

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

Supplemental Security Income (SSI)

This amended rule, formerly entitled *Social Security Benefits (SSI)*, outlines the process for identifying children and youth eligible for Supplemental Security Income through the United States Social Security Administration, as well as, the internal Department of Children, Youth and Family process for applying for and managing these benefits. The Rule amends the process for approving additional appropriate expenditures for children in care for whom the Department is the Representative Payee.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This new rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) or available in hard copy upon request (401-528-3685). Interested persons should submit written comments by May 16, 2011 to Susan Bowler, Acting Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Supplemental Security Income Social Security Benefits- (SSI)

Rhode Island Department of Children, Youth and Families

Policy: 1000.0005

Effective Date: December 18, 1984 Revised Date: ~~October 11, 1988~~ Version: 3

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Supplemental Security Income is provided to children of any age who are disabled or blind according to criteria described in procedure. Children found eligible for Supplemental Security Income (SSI) are automatically eligible for medical assistance. Staff identify children who may be eligible in accordance with procedure to maximize the benefits available. It is essential that staff seek evaluation of every child who may be eligible due to a disability or blindness to ensure the child enjoys all of the current benefits to which he/she is entitled as well as to preserve the possibility of securing future benefits. The Department of Children, Youth and Families (DCYF), as representative payee, receives and uses SSI in the best interest of and on behalf of the child, which includes the cost of care for the child in placement. If a child is collecting SSI at the time of placement, the DCYF Management and Budget Office is alerted so that change of representative payee, if appropriate, can be initiated.

~~Supplemental Security Income is provided to children of any age who are disabled or blind according to established criteria. If a child is already collecting SSI at the time of placement the benefits unit must be alerted so that change of payee, if appropriate, can be initiated. The benefits are federal and state funds administered and distributed by the federal government. The federal share increases automatically with the cost of living. It is the responsibility of the worker to identify appropriate candidates to maximize the benefits available to the Department on behalf of the child.~~

Disabled

- ~~1. _____ The child suffers from a medically determinable physical or mental condition of a severity to impair the child's daily functioning and ability to participate and benefit from activities at an age appropriate level.~~
- ~~2. _____ A physical or mental impairment results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.~~
- ~~3. _____ Primary consideration is given to the severity of the individual's impairment, with a criteria of functioning at half their chronological age. Consideration is also given to such other facts as the individual's age, education, and work experience if applicable.~~
- ~~4. _____ The child may suffer one of the stated impairment(s) criteria such as musculoskeletal system, neurological, respiratory, cardiovascular, mental disorders, or if his/her impairment meets the durational requirements of expectation to last for a continuous period of not less than twelve (12) months and is determined by the Social Security Administration, with an appropriate consideration of the particular effect of disease processes in childhood, to be medically the equivalent of an identified impairment as listed.~~

Blind

- ~~1. _____ A central vision acuity of 20/200 or less in the better eye with the use of corrective lens or a visual field restricted to 20 degrees or less.~~
- ~~2. _____ A disabled child of a deceased, retired, or disabled parent may continue to receive SSA benefits past the age of eighteen (18), indefinitely, even if not in school.~~
- ~~3. _____ Full benefits are not paid to a child while he/she is a resident of a public institution. However, SSI will allow \$30 monthly for personal needs.~~

4. ~~_____ In the case of a child on SSI who is subsequently adopted, the child does not automatically continue to be eligible. The adoptive parents' income/assets must be considered in determining eligibility. A hard-to-place child, however, may be eligible for adoption subsidy.~~

~~Income Assets:~~

1. ~~_____ When a child is at home, the parent's income is considered in eligibility determination. When the child is in placement, only the child's personal assets and/or income is considered.~~

2. ~~_____ The child can have assets worth up to \$2,000 and still be eligible for SSI payments. This includes savings accounts, stocks, bonds, and other valuables. Personal effects or household goods do not count as assets if their total equity value is \$2,000 or less. If the total of personal assets exceeds \$2,000, the excess is considered in arriving at the total assets permitted. Life insurance policies are not counted if their total face value is \$1,500 or less. If the total face value is more than \$1,500, only the cash surrender value counts.~~

