



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

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### Overview **6-24-2013**

DCF policy, based on applicable State and Federal law, is that children in out-of-home placement are entitled to any benefits due them on either their own account or their parents' account. If a child is adopted, or Kinship Legal Guardianship is awarded to a kin caregiver, the child may also become eligible for benefits based on the circumstances of their adoptive parent or kin caregiver.

There are several benefit programs for which a child may be eligible. Some of these programs are administered by the Federal government while others are administered by the State with Federal participation. The Social Security Administration (SSA) is the largest provider of benefits to children.

Benefits, for which a child may be eligible, as the result of a parent having been previously determined eligible, include: Social Security benefits (i.e., Retirement, Survivors, Disability and Health Insurance), Veterans Administration (VA) benefits, and Railroad Retirement benefits.

Benefits available to children based on their **own** disability and limited financial resources are Supplemental Security Income (SSI) benefits.

DCF applies to receive Federal benefits, including SSI, as the representative payee on behalf of any eligible or potentially eligible child in out-of-home placement through CP&P. DCF then applies the benefits toward the child's maintenance expenses. Any excess monies are held on the child's behalf in an interest bearing trust fund account.

When the child returns home, leaves out-of-home placement, is adopted, or when a Kinship Legal Guardianship order is signed, the assigned Worker advises the child's parent or caregiver to file a claim for the SSA or SSI benefits on the child's behalf.

### Authority **4-12-2010**

Title II of the Social Security Act (Retirement, Survivors, Disability and Health Insurance benefits.)

Title XVI of the Social Security Act, (Supplemental Security Income (SSI))

Social Security Act, Section 1631 (e)(A)

N.J.S.A. 30:4C-29.1

N.J.S.A. 2A:17-56.20

## **Overview 9-8-2009**

Below are summaries of the major benefit programs for which a child may be eligible. Bring questions regarding a specific benefit program to the attention of the Local Office Title IV-E Liaison. Information regarding benefits is also available on the internet; detailed information regarding all benefit programs administered by the Social Security Administration can be found at [www.socialsecurity.gov](http://www.socialsecurity.gov).

## **Retirement, Survivors, Disability, and Health Insurance Social Security Administration Title II Benefits 9-8-2009**

Retirement, Survivors, Disability, and Health Insurance (RSDHI) benefits are authorized under Title II of the Social Security Act (SSA-T2). RSDHI/SSA-T2 benefits are commonly known as “Social Security benefits.”

RSDHI/SSA-T2 benefit programs include: Retirement benefits, Survivors benefits, Disability benefits, and Health Insurance (Medicaid). These benefits provide financial assistance to persons who have made sufficient contributions to the Social Security System through payroll taxes on earned income, and may include financial assistance to certain spouses and dependents of those persons.

Note: Eligibility for RSDHI Disability Insurance is different from SSI: Eligibility for RSDHI benefits are based upon an individual with a substantial work history having previously paid into the Social Security system, while eligibility for SSI is based on limited income and financial resources, and does not require the recipient of the benefit to have previously paid into the Social Security system.

## **Supplemental Security Income (SSI) 4-12-2010**

The SSI benefit program is authorized under Title XVI of the Social Security Act. The SSI program pays benefits to disabled adults and children who have limited income and resources. Eligibility for SSI is based upon financial need and the severity of the physical or mental impairment.

A child will be considered **disabled** and thus eligible for SSI benefits if he or she is not working and has an impairment which meets the SSI disability criteria. The condition must limit the child’s ability to function like other children of the same age to the extent that the impairment is comparable to one that would disable an adult under Social Security regulations. See policy at [CP&P-III-C-2-400](#), Supplemental Security Income.

The Social Security Administration issued new rules, effective January 13, 2010, regarding disabled youth receiving Title IV-E Foster Care benefits and extending the allowable time frame by which these youth may apply for SSI. To better assist disabled youth to successfully transition out of foster care, the SSA may now accept an SSI application for a youth in foster care up to 90 days before foster care payments are expected to end. Bring any questions regarding SSI, benefits, eligibility, or the

application process to the attention of the Local Office Title IV-E Liaison.

Note: A child who receives SSI must be re-evaluated at age 18 to determine if he or she meets the Social Security Administration criteria for an adult disability.

