Youth with Disabilities in Transition
SSA Applications & Work Incentives
Having Access to SSA Benefits Can Help

Presenter: Leigh Ann Newman
Blueprint Conference
October 23, 2013
Agenda

• Introductions
• Learning Objectives
  1. SSI/RSDI: What is it and how does it provide supports for education and work incentives?
  2. When should a youth apply?
  3. How you can assist in the application process.

• Summary
• Questions/Contact Information
Introductions

Leigh Ann Newman – Senior Analyst

• 20 years of experience assisting states and counties evaluate their needs for child welfare and social security advocacy programs.
Public Consulting Group

- Government Consulting Firm
  - Headquartered in Boston, MA since 1986

- Social Security Advocacy Management Services-SSAMS™
  - Specialized public sector advocacy
    - Foster Care /TANF/Medicaid Agencies
    - Understanding of industry best practices
      - Coordinating Title IVE and SSI eligibility
      - Timing of Emancipating Youth applications
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

**RSDI vs. SSI** - Understanding the differences of these programs allows youth and their supporters to maximize the benefits of both.

<table>
<thead>
<tr>
<th>Retired Survivor's Disability Insurance (RSDI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Provides for payment of disability or retirement benefits to individuals who are eligible due to earning work credits</td>
</tr>
<tr>
<td>* These credits are earned when an individual's wages are posted to social security records</td>
</tr>
<tr>
<td>* Provides for payment to certain dependents. This is called auxiliary or survivor’s benefits and can be payable to a spouse or child off a deceased, disabled or retired wage earner's account.</td>
</tr>
<tr>
<td>* Provides payment to disabled widows who meet specific criteria.</td>
</tr>
<tr>
<td>* Your wages determine the amount of your RSDI benefits.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supplemental Security Income (SSI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Provides for payment to people who are disabled and have limited income/resources in the following categories:</td>
</tr>
<tr>
<td>* Individuals (including children under age 18)</td>
</tr>
<tr>
<td>* Aged individuals over the age of 65 (disability not required)</td>
</tr>
<tr>
<td>* There are no work credits needed to be eligible for this program.</td>
</tr>
<tr>
<td>* The Federal Benefit Rate (FBR) for most individual SSI recipients in 2013 is $710/mo.</td>
</tr>
<tr>
<td>* Your other income may offset these payments.</td>
</tr>
</tbody>
</table>
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

Myth: Once a person is on SSI, he/she is on it for life.

Fact: Not true. SSA conducts continuing disability reviews periodically to reassess eligibility for benefits including age 18 re-determinations.

Myth: A person cannot work and receive SSI benefits.

Fact: Not true. SSA has many work incentives.
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

SSI Work Incentives*

- Blind Work Expenses
- Earned Income Exclusion
- Student Earned Income Exclusion
- Plan to Achieving Self-Support
- Property Essential to Self Support
- Special SSI Payments for People Who Work
- Continued Medicaid Eligibility
- Special Benefits for People Eligible Under Section 1619 (a) or (b) Who Enter a Medical Treatment Facility
- Reinstating Eligibility Without a New Application

* http://www.ssa.gov/disabilityresearch/wi/generallinfo.htm
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

Earned Income Exclusion:

- SSA does not count the first $65 of the earnings a person receives in a month, plus one-half of the remaining earnings.
  - This means SSA counts less than one-half of a claimant’s earnings when figuring his/her monthly SSI payment amount.

- This exclusion is applied in addition to the $20 general income exclusion.

- SSA applies the $20 general income exclusion first to any unearned income that a beneficiary may receive.
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

Student Earned Income Exclusion:
• If SSI recipient is under age 22 and regularly attending school:
  • SSA does not count up to $1,730 of earned income per month when figuring the child’s SSI monthly payment amount.
  • The maximum yearly exclusion in 2013 is $6,960.
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

- “Regularly attending school” means that a student takes one or more courses of study and attends classes as shown below:

<table>
<thead>
<tr>
<th>College/University</th>
<th>Grades 7-12</th>
<th>Training Course (employment preparation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 8 Hours per week</td>
<td>Minimum 12 Hours per week</td>
<td>Minimum 12 Hours per week (15 hours per week if course involves shop practice)</td>
</tr>
</tbody>
</table>

* For less time than indicated above for reasons beyond the student’s control, such as illness.

- How does SSA apply the income exclusion?
  - SSA applies the student earned income exclusion before the general income exclusion or the earned income exclusion.

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Youth with Disabilities in Transition 10
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

Example of Student Earned Income Exclusion

Below are wages that Joan, a student receiving SSI, earned each month in 2013.

<table>
<thead>
<tr>
<th>Jan</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1730</td>
<td>$1730</td>
<td>$1730</td>
<td>$870</td>
<td>$840</td>
<td>$800</td>
<td>$800</td>
</tr>
</tbody>
</table>

Since Joan is a student, she is eligible for the SEIE. That means we can exclude a greater amount of Joan’s earnings when we figure her SSI benefit amount. Below are the amounts of Joan’s monthly earnings that we do not count each month subject to the monthly and yearly limits. Remember the 2013 monthly limit is $1,730 and the year’s limit is $6,960. In November, we reach the yearly excludable amount of $6,960.

