


Social Security Benefit Referrals for Children in Foster Care and Transfer of Payee Representation for Children and Young Adults Upon Entry and Exit from Foster Care

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| <p>Supporting Regulations: 20 C.F.R. Parts 404 (Subpart U) and 416 (Subpart F)</p> | <p>ACS Divisions/Provider Agencies: Family Permanency Services Division of Financial Services Foster care provider agencies</p> | <p>Contact Office/Unit: Denise Borak Assistant Commissioner Division of Financial Services SSBU hotline</p> | |
| <p>Key Words: Foster care; Social Security Administration; benefits; eligibility; disability; Retirement, Survivor's and Disability Insurance; Supplemental Security Income; representative payee; discharge</p> | | <p>Attachments: A- Notice of ACS Management of Social Security Benefits for Foster Youth B - Notice of Social Security Benefits Application for Foster Youth with Authorization Request and Return Instructions C - <i>Notice of Social Security Benefits Award</i> D - <i>Notice of Social Security Benefits Application Denial</i> E - <i>Parent/Guardian Authorization Form – Continuing Disability Review</i> F - <i>Notice of Social Security Benefits for Youth Exiting Foster Care</i></p> | |
| <p>Related SSA Forms: Form SSA-1696 Form SSA-827 Form SSA-11-BK</p> | | | |
| <p>SUMMARY: ACS seeks to maximize allowable savings from Social Security Administration benefits for children in foster care, and to maintain benefits for eligible children who are recipients upon entering care or who are determined eligible while in care. This policy outlines ACS' protocols for Retirement and Survivor's and Disability Income (RSDI) and Supplemental Security Income (SSI) beneficiaries in foster care, including how ACS identifies beneficiaries when they are placed into care, assesses for potential eligibility throughout placement in care, and how ACS will conserve benefits for children and youth in care consistent with SSA policies and asset limitations.</p> | | | |
| <p>SCOPE: This policy applies to ACS staff and contracted foster care agencies working with children in foster care who are recipients and potential applicants for Social Security benefits, specifically RSDI and SSI benefits. The policy outlines roles and expectations for agency case planners, ACS'</p> | | | |

contracted benefits consultant and technical assistance provider, and the ACS divisions of Finance and Family Permanency Services.

I. INTRODUCTION

Social Security benefit payments are impacted by a child's entry into foster care due to Social Security Administration (SSA) and other federal funding regulations.¹ ACS currently contracts with a benefits consultant for expert consultation and technical assistance. This consultant helps to facilitate the identification of beneficiaries, to facilitate and expedite enrollment for children and youth in foster care who are eligible for Social Security benefits, and to conserve funds and preserve eligibility for children and youth who enter foster care as benefit recipients. This policy discusses eligibility determinations and enrollment assistance for Retirement, Survivors and Disability Insurance (RSDI) benefits for foster children who are eligible dependents, and for Supplemental Security Income (SSI) benefits, who are children with a qualifying disability.

As is detailed in the policy which follows, ACS has established a new procedure regarding receipt of and applications for Social Security benefits. ACS' new approach aims to conserve allowable savings for children in care, and to maintain benefits for eligible children who are recipients upon entering care or who are determined eligible while in care. The policy also outlines the process by which conserved benefits will be transferred back to the SSA after the child exits foster care to be issued by the SSA to the beneficiary directly or their subsequent representative payee.

II. DEFINITIONS

- A. Social Security Administration (SSA): The SSA administers the SSI and RSDI programs. They establish the rules, determine eligibility, and appoint the representative payee.

- B. Retirement, Survivor's and Disability Insurance (RSDI): RSDI is sometimes referred to as survivor's benefits. Some children in foster care are eligible for these benefits because of the death or disability of an eligible caregiver. SSA would determine the monthly benefit. RSDI benefits are for minors and payments end at 18 or continue to age 19 if the youth is enrolled in school full time. The SSA does not have an asset maximum for RSDI benefits.

- C. Supplemental Security Income (SSI): Monthly benefit payment for children with a qualifying disability (see page 6 for additional information). SSA determines eligibility and the award amount based off the application they receive, information they gather from clinicians and others, and their own assessment. Their decision typically takes 6-8

¹ See details from the Social Security Administration at [this link](#).

months. Federal law and regulations do not permit a recipient to accumulate assets over \$2000 and continue to receive monthly benefits – this is the maximum for all SSI beneficiaries.