### **Veteran's Administration Benefits 9-8-2009**

The Department of Veterans Affairs (VA) offers a wide range of benefits and services for the surviving spouse, dependent children, and dependent parents of deceased veterans and military service members.

### **Railroad Retirement Board Benefits 9-8-2009**

Administered by the Social Security Administration, Railroad Retirement Board benefits are specifically for individuals who have worked in the railroad industry. A child may be eligible for these benefits if his or her parent had worked for the railroad industry.

### **Initial Application for Benefits and Child's Living Arrangement**

The following guidelines describe who has primary responsibility for applying for benefits, based on the child's living arrangement. If Local Office staff have any questions regarding the benefit application process for a specific child, they conference with the Local Office Title IV-E Liaison.

### **Child Living in Own Home 9-8-2009**

When a child, residing in his or her own home and receiving CP&P services, appears to be eligible for Federal government benefits, the child's parent/guardian is responsible for applying for benefits on behalf of the child. The Worker may assist and support the family in the application for initial benefits and assist the family with appealing an application which has been denied.

### **Child in CP&P Out-Of-Home Placement 4-12-2010**

When a child in out-of-home placement through CP&P is currently not receiving benefits but is identified as potentially eligible for benefits, the Local Office Title IV-E Liaison completes the benefit application packet and forwards it to the Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO), Cost Center 972. The ORFR&IV-EO reviews the application packet, for accuracy and completeness, and forwards it to the agency administering the benefit.

The Social Security Administration issued new rules, effective January 13, 2010, regarding disabled youth receiving Title IV-E Foster Care benefits, extending the allowable time frame by which these youth may apply for SSI. To better assist disabled youth to successfully transition out of foster care, the SSA may now accept an SSI application for a youth in foster care up to 90 days before foster care payments are expected to end. Bring any questions regarding SSI, benefits, eligibility, or the application process to the attention of the Local Office Title IV-E Liaison.

For a child in CP&P out-of-home placement, who was receiving benefits prior to out-of-home placement, the Worker notifies the Title IV-E Liaison, who then files for benefits from the agency administering the benefit, specifically requesting a Change of Payee (COP), i.e., requesting that DCF be named the representative payee for the child.

### **Adoptive Child 9-8-2009**

When a child is being adopted the Adoption Worker advises the prospective adoptive parent(s) to apply for benefits after the adoption has been finalized. The Adoption Worker may help the family to apply, providing guidance and support during the application process.

When a child recipient of government benefits is adopted through CP&P, a corrected Social Security card must be issued to reflect the child's new name. See [CP&P-III-C-2-300](#), Applying for a Social Security Card for a Child in CP&P Custody. The Adoption Worker may assist the adoptive parents in applying for continued benefits on behalf of the child through their local Social Security Administration office. Continued eligibility for certain benefits may be limited by the adoptive family's personal financial resources.

### **Kinship Legal Guardianship (KLG) 9-8-2009**

When a child is expected to enter into a subsidized KLG living arrangement, the Worker advises the KLG caregiver to apply for benefits on behalf of the child after the KLG court order has been finalized. The Worker may assist the family in applying for benefits.

## **When DCF Applies for RSDHI/SSA-T2 or SSI Benefits on Behalf of a Child**

### **Introduction 9-8-2009**

The DCF Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO) has overall administrative responsibilities to oversee and manage RSDHI/SSA-T2 and SSI applications, change of payee, and the collection and account maintenance process on behalf of children in CP&P out-of-home placement.

The ORFR&IV-EO applies for benefits on behalf of any child in out-of-home placement through CP&P identified as potentially eligible for benefits. If a child was previously determined eligible for benefits prior to out-of-home placement through CP&P, DCF will request to be named the representative payee.

The ORFR & IV-EO applies for SSI benefits for children in out-of-home placement through CP&P who meet one or more of the following criteria:

- A. Placement in a residential treatment program, group home, or teaching family program;
- B. Placement in resource family care with the provider receiving a special board rate (above Step 3), an indicator of a potentially eligible child, based on a behavior problem, medical condition, or disability;

- C. A medical disability of chronic or recurring nature; or
- D. Classification by a Child Study Team.