<table>
<thead>
<tr>
<th>Jan</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>$1700</td>
<td>$1700</td>
<td>$1700</td>
<td>$870</td>
<td>$840</td>
<td>$30</td>
<td>$0</td>
</tr>
</tbody>
</table>
Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

Example of Student Earned Income Exclusion

Below are monthly wage amounts we still count. Since we reached the yearly limit of excludable earnings in November, we must count all of Joan’s December earnings.

<table>
<thead>
<tr>
<th>Jan</th>
<th>Feb</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>$30</td>
<td>$30</td>
<td>$30</td>
<td>$0</td>
<td>$0</td>
<td>$770</td>
<td>$800</td>
</tr>
</tbody>
</table>

Now we apply the SSI Earned Income Exclusion to the remaining countable earnings to any monthly earnings that remain. (Formula: $20 general exclusion plus gross earnings minus $65 and minus one half of the remainder). Here are the earnings we will count when we determine Joan’s SSI monthly benefits.

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<tr>
<th>Jan</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$342.50</td>
<td>$357.50</td>
</tr>
</tbody>
</table>

If Joan has no other income and is eligible for the full FBR ($710), her SSI benefit amount will be:

<table>
<thead>
<tr>
<th>Jan</th>
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<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>$710</td>
<td>$710</td>
<td>$710</td>
<td>$710</td>
<td>$710</td>
<td>$382.50</td>
<td>$352.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Because SSI is an needs based program, income and resources are counted when determining eligibility. When a child turns eighteen, parent income and assets are no longer considered. However, the child's income and resources are considered, including financial aid for college.

For a youth on SSI, SSA has a work incentive called: Plan to Achieve Self Support (PASS). Part of this program allows a student to set aside income and resources that are being used toward a specific vocational goal (such as college tuition) and still receive SSI payments.

Learning Objective #1
SSI/RSDI: Support for Education & Work Incentives

SSI & Financial Aid: Plan to Achieve Self Support

• Form **SSA-545-BK** is completed for a **PASS**.
  • If a youth is receiving SSI and is or will be attending school, the PASS should include the **number of courses** he/she will take each quarter/semester and a **copy of the degree program or plan** that shows the courses to be studied.
  
• **Schooling expenses** can include **tuition, fees, books, supplies etc...** as separate items on the SSA – 545. Applicant needs to list the costs for the entire length of time he/she will be in school.

[http://www.socialsecurity.gov/disabilityresearch/wi/passelements.htm](http://www.socialsecurity.gov/disabilityresearch/wi/passelements.htm)
Learning Objective #2
When should a youth apply?

• **Who Should File?**
  • **SSI** – Anyone with a disability and low income/resources
  • **RSDI Disabled Adult Child (DAC)** – youth with a disability, age 18-22 that also has an SSDI qualified parent.
  • The definitions of disability vary based on age, but are the same for both SSI and RSDI applications
Learning Objective #2
When should a youth apply?

SSA law defines disability for children as (birth to 18)
Proof of a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

SSA law defines disability for adults as (18 - 65)
The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) and can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

*Definitions can be found online at: http://www.socialsecurity.gov/disability/professionals/bluebook/general-info.htm
Learning Objective #2
When should a youth apply?

Youth not in Foster Care
• Any youth can apply when not in foster care, as long as they are not engaged in substantial gainful employment, have a disabling condition and income/resources below the SSI limits. Parents, advocacy groups, attorneys and other third parties may assist in the application process.

Youth in Foster Care
• There are several federal policies which SSA uses as a guide when processing applications for claimants who are in foster care and especially those who fall into the emancipating youth age range. Social workers as well as other listed above may assist in the application process.
Learning Objective #2
When should a youth in foster care apply?

POMS - DI 25201.010 If You Attain Age 18 After You File Your Disability Application But Before We Make A Determination or Decision

• It is possible to get an adult disability decision on emancipating youth applications when the following criteria are met:
  • Child turns age 18 prior to final adjudication;
  • Proper form completion/submission occurs; and
  • Communicate intent with the servicing SSA office.

• The filing date must be timed with the date of emancipation and age of the youth because…
Learning Objective #2
When should a youth in foster care apply

Filing too soon means
• No adult decision – Age 18 Conversion will be required
• Potential termination SSI, if suspension longer than 12 mo

Filing too late means
• No decision is made prior to child leaving care;
• Emancipation date has to be extended (extra costs to Co).

Considerations
• When will the youth turn 18 years old?
• Will the youth graduate from high school and if so, when?
• What type of foster care funding is the youth receiving?
• What is the amount of monthly foster care being paid?
• When is the youth expected to emancipate?
• How severe is the youth’s impairment?
Learning Objective #3
How you can assist in the application process

Understand FUNDING

• Because SSI is a needs based federal program, the source of a child’s foster care funding must be identified before SSA will process the claim.

