assistance in dressing, grooming, bathing and other personal hygiene.
 - (B) Assistance with taking medication, as specified in section.
 - (C) Central storing and/or distribution of medications, as specified in section.
 - (D) Arrangement of and assistance with medical and dental care.
 - (F) Supervision of client schedules and activities.
 - (H) Monitoring food intake or special diets.
- CWD certifies and returns SSP-22 within 13 working days.

75

Representative Payees



- The County should be the payee of last resort.
 - “... when no other appropriate party is available to serve.” WIC 13754
- Legal guardian or caregiver can become payee by making a request with the local Social Security Office.
- Youth can be his or her own payee.
 - Age 18 unless legally incompetent 20 CFR §416.601
 - Age 15 - 20 CFR §§416-610(b), 416-611
 - Capable of using benefits to provide for his or her own needs.
 - Applying within 7 months of age 18.

76



SSI/SSP: When Does it End?

- Continues as long as disability, income and resources criteria are met
- Different disability standard for adults
 - Continuing Disability Review (“CDR”) to determine if the youth meets adult disability criteria
 - Benefits continue until CDR is complete – no need to reapply at 18.

77

Benefit Continuation Rule for TAY (18 – 24 years)

- Benefits Continuation Rule: Allows benefits to continue even **after** SSA determines individual does not meet adult standard
 - Individuals must participate in approved programs of vocational rehabilitation that began before SSA determined that their disabilities ended.
 - Generally SSA must also determine that the completion of this program will reduce the likelihood that the recipient will need to rely on disability benefits.
 - Continuation in an IEP program is automatically considered an acceptable program that will reduce dependence on benefits. 20 C.F.R. 404.328(b), 416.1338(e)(2).

78

Establishing SSI Eligibility and Using SSI to Help in Transition Planning



79

Important Legislation to Assist Foster Youth with Disabilities

AB 1633



- (1) development of best practice guidelines
- (2) counties manage benefits in youth's best interests
- (3) assist youth in receiving direct payment of finding payee
- (4) Inform youth of process of maintaining eligibility as adults

AB 1331



- (1) Screen every youth for SSI eligibility between age 16.5 and 17.5
- (2) Make an SSI application on behalf of likely eligible youth
- (3) Goal to have SSI in place by age 18!

80

Timing the SSI Application Under AB 12



- Timeline for application remains the same
 - Ensuring SSI is in place at age 18 provides youth maximum flexibility and choice among benefits, services and supports
 - Youth approved for SSI have same right to participate in EFC as all other youth at age 18
 - Offsetting rules apply – youth in EFC might receive SSI, AFDC-FC, or a combination of both benefits

81

Receiving AFDC-FC and SSI Concurrently

- Federal AFDC-FC
 - SSI is offset dollar for dollar
- State AFDC-FC
 - AFDC-FC is reduced by the amount of SSI benefit, which is counted as income



SSI and Extended Foster Care: New Requirements for NMDs

- If youth approved for SSI who actually receives a monthly SSI benefit elects to remain in EFC, county must assist youth in receiving direct payment
- If youth is approved for SSI but receives federal foster care in excess of SSI – county must maintain SSI eligibility (using workaround)



83

QUESTIONS?



84