**Role of Assigned Worker 4-12-2010**

The Worker has the following responsibilities relating to obtaining benefits on behalf of a child, which include, but may not be limited to:

- Notifying the Local Office Title IV-E Liaison of any child in his or her caseload, who potentially may be eligible for benefits. Note: The Social Security Administration issued new rules, effective January 13, 2010, regarding disabled youth receiving Title IV-E Foster Care benefits, extending the allowable time frame by which these youth may apply for SSI. To better assist disabled youth to successfully transition out of foster care, the SSA may now accept an SSI application for a youth in foster care up to 90 days before foster care payments are expected to end. Bring any questions regarding SSI, benefits, eligibility, or the application process to the attention of the Local Office Title IV-E Liaison;
- Assisting the Title IV-E Liaison, as needed, with obtaining the required documentation to support the application for benefits;
- When applicable, advising the adoptive parents to apply for the child's SSI or other benefit, upon finalization of adoption,
- When applicable, advising the KLG provider to apply for child's SSI or other benefit, upon finalization of the KLG court order, and
- Informing the Title IV-E Liaison of changes in the status of benefit applicants and recipients (e.g., child returns home);

**Role of the Local Office Title IV-E Liaison 4-12-2010**

The Local Office Title IV-E Liaison has the following responsibilities which include, but may not be limited to:

- Identifying children in out-of-home placement through CP&P who may potentially be eligible for SSI or other Federal benefits;
- Determining which source of Federal government reimbursement to pursue, i.e., Title IV-E monies and/or SSI from the Social Security Administration for children who may be eligible for Federal programs;
- Completing RSDHI/SSA-T2 benefit applications utilizing the SSA on-line application process whenever possible. Obtaining reports and any

other documentation necessary to establish eligibility, or to support continued eligibility. If the application cannot be completed via the SSA on-line application process, complete the paper application and forward it, and all supporting documentation, to the ORFR&IV-EO, Cost Code 972; and

- Informing the ORFR&IV-EO of changes in the status of benefit applicants and recipients (e.g., child returns home);

The Title IV-E Liaison may assist an older child, for whom DCF claimed reimbursement under the Title IV-E program, to file for SSI benefits before he or she:

- turns age 18;
- leaves placement, or
- ages out of eligibility for continued DCF services.

The Social Security Administration issued new rules, effective January 13, 2010, regarding disabled youth receiving Title IV-E Foster Care benefits, extending the allowable time frame by which these youth may apply for SSI. To better assist disabled youth to successfully transition out of foster care, **the SSA may now accept an SSI application for a youth in foster care up to 90 days before foster care payments are expected to end.**

### **Role of the ORFR & V-EO (Central Office) 9-8-2009**

The Office of Revenue, Financial Reporting, and Title IV- E Operations (ORFR&IV-EO) has overall responsibility for administrative oversight and fiscal management of the RSDHI/SSA-T2 and SSI benefit programs, including the application process, change of payee (COP) requests, and benefits claiming process. Administrative functions conducted by ORFR&IV-EO include, but are not limited to the following:

- Maintaining a file on each child identified as potentially eligible for benefits;
- Notifying the Local Office Title IV-E Liaison when an application for benefits needs to be completed on behalf of a child who appears to be eligible;
- Pursuing receipt of necessary reports/documents on each child;
- Receiving and reviewing benefit applications completed by the Title IV-E Liaison, prior to sending them to the Social Security Administration (SSA) or other benefit source, as applicable;
- Ensuring the application names DCF as the representative payee, unless an exception has been approved; Exception to General Rule: Determination of Hardship;

- Tracking, monitoring, coordinating receipt, logging, and submission of application and/or COP packets received;
- When applicable, filing the application at the Social Security Administration Office in Trenton;
- Updating New Jersey SPIRIT (NJS) regarding the eligibility determination given by SSA or other benefit source;
- Updating assets/income information in NJS;
- When a child is determined eligible and DCF is named as the representative payee, establishing a trust fund in the name of the child to receive benefit funds and advising the Local Office Worker when excess funds are available. When applicable, arranging for dispersal of any funds in trust for the child. Trust Fund for Benefit Recipients; and
- When a child is determined eligible, but DCF is not named as the representative payee, pursuing reimbursement for cost of out-of-home maintenance.