- D. **Dual eligible**: Some people are eligible and in receipt of both RSDI and SSI benefit monthly payments– these are referred to as “dual eligible” recipients

- E. **IV-E funding**: Title IV-E of the Social Security Act is the federal funding stream for foster care. There is an interplay between different federal reimbursement rules which will be explained more fully below. Title IV-E funds provide for federal reimbursement to child welfare agencies for a portion of the care and maintenance costs of foster care for children who meet certain eligibility requirements. It is an entitlement for those who are eligible—but it includes an income standard that, in today’s system, means that ACS receives federal reimbursement for only about 40% of children and youth in NYC foster care. Federal Title IV-E funding for foster care is an important and critical source of millions of dollars in funding to provide care for children in foster care.

- F. **Representative Payees**: SSA makes the determination about who to appoint as a suitable representative payee for minor and disabled beneficiaries. Representative payees receive benefit payments on behalf of the beneficiary, and must use the money to pay for the beneficiary’s needs, including housing, food, medical and dental expenses, personal care items, and clothing.²

- G. **Foster care exit**: For the purposes of this policy, a foster care exit is defined as a child’s departure from an ACS foster care placement setting, whether because of a release to a parent or relative pre-disposition, trial discharge or final discharge from foster care.

III. BENEFITS SCREENING FOR CHILDREN IN FOSTER CARE

Because of federal restrictions that limit simultaneous receipt of payments from certain funding sources, ACS must assess and account for a child’s Title IV-E funding eligibility status when determining how to proceed for recipients and potentially eligible children, and will act in a manner that maintains the child’s status and continued receipt of benefits whenever possible. Additional information on these considerations is provided below.

A. Children Who Enter Foster Care as Benefit Recipients

When a child who enters foster care is an active beneficiary upon entry, the benefits consultant will identify their active benefits by conducting a screening upon receiving notification of the child’s entry into ACS’ care by ACS’ Finance division. When a child is identified as a beneficiary of SSA benefits, the benefits consultant will notify the SSA

² Additional details from the SSA, for example here: <https://www.ssa.gov/payee/bene.htm?tl=6>

that the beneficiary is in ACS' care and apply to become the child's representative payee.³

1. RSDI Recipients

ACS will conserve all RSDI benefits for children and youth who enter care as RSDI beneficiaries in designated subaccounts, with the savings accessible upon the child's exit from care. There are no restrictions prohibiting the simultaneous receipt of RSDI benefits and IV-E funding. ACS will proceed with the same approach for all recipients of RSDI benefits, regardless of their IV-E eligibility status.

2. SSI Recipients

- a. ACS will request that the SSA suspend the child's SSI benefits following the child's entry into care, pending the IV-E eligibility determination.
- b. ACS cannot receive both SSI and IV-E funding on the same child's behalf for the same time period.⁴ Because of this restriction, if IV-E eligibility is confirmed for a child who is a recipient of SSI, the child's SSI benefits will remain in suspense status throughout their placement in foster care.⁵ SSA allows benefits to be placed in suspense for a maximum of 12 months. After 12 months, the recipient must reapply for benefits.
 - i. If a child is discharged within 12 months, the benefits consultant will provide support to reinstate the benefits upon the child's foster care exit.
 - ii. If a child remains in care for more than 12 months, the benefits consultant will internally track in their own records that the child was an SSI beneficiary and will retain information about the child's previously qualifying condition and diagnoses, to support an expedited application prior to the child's foster care exit. The benefits consultant will also notify the child's case planner and FCLS attorney that the child was an SSI beneficiary, and that their benefits are in suspense status. This must be noted in a progress note. The FCLS attorney will notify the Attorney for the Child.
- c. For children who are not IV-E eligible, ACS will conserve SSI benefits up to the asset limitation imposed under federal law.⁶ After the asset limitation has been reached, ACS will apply the additional SSI monthly payments received towards offsetting the cost of foster care, in order to preserve the child's continued

³ A Representative Payee is a person or organization selected by the SSA to receive and manage benefits on behalf of a beneficiary. See 20 C.F.R. 416.601 and following, and 20 C.F.R. 404.2001 and following.