3. ~~_____ The first \$20 a month in income from parental support and SSA will not affect the SSI payment. If the amount of SSA or parental support exceeds \$20 monthly, a \$20 disregard is applied and the remainder above \$20 is deducted from the SSI payments.~~

~~Medical Coverage – Those who are found eligible for Supplemental Security Income (SSI) are automatically eligible and certified for medical assistance. It is not necessary to make a separate application for Medical Assistance. If child is entering DCYF care an DCYF #008 is needed to determine IV-E eligibility.~~

~~Disposition of Benefits – The Department as representative payee has the responsibility to receive and use the SSI benefits in the best interests of and on behalf of the child. The benefits are applied toward the cost of care for the child in placement.~~

~~Related Procedures~~

~~Application of Social Security Benefits – SSI~~

~~Re-determination – Finances~~

~~SSI Annual Review~~

~~The Appeal of Denial of SSI Benefits~~

~~Disposition of Assets~~

~~Purchase of Services Placement~~

~~Transfer of Payments~~

~~Reimbursement of Benefits~~

~~Related Policy~~

~~Social Security Benefits – SSA Policy~~

Related Procedure

~~[Supplemental Security Income](#)~~Social Security Benefits – (SSI)~~~~

Related Policy

~~[Retirement, Survivors, Disability Insurance \(RSDI\)](#)~~

~~[Veteran Administration Benefits](#)~~Social Security Benefits – SSA Policy~~~~

Supplemental Security Income Social Security Benefits—(SSI)

Procedure from Policy 1000.0005: Supplemental Security Income - (SSI)

- A. If a child is blind and/or disabled and meets the age and income criteria identified below, he/she may be eligible for Supplemental Security Income (SSI).
1. Disability – The child suffers from
 - a. A medically determinable physical or mental condition of a severity to impair his/her daily functioning and ability to participate and benefit from activities at an age appropriate level.
 - b. A physical or mental impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.
 - c. An impairment of a severity such that he/she functions at half the level expected at his/her chronological age. Consideration is also given to such factors as age, education and work experience (if applicable).
 - d. One of the impairment(s) identified by the Social Security Administration, such as musculo-skeletal, neurological, respiratory, cardiovascular, mental disorders or
 - e. From an impairment that is expected to last for a continuous period of not less than twelve (12) months and is determined by the Social Security Administration to be the medical equivalent of an identified impairment.
 2. The child suffers from blindness, which is defined as central vision acuity of 20/200 or less in the better eye with the use of corrective lens, or a visual field restricted to 20 degrees or less.
 3. Income / Assets:
 - a. When a child is at home, the parent's income is considered in eligibility determination. When the child is in placement, only the child's personal assets and/or income is considered.
 - b. The child can have assets up to \$2,000 and remain eligible for SSI. These assets include savings accounts, stocks, bonds, and other valuables. Personal effects or household goods are not considered assets if their total equity value is \$2,000 or less. Life insurance policies are not considered assets if their value is \$1,500 or less.
 - c. A disabled child of a deceased, retired, or disabled parent may continue to receive Retirement, Survivors, Disability Insurance (RSDI), based on SSI eligibility, as provided in DCYF Policy 1000.0010, Retirement, Survivors, Disability Insurance (RSDI). RSDI Benefits may change the amount of SSI a child receives.
 - d. A child receiving SSI, who is subsequently adopted, does not automatically continue to be eligible. The adoptive parents' income and assets must be considered in determining eligibility. A hard-to place child, however, may be eligible for adoption subsidy.
 4. A child who is a resident of a public institution does not receive full benefits.
 - a. The Social Security Administration defines a public institution as one operated by or under the direct or indirect administrative control of the federal, state, county or city government.
 - b. The Department of Children, Youth and Families (DCYF), considers the Rhode Island Training School, institutions operated by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals or by the Department of Corrections to be public institutions.
- B. Determination of Eligibility:
1. The primary worker identifying a child as a candidate for SSI prepares the information and documentation identified below and forwards it to the Management and Budget Office. This includes:

- a. Social Security Number.
 - b. Certified Birth Certificate verified by INRHODES.
 - c. Up-to-date evaluation (within 12 months) consisting of medical, psychiatric, psychological examinations, hospital, residential treatment centers, clinic, and/or school evaluations and reports and other appropriate material.
 2. The Management and Budget Office prepares the SSI forms and submits these together with a copy of the Certified Birth Certificate and updated documentation for review by the Social Security Administration.
 3. The Disability Determination Unit of the Social Security Administration determines eligibility.
 4. The Management and Budget Office receives written notice from the Social Security Administration.
 - a. If the child is determined to be eligible, the benefits are retroactive to the date of application.
 - b. Medical Assistance is automatically provided for all eligible individuals.
- C. The DCYF is the child's representative payee.
 1. The DCYF receives and uses the SSI benefits in the best interests of and on behalf of the child.
 2. The benefits are applied toward the cost of care for the child in placement in accordance with Social Security Administration policy and procedures.
- D. Appeal of Denial of Benefits
 1. The Management and Budget Office sends a copy of the denial of SSI eligibility to the primary worker. The notification is filed in the case record.
 2. If the primary worker wishes to file an appeal, the Management and Budget Office is notified.
 3. Management and Budget Office requests that the Social Security Administration District Office file appropriate forms for "Reconsideration" within 60 days of the denial notice.
 4. The primary worker compiles any available up-to-date medical, psychological, or psychiatric documentation and electronically forwards this information to the Management and Budget Office.
 5. The reconsideration is forwarded to the Social Security Administration District Office.
 6. At the appeal hearing the primary worker, DCYF Legal Counsel, court appointed physician, psychologist, or psychiatrist may participate, supervisor or appointee from the Management and Budget Office appear before the Federal Judge.
 7. If the appeal is denied and the DCYF chooses to pursue further appeal, the Management and Budget Office files according to federal regulations.
- E. Re-determination of eligibility:
 1. Continued eligibility is re-determined annually.
 2. The Management and Budget Office completes the re-determination forms.
 3. The re-determination form is reviewed by the Social Security Administration.
 4. The DCYF receives notification in cases of overpayment or when clarification is necessary.
- F. Disposition of Assets
 1. The Management and Budget Office updates the balance in the child's Social Security Trust Account as deposits are made and benefits are paid toward the cost of care. If the balance exceeds \$2000, funds over that amount must be returned to the Social Security Administration and benefits temporarily cease.

The DCYF must then reinstate benefits through the Social Security Administration.

2. The primary worker may request additional appropriate expenditures on behalf of the child when a required personal needs item or service is not provided by the child's current placement.
 - a. Appropriate expenditures may include therapeutic, recreational, or educational activities, devices not covered by medical assistance, home maker, respite care, clothing, bicycle, furniture, or any other purchases for the personal use of the child.
 - b. Appropriate expenditures may be made through the use of DCYF Form 207/SSA Spend Down Request.

G. When an SSI eligible child is placed in a purchase of service substitute care or returns from such a placement, the primary worker notifies the Management and Budget Office.

H. Transfer of Payment:

1. The INRHODES system identifies a child who receives SSI and enters a DCYF placement.
2. When a child in placement returns home:
 - a. The primary worker advises the parent
 - i. To make application with the Social Security Administration to become representative payee.
 - ii. To include the DCYF Form 206 SSA Trust Reunification/Closure Notice in their application to the Social Security Administration.
 - iii. Of the asset test (paragraph A 3, above) which can affect the amount of funds the child receives.
 - b. The Department returns any funds to the Social Security Administration which determines the proper payee for future benefits.