#### **Role of Social Security Administration (SSA) 9-8-2009**

The SSA is responsible for administering RSDHI/SSA T-2 and SSI benefits.

Responsibilities of the SSA include:

- Determining if the child's income and assets are within the SSI limits;
- Forwarding disability claim to New Jersey Department of Labor, Division of Disability Determinations for disability determination;
- Designating a representative payee, if child is found eligible; and
- Notifying the ORFR&IV-EO of claim disposition and identity of representative payee.

#### **Role of New Jersey Department of Labor, Division of Disability Determination Services 9-8-2009**

The New Jersey Department of Labor, Division of Disability Determination Services is responsible for the adjudication of disability claims filed by the residents of New Jersey for both Social Security Disability Insurance (Title II) and SSI (Title XVI).

Title II Disability Insurance provides cash benefits for those disabled workers (and their dependents) who have contributed to the Social Security system.

Title XVI SSI benefits provide monthly payments to individuals of any age who are blind or disabled with limited income and resources.

- Responsibilities of the Division of Disability Determinations regarding a disability claim filed on behalf of a child include the following:
- Reviewing the SSI application and supporting documentation. Determining whether the child meets the SSA definition of “disabled;” Documentation of Disability and SSI Application Process, and [CP&P-III-C-2-400](#), Supplemental Security Income.
- Requesting additional reports/documentation of child’s condition limitations/abilities from the Local Office Title IV-E Liaison.
- Contacting the child’s teacher, resource parent, physician, or others, as necessary to complete the file.
- Referring the child for a physical examination/medical work-up or evaluation, if necessary.
- Making a determination whether the child is disabled/eligible for SSI **within six months** of receipt of the child’s SSI benefit application.
- Reporting their determination regarding the child’s disability claim to the SSA.

### **Representative Payee and Change of Payee Overview 9-8-2009**

A representative payee is a person or organization, such as DCF, being named by the Social Security Administration to receive benefits on behalf of an individual determined eligible who cannot manage his or her income and resources because of their youth or mental or physical impairment.

The primary obligation of the appointed representative payee is to see that the benefit payments are applied to meet the child’s current needs (i.e., food, clothing, and shelter) or saved, if the payments exceed the cost of these needs.

The policy of agencies administering benefits is that a child **under age 18** is ordinarily considered incapable of managing benefit payments. Therefore, a representative payee, such as the child’s parent, is selected to receive payment on the child’s behalf.

However, if a child is removed from the custody of a parent/guardian because of abuse, neglect, abandonment or improper care, the agency administering benefits will most likely designate a representative payee other than the parent/guardian.

### **General Rule, DCF Named as Representative Payee 9-8-2009**

When a child in out-of-home placement through CP&P is identified as potentially eligible for a benefit, DCF will request, on the initial application, that DCF be appointed as the representative payee on behalf of the child.

When CP&P places a child, who was previously determined eligible for a benefit, the ORFR& IV-EO will request a Change of Payee (COP) from the agency administering

the benefit, requesting that DCF be made representative payee of the child's benefits under the name of the DCF Commissioner. **DCF applies to be representative payee with or without the current representative payee's permission or input.** The Social Security Administration notifies the child's representative payee upon receipt of a claim from DCF.

Note: **"Determination of Hardship" is an exception to the general rule.**

When named as the representative payee, DCF uses these monies as reimbursement toward maintenance costs associated with the child's placement. Any amount in excess of the out-of-home maintenance costs is placed by DCF in an interest bearing trust account for the child.

When the agency administering benefits makes a determination that the child in out-of-home placement through CP&P is eligible for benefits, but denies DCF's request to be named representative payee, the agency administering the benefit will notify DCF, ORFR&IV-EO of its disposition. On a case-by-case basis, the ORFR&IV-EO, in consultation with the Local Office, determines whether to file an appeal.

If an appeal is not filed, the ORFR&IV-EO takes action to be reimbursed for the maintenance cost of the out-of-home placement in accordance with policy.