⁴ See this SSA statement for additional information: [SOCIAL SECURITY ADVISORY BOARD STATEMENT \(ssa.gov\)](https://www.ssa.gov/ssa/ssaadv/ssaadv.htm)

⁵ As is detailed further in section VI(B)(a), ACS will issue a check for up to \$2,000 – the SSA's established asset maximum, for children whose SSI benefits were suspended upon entry into foster care because of their IV-E eligibility status.

⁶ 42 U.S.C. 1382(a)(1)(B), (3)(B); 20 C.F.R. 416.202(d).

eligibility and receipt of the benefits. The benefit consultant will assist the beneficiary or their representative payee to access the SSO monthly payment upon discharge from foster care.

3. Dual RSDI/SSI Recipients

- a. For children who qualify for both SSI and RSDI and who are not IV-E eligible, ACS will conserve SSI benefits up to the federal asset limitation amount. Once the asset limitation is reached, ACS will suspend SSI benefits and continue to conserve RSDI benefits because they are not restricted to a maximum.⁷
- b. For children who receive both SSI and RSDI who are IV-E eligible and for all those awaiting a IV-E eligibility determination, ACS will request that the SSA suspend SSI benefits upon placement into foster care. ACS will receive and conserve all RSDI benefits throughout the recipient's placement in foster care.

4. Notification

When children enter foster care as recipients of SSA benefits and SSA approves ACS' application to become the child's representative payee, ACS will issue a letter, *Notice of ACS Management of Social Security Benefits for Foster Youth* (Attachment A), to the child's parent or legal guardian. The child's case planner and FCLS attorney will receive copies of the notification. FCLS will notify the Attorney for the Child via email. The case planner must note that the child is a recipient of SSA benefits in a progress note, and should include this detail in the comprehensive FASP or a subsequent Case Update to the FASP, depending on timing.

B. Annual Eligibility Screening for Children not in Receipt of Benefits Upon Entry

1. The benefits consultant conducts a brief annual eligibility screening of children in foster care and seeks consent and facilitates applications to SSA for benefits when the child is determined to be likely eligible for the benefit as outlined in the section that follows.
 - a. **RSDI Eligibility**

Children may be eligible for RSDI benefits if they are a dependent survivor of an eligible deceased, disabled or retired parent or legal guardian. Eligibility is determined by the SSA based on employment history and Federal Insurance Contribution Act (FICA) contributions.⁸ For those children who are not recipients of RSDI upon entry to care, the benefits consultant will assess available information upon a child's entry to care to identify potentially eligible children, and re-assess annually thereafter.
 - b. **SSI Eligibility**

⁷ This approach allows ACS to maximize RSDI benefit savings on the child's behalf.

⁸ For additional information, search for Survivor's benefits at ssa.gov

- i. Children may be eligible for SSI based on blindness or disability.⁹ The benefits consultant conducts annual eligibility screenings of available information of children in foster care – primarily looking for diagnoses and documentation that would be likely to support a successful application, and completes and submits applications to SSA. The annual screening will focus on children who are not IV-E eligible, since federal restrictions do not allow the simultaneous receipt of SSI and IV-E funding for the same child while they are in foster care.
- ii. Children may be eligible for SSI if they experience or are diagnosed with any of the following:
 - a) Mental health and/or behavioral health conditions, as indicated by:
 - A. Diagnosis of a Serious Emotional Disturbance (SED), Serious Mental Illness (SMI) or Post-Traumatic Stress Disorder (PTSD);
 - B. Psychiatric hospitalizations;
 - C. History of residential placements for children or youth with diagnosed mental health impairment(s);
 - b) Developmental, intellectual and/or learning disabilities, as indicated by:
 - A. Enrollment in or recommendation for special education services;
 - B. Severe learning problems and/or developmental delays;
 - c) Medically diagnosed functional disability or condition, such as:
 - A. Physical limitations that markedly impact ability to perform activities of daily living and/or significantly impact functioning;
 - B. Intensive ongoing medical services or treatments for chronic or terminal conditions;
 - C. Low birth weight; and
 - D. Blindness.
- iii. The benefits consultant screens for eligibility by conducting a review of the child’s case record and available information about other eligibility criteria, such as citizenship status. In their review of the case record, the benefits consultant will assess:
 - a. Medical records, including documentation of clinical diagnoses;
 - b. Copy of birth certificate; and
 - c. School records, including, where applicable, details of the child’s Individualized Education Program (IEP).
 - d. Progress notes or other case documentation that demonstrates the child’s needs, conditions and/or treatment plan.
- iv. The benefits consultant may also reach out to the case planning agency for additional diagnostic details to assess eligibility, including for details about recent medical information and supporting documentation.