Application of Social Security Benefits

~~A. The worker identifying a child as a candidate for SSI based on mental and/or physical disability or blindness prepares the necessary information:~~

- ~~1. Social Security Number.~~
- ~~2. Birth certificate (certified INRHODES verified.)~~
- ~~3. Up to date evaluation (within 12 months) consisting of medical, psychiatric, psychological examinations, hospital, residential treatment centers, clinic, and/or school evaluations and reports and other appropriate material.~~

~~B. The worker forwards the above mentioned supporting documents to the Benefits Unit of the Federal Programs and Benefits.~~

~~C. The Benefits Office prepares the SSI forms and submits these together with a copy of the Certified Birth Certificate and updated documentation for review by the Social Security field representative.~~

~~D. The Social Security Field Representative visits with DCYF Benefits Unit weekly to review applications and forwards completed applications to the Social Security Office in Providence.~~

~~E. The Disability Determination Unit of the Social Security Office determines the eligibility of each application.~~

~~F. Benefits Section will receive written notice from the SSA Office, usually within 60-180 days from the date of application. If the child is determined to be eligible, the benefits are retroactive to the date of application.~~

~~G. Medical Assistance is automatically provided for all eligible individuals.~~
~~Redetermination of Finances~~

~~A. Continued eligibility is re-determined yearly. The medical and benefits unit completes the re-determination forms, SSA-8203-F4 and 623 which provides a detailed account of how SSI monies were expended.~~

~~B. The re-determination form is reviewed by the social security field representative during the weekly visit.~~

~~C. The field representative forwards the completed re-determination form to the Social Security Office where the re-determination forms are processed. DCYF receives notification in cases of overpayment or when clarification is necessary.~~
~~SSI Annual Review~~

~~A. The child's continued eligibility for SSI is re-determined periodically by the Social Security Administration. This is done on a random selection of cases every six months, every year or every two years as deemed appropriate by the Social Security Administration.~~

~~B. The Benefits Section will forward Form #454 to the primary service worker for completion. The worker will complete Form #454 and return to the Benefits Section within five (5) working days.~~
~~The Appeal of Denial of SSI Benefits~~

~~A. A copy of the denial of SSI eligibility will be sent to the child's worker by the Benefits Section. The notification is filed in the case record.~~

~~B. If the worker wishes to file an appeal, the Benefits Section is so notified; and the appeal process is initiated by that office.~~

~~C. Benefits Section staff request the Social Security field representative to file appropriate forms for "Reconsideration" within 60 days of the denial notice.~~

~~D. The worker compiles any available up-to-date medical/psychological/psychiatric documentation and electronically forwards this information to the Benefits Section.~~

~~E. The reconsideration is forwarded to the SSA office.~~

~~F. At the appeal hearing the worker, Department Legal Counsel, court appointed physician/psychologist/psychiatrist may participate, supervisor or appointee from the Benefits Section appear before the Federal Judge.~~

~~G. If the appeal is denied and the Department chooses to pursue further appeal, there is recourse for further appeal through the Social Security Administration Office. The Medical and Benefits Office will proceed to file according to federal regulations if so instructed by the worker.~~
~~Disposition of Assets~~

~~A. The Business Office will update the amount of money in the child's savings account as deposits are made. When the savings account balance reaches one thousand (\$1,000), this information will be forwarded to the appropriate worker in the~~

~~Federal Benefits Unit. The Federal Benefits Unit will send an e-mail message to the worker requesting appropriate action to apply the savings to the child's needs. The worker is responsible to keep track of these benefits and to make appropriate use of these funds towards the child's needs. These may include therapeutic, recreational, or educational activities, devices not covered by medical assistance, homemaker, respite care, clothing, bicycle, furniture, or any other purchases for the personal use of the child. (Note: If the account exceeds \$2000, all savings over that amount must be returned to Social Security, the benefits temporarily cease, and the Department must then reinstate child benefits through the Social Security Office.)~~