#### **Exception to General Rule: Determination of Hardship 9-8-2009**

When DCF being appointed representative payee on behalf of a child in out-of-home placement would cause such financial hardship as to hinder the child's return home or continued connection to his or her family, an exception to the standard policy may be sought by the child's assigned Worker. Whenever possible, **seek an exception to policy before DCF initiates steps to be named representative payee on behalf of a child recipient of government benefits.**

When seeking an exception to policy, the Worker completes CP&P Form [16-76](#), Special Approval Request. Include the following information:

- Documentation of the child's Federal government benefit (or projected benefit, if known), including type of benefit and monthly benefit amount.
- Documentation of the parent's financial need for dependence upon, proceeds from the child's government benefits. (A support evaluation may best serve this purpose. See I C 1700. Rent receipts, gas and electric bills, pay stubs, etc. may also serve to document monthly expenses vs. income.)
- A stipulation that the child's return home (reunification) is the case goal. The anticipated duration of the child's out-of-home placement time frame for attaining the case goal must be stated. (For an exception to be granted, family reunification must be anticipated within two years of the date of placement.)

- A description of how proceeds from the child's Federal government benefit will serve the interests of the child in out-of-home placement and support the case goal. (Example: Government benefit proceeds used to facilitate child-parent visitation; housing costs met by proceeds, to ensure that the family has a home to which the child shall eventually return; benefit proceeds used to purchase clothing goods/services for the child.)

### **Determination of Hardship, Approval Process 9-8-2009**

The SAR, complete with supporting documents, is first reviewed by the LO Manager. Upon the LO Manager's approval, the Worker forwards the SAR and all supporting documents to the Area Director for final approval. If the Area Director approves the determination of hardship, the Worker forwards the signed SAR to the Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO), Cost Center 972.

After the ORFR&IV-EO receives the signed SAR, and all supporting documentation, DCF halts efforts to be named representative payee on behalf of the child. If DCF had been named representative payee before the exception was sought, ORFR&IV-EO notifies the Social Security Administration of the Department's relinquishment of representative payee status in favor of the child's parent/guardian.

### **Process for Requesting Change of Payee (COP) 9-8-2009**

When a child is determined eligible for benefits and a representative payee other than DCF has been named, the ORFR&IV-EO will send a COP request to the benefit source requesting that DCF be named the representative payee.

The Local Office Title IV-E Liaison completes the COP request, which includes the name and Social Security number of the current Representative Payee (usually the parent or guardian) and any other information needed to complete the COP request. The Title IV-E Liaison then sends the application to the ORFR&IV-EO, who reviews the application prior to sending it to the benefit source.

If the COP request is denied, the ORFR&IV-EO staff researches the matter to determine whether an appeal is warranted. If an appeal is not filed, the ORFR&IV-EO will take action for DCF to be reimbursed for the maintenance cost of out-of-home placement in accordance with policy.

COP requests from the Office of Information Technology (IT) are completed by ORFR&IV-EO staff.

### **When the Child Leaves Out-of-Home Placement, is Adopted, KLG 6-24-2013**

When the child returns home, leaves out-of-home placement, is adopted, or when a Kinship Legal Guardianship order is signed, the assigned Worker advises the child's parent or caregiver to file a claim to be named representative payee for the child's benefits.

The assigned Worker completes CP&P Form [10-4](#), Notification to SSA: CP&P is No

Longer Child's Representative Payee, prints it out on CP&P letterhead, meets with the child's parent, adoptive parent, Kinship Legal Guardian, or designated caregiver in person, and gives them the letter, for their action. The Worker advises the parent, guardian, or caregiver to go to their local Social Security Administration office, in person, with the letter in hand, to notify the SSA that CP&P is no longer the representative payee for the child's Social Security benefits. The Worker provides brochures, published by the Social Security Administration, explaining SSA/SSI benefits. The brochures are found at <https://www.ssa.gov/pubs/EN-05-10026.pdf>, Benefits for Children with Disabilities, and <https://www.ssa.gov/pubs/EN-05-10085.pdf>, Benefits for Children.

## **Changes in Circumstances**

### **Overview 9-8-2009**

When DCF is the representative payee for a child's government benefits, the Worker, Local Office staff, or the Local Office Title IV-E Liaison notifies the ORFR&IV-EO of any change in circumstance which could affect that status or render DCF ineligible to collect additional monies on the child's behalf.

