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Administrative Directive

Transmittal:	10-OCFS-ADM-04
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	April 28, 2010
Subject:	Filing Supplemental Security Income (SSI) Applications for Youth Who Are Disabled Transitioning Out of Foster Care
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors
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Attachments:	No
Available Online:	http://www.ssa.gov/applyfordisability/

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 LCM-22 09-OCFS-ADM-16			Federal Reform Act P.L. 104-193		

I. Purpose

The purpose of this Administrative Directive is to inform local social services districts and voluntary authorized agencies that the Social Security Administration (SSA) has issued new rules as to when an application for Supplemental Security Income (SSI) may be filed for a youth who is disabled and transitioning out of foster care. Effective immediately, a youth who is disabled may file an SSI application up to 90 days before federal foster care payments are expected to end. This is an exception to the general rule of accepting an SSI application in the month before the month of eligibility.

II. Background

Approximately 15 percent of youth who are in foster care in New York State are eligible for SSI. Youth who are disabled and receiving Title IV-E federal foster care benefits cannot obtain SSI benefits until foster care payments have stopped. These youth can likely benefit from the income support and health services that result from SSI eligibility to ease the transition to adulthood upon reaching age 18.

According to the SSA, the length of time it normally takes for a decision to be rendered after an SSI application is received is three to five months, depending upon the nature of the disability, the time frame and receipt of the medical records, and whether further medical examination is required. The ability to apply for SSI 90 days prior to discharge will be helpful in establishing eligibility by the time of discharge from foster care or shortly after discharge.

III. Program Implications

The federal Welfare Reform Act, P.L. 104-193 (Personal Responsibility and Work Opportunity Act of 1996), revised the SSI program definition of disability for children. The definition states that an individual under the age of 18 shall be considered disabled if he or she has a medically determinable physical or mental impairment that results in marked and severe functional limitations, and such impairment has lasted, or can be expected to last,) at least 12 months or result in death.

Pursuant to SSA rules, youth transitioning out of foster care and applying for SSI also must qualify under the definition of disability for adults as determined by the SSA:

- The youth cannot do work he or she had done before;
- There is a determination that the youth cannot adjust to other work because of his or her medical condition(s); and
- The disability has lasted, or is expected to last, for at least one year, or result in death.

The 09-OCFS-ADM-16 entitled “Transition Plan Requirements for Youth 18 and Older Aging Out of Foster Care” provided direction for assisting youth to transition out of foster care. Ninety days prior to the youth’s scheduled discharge date, a worker must complete Transition Plan forms. Completion of a youth’s transition plan and the filing of a youth’s application for SSI both must occur at least 90 days prior to the youth’s scheduled date of discharge from foster care.

IV. Required Action

An SSI application shall be completed and filed with the SSA at least 90 days prior to a disabled youth’s discharge from foster care.

A Child Disability Report, which requires information about the child’s medical conditions, medical records, education and work history, and is the first step in the application process, can be accessed and completed on the Internet at:

www.socialsecurity.gov/childdisabilityreport.

This document requires the signature of the designee of the local social services district with custody of the youth, to authorize the release of medical records used to establish SSI eligibility.

The completed Child Disability Report may be:

- submitted online and a local appointment will be established to complete the application, or
- upon completion of the report, SSA can be called directly at **1-800-772-1213** to establish an appointment to complete the application locally, or
- both the report and application may be filed in person at the local SSA field office.

The process of filing a Child Disability Report and the completed SSI application for a potentially eligible youth shall be documented on the Transition Plan Forms (OCFS-4922 and 4933) under Section VI, “Continuing Support Services” (question 4).

V. Additional Information

The SSA website offers a work sheet and a checklist of necessary documents to complete the report/appointment at:

<http://www.ssa.gov/applyfordisability/>

A “Guide to SSI and Social Security Benefits for Children and Youth in Out-of-Home Care” is provided by Casey Family Programs and includes a description of the application process, the criteria, and the responsibilities of the parties involved. The guide also covers the basic rights of youth in both the SSI and Social Security programs and effective advocacy. The guide is available on the OCFS website at:

<http://www.ocfs.state.ny.us/main/publications/eligibility/29%20A%20Guide%20to%20SSI.pdf>

VI. Systems Implications

None

VII. Effective Date

This release is effective immediately.

/s/ Nancy W. Martinez

Issued By:

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