• SSA recognizes Title IV-B funds as “social services” and not income according to their Program Operations Manual System (POMS - SI 00815.050).

• If child is not in foster care and living independently, his/her income/resources will be considered.
Learning Objective #3
How you can assist in the application process

- Foster care payments made under Title IV-E (both the Federal amount and State amount) are considered income based on need (IBON) to the individual in care (POMS SI 00830.410 C1a).
  - If a child’s Title IV-E payments exceed SSI’s Federal Benefit Rate (FBR), which is $710 in 2013, the claim will be denied by SSA for excess income.

Emancipating youth are an exception to this rule!
Learning Objective #3
How you can assist in the application process

Understand FUNDING (cont):

When an emancipating youth is Title IV-E eligible over the FBR:

- Disabled or blind youth receiving Title IV-E federal foster care benefits usually cannot become eligible for SSI until foster care payments have stopped.

- In the State of California, special legislation has been passed to provide a work-around solution to this roadblock.

* [http://www.socialsecurity.gov/ssi/spotlights/spot-disabled-youth.htm](http://www.socialsecurity.gov/ssi/spotlights/spot-disabled-youth.htm)
Learning Objective #3
How you can assist in the application process

Understand California – AB 1633

• In October 2005, California‘s Governor signed into law Assembly Bill 1633 (AB 1633), creating the “Foster Care Social Security and Supplemental Security Income Assistance Program”.

• AB 1633 encourages counties to:
  1) Screen all youth in foster care;
  2) Apply to become representative payee;
  3) Establish no-cost, interest-bearing benefit accounts for each eligible child;
  4) Develop policies and procedures for managing benefits in compliance with federal law, including dispensing money from the account; and
  5) Provide outreach and education to children and families.
Two years later in October 2007, AB 1331 known as “Evans - Foster Youth, Federal Benefits” bill was passed, placing an additional focus on emancipating youth and requirements for California Counties to screen all youth who may be eligible for SSI.

An application shall be submitted to SSA on behalf of a youth and to the extent possible, the application shall be timed to allow for a determination of eligibility by SSA prior to the youth’s emancipation from care including, if appropriate, the suspension of SSI benefits for no more than 12 months.
Learning Objective #3
How you can assist in the application process

Understand **CALIFORNIA – AB 1331 (Cont.)**

- For a youth receiving federally funded AFDC-FC benefits, the county shall:
  - If necessary, forego federally funded AFDC-FC and instead use state AFDC-FC resources to fund the placement in the month of application or in the month after making an application.
Learning Objective #3
How you can assist in the application process

• Then, subsequently reclaim federally funded AFDC-FC, in order to ensure that the youth meets all of the SSI eligibility requirements in a single month while the application is pending, as provided by federal law and regulation.

• This practice is supported by SSA and allows California foster youth the benefit of filing claims sooner than the 90 day time limit of other states.

(Marianna LaCanfora, SSA Asst Deputy Commissioner to John A. Wagner, Director of California DSS dated January 24, 2008).
Learning Objective #3
How you can assist in the application process

Important to Note in California:

• An SSI award will either be terminated or it will cost the county in additional non-federal revenue, if federal foster care does not end or if the child does not exit foster care within 12 months of the SSI Award Date. *(POMS SI 02301.205 Suspension and Reestablishing Eligibility)*

• To maintain an SSI medical decision past 12 months Counties can suspend federal foster for one month per year. A process should be established with your local SSA office. *(Welfare and Institutions Code Section 13757)*
Learning Objective #4
Application Best Practices

• File online at: www.socialsecurity.gov/applyonline/
• Submit evidence of disability with application
  • To SSA
  • Reach out to DDS
  • Use ERE if possible
• Assist DDS with all requests
  • CE’s
  • ADL’s
  • Medical records
Learning Objective #4
Application Best Practices

https://secure.ssa.gov/apps6z/radr/radr-fe
Learning Objective #4
Application Best Practices

Welcome Back

Enter your Social Security Number and Reentry Number to return to the report. You can also review how this report works and how to move around in the Report.

Social Security Number

Reentry Number
Beginning with a D, this number was provided to you when you began your Disability Report.

Previous Continue Report
Learning Objective #4
Application Best Practices

Should You Complete This Report?

Not everyone will be able to complete an Adult Disability Report online. Please answer all of the following questions to help determine if you should use this internet report or if it would be better for you to speak with a Social Security representative first. If you are helping another person fill out this report, answer all the questions as they apply to the person you are helping.

General Information

Applicant’s Name
- First Name
- Middle Name
- Last Name
- Suffix

Social Security Number
- 

Date of Birth
- Month
- Day
- Year

Do you live in the United States or its territories or possessions?
- Yes
- No

Any Prior Applications

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Summary

• Social Security Advocacy programs are a vehicle the Department of Children and Families and other government agencies around the nation can use to provide financial security to foster care youth with disabilities, especially those approaching the age of emancipation.

• Understanding how work incentives and educational supports can work for an SSI youth in order to maximize their potential and reach their goals such as higher education and sustained employment are important tools for you to have.
Contact Information

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