Changes in circumstances which must be brought to the attention of the ORFR&IV-EO include the following:

- The child is no longer in out-of-home placement through CP&P;
- The child marries;
- The child is adopted. See [CP&P-IV-C-7-100](#);
- Another agency assumes responsibility for maintenance costs associated with the child's out-of-home placement (e.g., the Division of Developmental Disabilities takes over the case); or
- The child dies.
  - Note: if a child dies while in out-of-home placement through CP&P, any monies held in trust for him or her -- up to \$2,000 -- may be used toward burial and funeral expenses. See [CP&P-V-A-6-200](#)

When the ORFR&IV-EO is notified of a change in circumstance, they notify the agency administering the benefits.

### **Adoption 9-8-2009**

Adoptive parents are encouraged to apply for RSDHI SSA-T2, SSI, or other benefits or entitlements on behalf of the child **upon finalization of the adoption.**

### **Kinship Legal Guardianship (KLG) 9-8-2009**

Prospective KLG providers are encouraged to apply for RSDHI/SSA-T2, SSI, or other benefits or entitlements on behalf of the child upon finalization of the KLG court order. The LO Worker provides guidance and support, as necessary.

## **Documentation of Disability and SSI Application Process**

### **Overview of SSI Application Process 4-12-2010**

Once it has been determined that an application for SSI benefits should be pursued for a child in out-of-home placement through CP&P, the Local Office Title IV-E Liaison meets with the Worker to ascertain what documentation of the child's disability is in the case record, and what additional information/documentation may be required by the Social Security Administration (SSA) to make a claims determination. SSA forms required to apply for SSI benefits are made available by the ORFR & IV-EO. Information and publications regarding the SSI program can be found at the following Social Security web page: <https://www.ssa.gov/pubs/EN-05-10026.pdf>.

The Social Security Administration issued new rules, effective January 13, 2010, regarding disabled youth receiving Title IV-E Foster Care benefits, extending the allowable time frame by which these youth may apply for SSI. To better assist disabled youth to successfully transition out of foster care, the SSA may now accept an SSI application for a youth in foster care up to 90 days before foster care payments are expected to end.

As past medical history may help to establish a disability claim, the Worker gathers all past and current medical, behavioral, psychological and psychiatric related materials and provides copies to the Title IV-E Liaison.

The Title IV-E Liaison completes the benefit application, retains a copy, and forwards the original to the ORFR&IV-EO, Cost Center 972.

The ORFR & IV-EO reviews the application packet, for completeness and accuracy, prior to forwarding it to the SSA (Trenton office). The SSA determines whether the child's income and assets fall within Federal guidelines.

If the SSA finds that the child's income and assets are within eligibility limits, it forwards all documents and evidence pertaining to the disability claim to the New Jersey Department of Labor, Division of Disability Determination Services. There, a team comprised of a Disability Evaluation Specialist and a medical doctor reviews the application packet to determine whether the child is disabled. Additional or more current reports may be requested by the team, or the child may need a special examination (scheduled by the Division of Disability Determination Services, with fees paid by the Social Security Administration).

If the Division of Disability Determination Services requests additional information to complete their determination, they fax their request to the ORFR&IV-EO using a bar code sheet. When the ORFR&IV-EO provides the information requested, it uses the bar code cover sheet which is child specific, serving to assist the Division of Disability Determinations with matching the information to the specific application, thus expediting the determination process.

### **Documentation of Disability 9-8-2009**

The Division of Disability Determinations requires that general evidence (reports) submitted to document a claim include current information (within twelve months of application). Thus, it is imperative that field staff submit current, comprehensive, well documented information/reports when forwarding an application to ORFR&IV-EO, to prevent the need for new reports/evaluations to be completed and gathered, with application processing inadvertently delayed.

In addition, the Division of Disability Determinations requires documentation of the history of treatment rendered to the child claimant back to the onset of the disability -- progress reports with diagnosis, prognosis, treatment plan, etc. from any and all professionals, institutions and programs who treated the child (physicians, specialists, consultants, therapists, hospitals, clinics, counselors, etc.). Field staff submit these reports, if available, with the SSI benefit application.