~~B. A notice will be sent to the foster parent(s) or residential provider informing him/her when the child's saving account benefits exceed the cost of care. The worker consults with the child's caretaker (foster parent(s) or residential care provider) to discuss the child's needs and appropriate expenditures on behalf of the child.~~

~~C. The expenditures can be made by either of the following courses of action:~~

~~1. Issuance of Payment Prior to Purchase:~~

~~a. The worker, foster parent(s), or caretaker can pre-select items.~~

~~b. The worker prepares an on-line interoffice memo itemizing the anticipated purchase and the price.~~

~~c. The worker electronically forwards the memo to the Supervisor of the Business Office and to the Regional Director for approval. The memo is forwarded to the Division of Management and Budgeting for approval by the Chief of Administrative Services.~~

~~d. When approved, a check will be issued payable to the foster parent(s), caretaker(s), or merchant for the amount and mailed to the foster parent(s), provider(s), or caseworker as appropriate.~~

~~e. Upon purchase of the approved items with the issued checks, the worker or caretaker(s) will submit receipts or stubs to the Division of Management and Budgeting.~~

~~2. Reimbursement for Purchases Made:~~

~~a. The steps in Section C, 1 (a – e) above will be followed and, if approved by Management and Budgeting, proceed with Item b below.~~

~~b. The worker or caretaker can purchase the approved items and forward receipts to Management and Budgeting for reimbursement.~~

~~c. A check will be issued for the amount to the purchaser.~~

~~Purchase of Service Placement~~

~~A. When an SSI eligible child is placed in a purchase of service substitute care placement the following must occur:~~

1. ~~_____~~ The primary service worker shall notify the Federal Benefits Unit regarding the child's placement at the time the child is placed.
2. ~~_____~~ The primary service worker will electronically notify the Benefits Unit if the child is returned to placement in Rhode Island.

~~Transfer of Payments~~

~~A. _____ Child Entering Placement:~~

1. ~~_____~~ When a child who enters placement receives SSI benefits, the INRHODES worker electronically contacts the Benefits Unit in order to effect a payee change; and
2. ~~_____~~ The Benefits Unit staff verifies the child's beneficiary status with the Social Security Office via Form #1610 and upon verification prepares the necessary form for transfer of payee to the Department. These forms are given to the Social Security Field Representative for processing.

~~B. _____ Child in Placement Returning Home:~~

1. ~~_____~~ When a child in placement returns home, it is the responsibility of the worker to advise the parent to file with the Social Security Administration to become payee. If required RICHIST will generate a notice that the primary service worker will send to the family informing them of benefits they need to apply for;
2. ~~_____~~ The Department returns all savings account monies to the Social Security Office which then determines the proper payee for future benefits. In certain circumstances, savings accrued may be released by Management and Budgeting directly to the child or his/her parent/guardian upon verbal approval from the Social Security Administration or Veteran's Administration and with written notification from the primary service worker/supervisor. This shall only be done when there is an immediate financial need and any delay in the release of savings would cause a financial burden. This re-determination must be made jointly by the Social Security Administration/ Veteran's Administration, primary service worker/supervisor and the Division of Management and Budgeting; and
3. ~~_____~~ If the stability of the return home is questionable and there is a possibility that the return home might disrupt and will be supervised for a trial period, it may be advisable to postpone the filing of a Change of Payee. If this is the case, the worker should call the Benefits Office to discuss the particular circumstances and the timing for change of payee of Social Security benefits.

~~Reimbursement of Benefits~~

- A. ~~_____~~ At the time of placement of the SSI eligible child, the primary service worker shall have the parents'/guardians' sign a DCYF #081, parental authorization for a reimbursement of benefits. This form will be filed in the case record. Upon the child's return home, this form will enable the Department to collect these SSI payments retroactive to the time of the child's placement.

~~B. _____ The primary service worker will notify the Medical and Benefits Unit of the child's return home at the appropriate time and forward a copy of the signed DCYF #081 to the Medical and Benefits Unit.~~