⁹ Disability is defined by SSA for SSI eligibility purposes as “a medically determinable physical or mental impairment, (including an emotional or learning problem) that: a) results in marked and severe functional limitations; and b) can be expected to result in death; or c) has lasted or can be expected to last for a continuous period of not less than 12 months. SSA has specific parameters for its definition of blindness – details on both definitions are available online: <https://www.ssa.gov/ssi/text-eligibility-ussi.htm>.

2. When the preliminary eligibility screening indicates that the child may be eligible, the benefits consultant will initiate the application process, as detailed in section IV below.

C. Referrals for Eligibility Screening

1. Case planners are encouraged to refer cases to the benefits consultant for an eligibility screening if, based on observation or available assessments, the child may have a qualifying condition or circumstance. Case planners do not need to have a recent assessment to make a referral for an eligibility screening.
 - a. While children are screened upon entry, if a case planner or other agency staff has additional assessment or diagnostic information indicating potential eligibility, the case planner can submit a referral to the benefits consultant for an additional screening. Case planners may be asked to provide relevant clinical documentation to support the screening.
 - b. Children under the age of 18 may be eligible for RSDI benefits if they are the survivor or dependent of an eligible parent or legal guardian.¹⁰

D. Eligibility Screening for Children Exiting Care

1. The benefits consultant will conduct an additional screening for RSDI and SSI eligibility for children prior to their exit from foster care, upon receiving notification of an upcoming trial or final discharge conference as outlined below. This screening focuses on children who are IV-E eligible, for whom previous annual screenings for eligibility were not conducted as outlined above, so that the benefits consultant can support the application for children prior to their exit from care.
2. When a trial or final discharge conferencing request is received from a provider agency,¹¹ the FPS Office of Family Team Conferencing will notify the designated mailbox managed by the benefits consultant (SSBUHotline@acs.nyc.gov) with an email that includes the following information for each child with an upcoming discharge conference:
 - a. Full name;
 - b. Date of birth;
 - c. CIN number;

¹⁰ RSDI eligibility is based on the deceased or disabled person's earnings and years of employment. These benefits may come from one of three programs: retirement benefits, survivor's benefits and disability benefits. The child's eligibility as a beneficiary is determined by SSA after determining whether the parent or legal guardian was eligible based on their employment and earning history.

¹¹ The Division of Finance also provides a monthly report of exits from foster care for children and youth who are beneficiaries to the benefits consultant, to identify children and youth who exited care but for whom the benefits consultant did not yet receive notification. They will initiate the same process as outlined here to transfer information about benefits to the youth and their family.

- d. Name and contact information of case planner;
 - e. Date of scheduled conference;
 - f. Whether the conference is in anticipation of a trial or final discharge; and
 - g. Anticipated discharge address and contact information for the discharge resource or youth if over 18 where appropriate.
3. Following the screening, if the child is determined by the benefits consultant to likely be eligible for RSDI benefits, the benefits consultant will initiate an application (see section III below for additional information).
 4. Following the screening, if the child is determined by the benefits consultant to likely be eligible for SSI benefits, the benefits consultant will contact the case planning agency for additional diagnostic details, recent medical information and supporting documentation to support the application (see section III below for additional information).
 5. If the application is approved prior to the child's exit from care, see section V for additional information about transferring the benefits, representation and any accumulated savings.
 6. If the application is still pending at the time of discharge, see section IV for additional information about how to continue the benefits consultant's support of the application.

IV. PREPARING AND SUBMITTING BENEFITS APPLICATIONS TO SSA

The benefits consultant compiles and submits benefits applications to SSA and will reach out to ACS and agency case planners for assistance in obtaining relevant supporting documentation and information about the child's functioning.