When treatment reports are not available but must be obtained, the Title IV-E Liaison shall forward the application to the ORFR&IV-EO, while initiating efforts, as necessary, to obtain the outstanding reports. Upon receipt, send reports to the ORFR&IV-EO, for forwarding to the Division of Disability Determinations via fax link.

### **Claim for Child with Physical Disability and/or Medical Condition/Illness 9-8-2009**

If a child has a medical disability of chronic or recurring nature, proof of that condition by a medical doctor may be sufficient to process an application. See listing in [CP&P-III-C-2-400](#). Local Office Health Unit staff or the Worker must provide this information to the Local Office Title IV-E Liaison within 60 days. (The SSI Application Proof of Disability Check List and report gathering may not be necessary to file an SSI claim based on a documented medical condition.)

The Social Security Administration publishes a handbook, Disability Evaluation Under Social Security, to keep physicians and other health professionals up to date with changes in the disability program under Titles II and XVI of the Social Security Act. The Social Security Administration evaluates the child's impairment based on medical criteria depicted in the handbook. The Disability Evaluation Under Social Security handbook, also known as the "Blue Book" is available on the Social Security web page at, <http://www.ssa.gov/disability/professionals/bluebook/index.htm>.

### **Claim Based on Child's Functions, Behaviors, and/or Activities 9-8-2009**

The decision regarding a child's disability claim is made primarily from information provided by physicians, medical facilities, primary caregivers, schools, teachers, social workers, and other knowledgeable parties.

To assess functional abilities in a child, detailed information about the child's daily activities is needed, not only to delineate **current** capacities and limitations associated with the child's physical or mental impairment, but also to establish the potential and

current impact on his or her growth, maturation and ability to learn. Such information covers several important areas of development including:

- A. Fine and gross motor skills;
- B. Concentration, persistence, and pace;
- C. Communication skills - speech, language (understanding expression);
- D. Cognitive/intellectual skills; and
- E. Social/emotional/behavioral functioning.

### **Disposition of SSI Benefits Application 9-8-2009**

Upon application for SSI benefits on behalf of a child, the ORFR & IV-EO staff tracks all applications and change of payee requests.

#### **A) Child Determined Eligible and DCF Named as Representative Payee**

If the application is approved by the SSA, and DCF is named representative payee, the ORFR & IV-EO updates the assets/income information in NJ SPIRIT and establishes an interest bearing Trust Account on the child's behalf for excess benefit funds.

#### **B) Child Determined Eligible but DCF Is Not Named as Representative Payee**

If the application is approved by the SSA, but DCF is denied being named representative payee, the ORFR & IV-EO, in consultation with Local and or Area Office staff, determine if an appeal of the SSA representative payee determination should be pursued with the SSA. The ORFR & IV-EO, Worker, and other DCF staff, as applicable, continue to monitor the child, should a new application be warranted.

#### **C) Child Determined Ineligible**

If the child is determined ineligible for benefits and DCF disagrees with the decision, the ORFR & IV-EO, in consultation with Local and/or Area Office staff, may request a review and/or appeal of the SSA decision. The request must be made within sixty days of receipt of the SSA determination/denial of benefits. The appeal must be based on submission of additional information to the SSA or presented as a challenge to the evaluation and interpretation of the original material. The ORFR & IV-EO files the request for a review or an appeal.

If a child under CP&P supervision in his or her own home has been determined ineligible for SSI benefits, and the parent, guardian, child or CP&P disagrees with this determination, the Worker may assist the family to

request a review or appeal of the SSA decision within the sixty day time limit.

## **Trust Fund for Benefit Recipients**

### **Introduction 9-8-2009**

When a child in out-of-home placement through CP&P is determined eligible for benefits, the ORFR&IV-EO establishes an account from which CP&P recovers monies extended for maintenance. Any money remaining after this recovery is retained in an interest bearing trust fund for the child.

### **Trust Fund for SSI Recipients 9-8-2009**

Eligibility for SSI benefits is based on the child being determined disabled and meeting the criteria of limited income and financial resources. There are rules regarding the level of funds held in the trust fund and continued eligibility for SSI benefits.