A. RSDI Applications

1. If the benefits consultant determines that a child in care is likely eligible for survivor benefits, ACS will inform the parent or legal guardian, if applicable, of its intent to submit an application by sending a letter, *Notice of Social Security Survivor Benefits Application for Foster Youth*. The child's case planner and FCLS attorney will receive copies of the notification. FCLS will forward the copy of the notification to the Attorney for the Child. The case planner must note that an application was submitted in a progress note, and should include these details in the next FASP case update.
2. The benefits consultant will initiate an application to SSA for youth determined likely to be eligible, and will contact ACS for assistance obtaining required documentation as needed. The benefits consultant will complete and obtain the necessary signatures of the following documents, which must be submitted to apply for RSDI benefits:
 - a. SSA-1696 form, *Claimant's Appointment of a Representative*;

- b. SSA-11-BK form, *Request to be Selected as Payee*;
- c. SSA-4-BK form, *Application for Child's Insurance Benefits*;
- d. Signed attestation confirming that the child is placed in ACS' custody as a foster child.

B. SSI Applications

1. If, following the screening, the youth is determined to be likely eligible for SSI benefits, the benefits consultant will contact the case planning agency for additional diagnostic details, recent medical information and documentation to support the application. If ACS and the benefits consultant forego an application for a child deemed likely eligible as a result of their IVE eligibility status, the benefits consultant will notify the case planner and FCLS attorney of this decision via email. The case planner must note this determination in a progress note.
2. The application must include documentation of consent for the release of educational, health and other relevant information.
 - a. ACS and the benefits consultant will notify the parent or legal guardian of its assessment that the child or youth is likely eligible for SSI benefits and will seek consent to for the release of medical and educational records required to submit an application for all children under the age of 18. The parent or legal guardian will be notified via letter, *Notice of Social Security Benefits Application for Foster Youth with Authorization Request and Return Instructions* (Attachment B). The letter will be accompanied by form SSA-827, *Authorization to Disclose Information to the Social Security Administration*,¹² The form provides details about the types of information that the SSA may assess to process its review of the application and requests the parent or guardian's signature on the form SSA-827 form and any available supporting documentation. The letter will include a stamped return envelope. The case planner must note that the child was assessed to be potentially eligible, and the outcome of the outreach to the parent (i.e., if an application was submitted after obtaining parental consent) in a progress note, and should include these details in the next FASP case update.
 - b. If ACS does not receive the signed SSA-827 form from the parent or legal guardian, the benefits consultant will reach out to the child's case planner for outreach assistance. The case planner will discuss the consent form with the parent during casework contacts, and explain that the benefits consultant will not proceed with the application for benefits without the signed consent form. If the parent or legal guardian declines to sign the form, the application will not proceed.
 - c. Youth in foster care who are aged 18 or older may consent on their own behalf to the release of health and educational records supportive of the application.
3. SSA requires a "Child Disability Report," also referred to as a function report, to support an SSI application, which should be filled out by someone with regular contact with the child, who can answer questions about the child's capacity and

¹² The SSA-827 form is available via [this link](#).

ability to perform milestone tasks.¹³ This report can be filled out by completing the form provided or over the phone with the benefits consultant.

4. Additional supportive documentation includes:
 - a. Medical records, including documentation of clinical diagnoses;
 - b. Copy of birth certificate; and
 - c. School records, including, where applicable, details of the child's Individualized Education Program (IEP).
5. SSA conducts an eligibility determination based on an application with supporting documentation, as well as a consultative exam conducted by a clinician designated by SSA. When notified by SSA of a required consultative exam appointment, the benefits consultant will reach out immediately to the case planning agency with the appointment details.
6. SSI applications submitted by the benefits consultant take an average of 6-8 months to receive an initial response from SSA. When SSA makes an eligibility determination, ACS will notify the child's parent or guardian, with FCLS copied, using either Attachment C, *Notice of Social Security Benefits Award*, which includes notice that ACS is the designated representative payee, or Attachment D, *Notice of Social Security Benefits Application Denial*. The case planner must note the SSA determination in a progress note, and should include this detail in the next FASP case update.