Monies may be kept in the trust fund up to a \$2,000 limit. If the account exceeds \$2,000, the child loses SSI eligibility until the account falls below this amount.

Efforts must be taken by DCF staff, as necessary, to ensure that the child maintains SSI eligibility while in out-of-home placement through CP&P. Trust fund monies should be spent toward the child's personal needs well before funds accumulate toward the \$2,000 limit. Contact the ORFR&IV-EO to determine the current status of an account/amount of monies held in trust for a child.

The Social Security Administration allows use of trust fund monies for the personal needs of the child beneficiary. If the child has a personal need, his or her resource parent or other out-of-home placement care provider may request that trust fund monies be used to address that need. The child's Worker issues a written request to the ORFR&IV-EO for access to trust fund monies.

As an additional safeguard to ensure a child's continuing eligibility for benefits, the ORFR&IV-EO contacts the Worker upon determining that a child's individual trust account has accumulated \$1,000 or more. The ORFR&IV-EO advises the Worker of these excess monies, to assess the child's personal needs, and, when appropriate, initiate a request to utilize trust fund monies toward those needs.

### **Closing the Trust Fund and Returning Funds to SSA 9-8-2009**

When DCF becomes ineligible to receive benefits on behalf of a child, the ORFR&IV-EO is responsible for returning any monies held in trust for the child to the Social Security Administration (monies collected in excess of maintenance costs associated with the out-of-home placement). If DCF becomes ineligible to receive benefits because the child becomes of age (18), ORFR&IV-EO will return funds to the Social Security Administration. If the SSI recipient is a child who is adopted or enters into KLG, the ORFR&IV-EO is required to return excess funds to the Social Security Administration, which has the option of forwarding these funds to the adoptive parent or KLG provider, or other new payee.

## **Allowable Personal Needs Expenditures**

### **Allowable Expenditures 9-8-2009**

The SSA allows excess monies held in a child's SSI trust account to be used toward his or her personal needs including, but not limited to:

- Special medical equipment and expenses not covered by Medicaid (nonprescription drugs, individualized wheelchairs, necessary modification to the resource parent's home to accommodate the special needs of a child with a disability, etc.);
- Therapeutic services - payment for special tutors;
- Recreational items and equipment - bicycles, cameras, radios, televisions, musical instruments, etc.;
- Room furnishings - individualized bedspreads and curtains, mirrors, lamps, pictures, posters, etc.;
- Supplies and equipment for occupational therapy - materials for crafts, such as metal work, leatherwork, needlework, weaving, etc.;
- Personal articles, such as jewelry, grooming aids, cosmetics, etc.

### **Procedures for Obtaining Monies for Personal Needs Expenditures from Trust Fund 9-8-2009**

The following is a step-by-step overview of the process for obtaining funds from a child's Trust Fund and applying those funds to cover the costs of an allowable personal needs expenditure.

#### **The ORFR&IV-EO:**

1. Establish and monitor the trust fund accounts of children in out-of-home placement through CP&P who are receiving benefits.
2. Advise the assigned Worker, and/or Local Office Title IV-E Liaison, if a child's trust account is accumulating large sums, which could endanger the child's continued eligibility to receive SSI benefits. Advise that the child's personal needs be assessed, to determine whether a personal need expenditure would benefit the child.

#### **The Child's Resource Parent or Other Substitute Care Provider:**

3. Identify child's personal needs and request the child's Worker obtain funds from the trust fund for a personal need expenditure. Note: The child's Worker also has this responsibility.

**The Local Office Worker:**

4. Complete and forward a Special Approval Request, CP&P Form [16-76](#), to the ORFR&IV-EO, CC 972, Attention: Client Banking Supervisor, including a statement describing the personal needs expenditure, the cost, and to whom the check should be made payable.

**The ORFR&IV-EO:**

5. Prepare and issue a check from the beneficiary's trust fund and forward to the named payee.
6. Maintain records and files of each trust fund disbursement.

**The Child's Resource Parent or other Substitute Care Provider:**

7. Make purchase as discussed with the Worker and provide the Worker with copies of **all** receipts.

**The Local Office Worker:**

8. Review the personal need purchase/expenditure and receipts. File receipts in the child's case record.