V. MAINTAINING ELIGIBILITY FOR RECIPIENTS WHILE IN CARE

ACS and the benefits consultant will coordinate with agency case planning staff to maintain eligibility for beneficiaries while in care. The SSA requires compliance with periodic reviews – which can include requirements to submit additional or updated documentation to verify continued eligibility. As necessary, ACS and the benefits consultant will coordinate with agency case planning staff to obtain and submit requested information.

A. Continuing Disability Review (CDR)

Upon request by the SSA, the benefits consultant and ACS may be required to submit documentation confirming a child's continued eligibility for SSI benefits. This most often requires submitting updated, recent clinical documentation that demonstrates that the child's disability and functional impairment persists, including resubmitting the forms listed above as included in an initial benefits application. SSA may also require a consultative exam with an SSA-designated clinician. As the designated representative payee, ACS receives these requests from SSA, and will notify the benefits consultant upon receipt to coordinate a timely response. The benefits consultant will reach out to agency case planners for assistance, when necessary, in obtaining the relevant updated clinical documentation and in informing the child of any scheduled consultative exam,

¹³ The report varies by age. For children aged 3-6, the function report is completed on form SSA-3377-BK. For children aged 6-12, the function report is completed on form SSA-3378-BK. For children aged 12-18, the function report is completed on form SSA-3379-BK. For more information go to <https://secure.ssa.gov/apps6z/i3820/main.html>

its import, and with assistance to keep the appointment as needed. ACS will notify the parent and/or legal guardian of an upcoming Continuing Disability Review, and seek their consent for the release of relevant medical and educational records, by sending the notice *Supplemental Security Income Benefits Parent/Guardian Authorization Form – Continuing Disability Review*.

- a. If ACS does not receive the signed consent form from the parent or legal guardian, the benefits consultant will reach out to the child's case planner for outreach assistance. The case planner will discuss the consent form with the parent during casework contacts, and explain that the benefits consultant will not proceed with the continuing disability review without the signed consent form. If the parent or legal guardian declines to sign the form, the application will not proceed.
- b. Youth in foster care who are aged 18 or older may consent on their own behalf to the release of health and educational records supportive of the review.
- c. The benefits consultant will notify the case planner and FCLS attorney of the outcome of the Continuing Disability Review. The case planner must note this information in a progress note.

B. 18-Year-Old Conversion (YOC)

SSA also conducts eligibility reviews of youth when the SSA requires an assessment that the child's disability and functional impairment meet adult SSI eligibility criteria. The SSA sends notification similar to the CDR, requesting updated, recent clinical documentation that details the child's diagnoses and functioning. The benefits consultant tracks open cases to prepare for the 18 YOC requirements, and will coordinate with agency case planners for assistance, if needed, to obtain relevant updated clinical documentation.

VI. Transfer of Conserved Benefits, Change of Representative Payee and Support for Pending Applications Upon Exit from Care

A. When a child exits ACS' care, ACS will send notice to the SSA to suspend ACS as representative payee.

B. Conserved Benefits

1. For children released to parent pre-disposition and those who are final discharged, after notifying the SSA that a child has exited care and that ACS can no longer be the child's representative payee, ACS will transmit the full balance of conserved RSDI and SSI funds received on a child's behalf back to the SSA. ACS will issue a letter, *Notice of Social Security Benefits for Youth Exiting Foster Care (Attachment E)* to the discharge resource or, for young adults exiting foster care over the age of 18, directly to the young adult. The letter will include details about the total amount of funds that was returned to the SSA. Once ACS confirms that the SSA has removed ACS as representative payee all conserved funds will be returned to the SSA by check within two months.

- a. For SSI beneficiaries whose benefits were suspended upon entry to care as a result of their IV-E eligibility status, ACS will issue a check for up to \$2,000, which is the SSA's maximum asset allowance. This money will be distributed by the ACS Banking Unit directly by check to a child who has aged out or to the parent or legal guardian in whose care they are placed after final discharge.¹⁴ The benefit consultant maintains a listing of all children and youth for whom SSI benefits were suspended upon entry into foster care due to their IVE eligibility. Upon learning of these discharges, the benefits consultant will obtain current address information through CNNX and verification with the case planner. Once the current address is obtained the check will be sent within a month.
 2. For children on trial discharge, ACS will retain the conserved savings until the child's final discharge. While the child is on trial discharge status, the benefits consultant can assist the parent or guardian to become a representative payee for ongoing monthly benefit payments as outlined below. If a young adult is on trial discharge "to self," the benefits consultant can provide assistance with applying to become a direct payee on ongoing monthly benefit payments.
- C. Representative Payee Transfer
1. Once ACS notifies the SSA that a child is no longer in ACS foster care, the SSA will put their benefits in suspense status until a new representee payee has been established.
 2. A parent, guardian or permanency resource can apply directly to SSA to become a representative payee. Young adults can apply to the SSA to become the direct payee. This can be done in person at an SSA office, or can be initiated by phone or online.¹⁵
 3. Upon a child's discharge from care, the benefits consultant will support the transfer to a new representative payee, typically the child's parent or permanency resource, or will provide information to youth and young adults aged 18 and older about how to establish themselves as a direct beneficiary. The following forms are necessary to effectuate the transfer, if the family wishes to continue receiving support from the benefits consultant following the child's discharge from care:
 - a. SSA-11-BK, *Change of Payee Application*, which provides details for the new payee; and
 - b. SSA-1696, *Claimant's Appointment of a Representative*, which allows for the benefits consultant to continue to offer representation to the family after the child's discharge from foster care. This form must be signed by the new representative payee.

¹⁴ At the time of this writing, this check will be issued directly from Chase Bank, at the request of the ACS Banking Unit.

¹⁵ [Social Security Administration - Representative Payee Program \(ssa.gov\)](https://www.ssa.gov/representative-payee-program)

- c. The benefits consultant will submit the signed SSA-11-BK the month following the child's final discharge from foster care, to finalize the transfer from ACS to the new representative payee. The benefits consultant can provide support to families navigating the transfer of representative payeeship, and has a hotline number to contact with questions or if issues arise.

VII. Continuing Support for Pending Applications Post-Discharge

- A. The benefits consultant provides continued support for children and young adults with SSI and/or RSDI benefits applications pending upon the child's exit from care, if the family or young adult agrees to the continued representation and support. Appendix C contains a sample cover letter that the benefits consultant will send to parents or discharge resources, explaining their role and the support they can offer and outlining the application process. There is no cost for families and young adults to receive support from the benefits consultant.
- B. If the family agrees to the continued support, the benefits consultant will provide them with the following forms to sign:
 - 1. SSA-1696, *Claimant's Appointment of a Representative*; and
 - 2. SSA-827, *Authorization to Disclose Information to the Social Security Administration*.
- C. If discharge from foster care is expected to occur prior to the completion of an SSI application, the benefits consultant will provide the new representative payee Form SSA-1696 to be signed by the new representative payee. If the parent consents to continued representation and support by the benefits consultant, they will submit the SSA 1696 form to the SSA after the child's discharge, authorizing the benefits consultant to complete an SSI application on behalf of the child.

VIII. Review of Requests for Case-Specific Exceptions to Policy

ACS will consider making exceptions to the policy as outlined above if case circumstances suggest that an exception would benefit the child, or better address the child's needs. Any consideration of an exception will be a collaborative decision made by representatives of the Divisions of Finance, Family Permanency Services, Family Court Legal Services and the Office of General Counsel. If an exception is made, ACS will issue a notice that outlines the decision, which will be issued to the child's parent or legal guardian. A copy of the notice will go to the child's case planner, with the FCLS attorney copied.

IX. Training and Support from the Benefits Consultant

- A. The benefits consultant will provide informational brochures outlining all pertinent information for new Representative Payees and youth, for those that become direct payees, regarding Social Security benefits, the application and recertification process, and coordination with other financial assistance benefits to assist the children and

families prior to, and after discharge from foster care. This information includes details about SSA requirements, processes to maintain continuation of benefits and the potential impact on eligibility for other financial assistance and benefits.

B. The benefits consultant will provide training on the processes and benefits of Social Security programs to case planners on an ongoing basis. Trainings will cover the following topics:

1. Overview of ACS's objectives for the Social Security advocacy program;
2. Basic understanding of the SSI and RSDI eligibility criteria;
3. Overview of consent forms needed to submit an application;
4. Review of the process and documentation needed to support an application; and
5. Information on how to contact the benefits consultant to make a referral.

DRAFT