Department of Health & Human Services
DHHS
NEBRASKA

Division of Children and Family Services

State of Nebraska
Pete Ricketts, Governor

Division of Children and Family Services Protection and Safety Procedure # 9-2016	
Regarding:	State Ward SSA/SSI Applications, Payee Changes, Change Reporting, Guardianship Trust Accounts, and GSO Account Contacts
Date Effective:	03/04/2016
Contact:	Manuel Escamilla at [redacted]
Issued by:	Douglas J. Weinberg, Director, Division of Children and Family Services

Philosophy:

Nebraska Revised State Statute 43-907 states; "Unless a guardian shall have been appointed by a court of competent jurisdiction, the Department of Health and Human Services shall take custody of and exercise general control over assets owned by children under the charge of the department." This includes Social Security income (SSA) and Supplemental Security Income (SSI) received by Nebraska State Wards. This statute does not apply to Tribal Wards.

Procedure:

When a child is placed in the legal custody of the Nebraska Department of Health and Human Services (DHHS), by court order, and the child is removed from the home of parent(s) or specified relative, a representative from DHHS may need to submit an application for benefits on behalf of the State Ward.

Submitting an application is necessary in order to determine if the child is eligible for Social Security Disability (SSA) based on parental disability, or Social Security Survivors benefits (SSA) based on parental death, or Supplemental Security Income (SSI) based on child's disability.

Determining who needs an Application:

The Child and Family Services Specialist (CFS Specialist) working with the family and child, will be aware if the child is possibly disabled, or if one or both parents are disabled, or deceased.

A child may be eligible for Supplemental Security Income (SSI) when there is a physical or mental impairment (or combination of impairments) that cause marked and severe functional limitations, and has lasted or is expected to last for at least 12 consecutive months, or to result in death. If the child is disabled, they should not be employed and doing substantial work. An application for SSI will be required to determine if the child is eligible for benefits.

The CFS Specialist will take the following steps.

1) The CFS Specialist will determine if there is possible social security benefits. The CFS Specialist should explore the possibility of benefits by consulting with the specified relative whom the child was removed from and decide if it appears that the child may qualify for benefits.
2) When it appears that the child may qualify for benefits an application for SSA or SSI benefits should be made by contacting the local Social Security Administration office. The CFS Specialist can call 1-800-722-1213 or contact their local Social Security office in person, to request an application for benefits.

Social Security (SSA) applications - the CFS Specialist will need the following information to complete an application.

- The child's name, date of birth, and social security number.
- The child's certified birth certificate.
- The disabled or deceased parent(s) name, date of birth, and if possible, their Social Security number.
- The date and place of parental death when applying for SSA survivors benefits.

Supplemental Security Income (SSI) applications - the CFS Specialist may start the process by either calling 1-800-722-1213 or by going to the Social Security Administration Child Disability Report website at https://secure.ssa.gov/apps6z/i3820/main.html. The online Child Disability Report has information regarding the application process. The CFS Specialist will need the following information to complete an application.

1) Information about the child, including:
   - The child's full name, social security number, and date of birth.
   - Your name (as the applicant), address, telephone number, and e-mail address.
   - The name, address and telephone number of someone else who knows about the child's illnesses, injuries, or conditions. This may be a relative, parent/custodian, foster parent, etc.
   - A description of the child's conditions, including when they began and how they limit the child's daily activities.

2) Education and Work History (if applicable)
   - The names, addresses, and telephone numbers for all schools or educational facilities that the child has attended in the last 12 months.
   - The type of behavioral or learning test(s) that the child had, and when the test(s) was done.
   - A description of the child's last job, if he or she has worked.

3) Medical History
   - The names and addresses and telephone numbers for all doctors, hospitals, and clinics that the child has seen for his or her conditions, the dates of and reasons for the visits.
   - Name(s) of any medical test(s) that the child had, when and where the test(s) was done, and who ordered it.
   - Name(s) of each prescription medicine(s) that the child is currently prescribed and the doctor(s) who prescribed it.

- Name(s) of any non-prescription or over-the-counter medicine(s) that child takes.

It is the responsibility of the CFS Specialist to complete the necessary paper work, sign the required forms, and to submit supporting documentation as required by the Social Security Administration. A request to have DHHS named as the payee for the State Ward must be made by the CFS Specialist at the time of application.

Representative Payee - When a State Ward is placed out of the parent(s) home and comes into custody as an eligible recipient of, or is determined to be eligible for the following benefits, DHHS will be established as the representative payee.

- Social Security Disability (SSA) based on parental disability.
- Social Security Survivors benefits (SSA) based on parental death.
- Supplemental Security Income (SSI) benefits based on the child's disability.

Maximus is a private agency contracted with the Division of Children and Family Services to make payee change applications for State Wards who are eligible for SSA or SSI benefits. Maximus receives a monthly report of State Wards eligible for benefits and applies for payee changes based on these reports.

The Income Maintenance Foster Care (IM-FC) worker will review the payee status after 60 days of the child being placed in DHHS legal custody and if there has been no payee change they will contact Maximus via e-mail to inform them of a need to request a payee change for the State Ward. A copy of the court order giving DHHS legal custody must be faxed to Maximus to support their request for a payee change.

Maximus Project Manager contact information: [redacted]

Once DHHS has been determined to be the payee for SSA or SSI, *DHHS will remain the payee while the child is in DHHS legal custody*. This policy is followed even when a child remains in DHHS legal custody but is returned to a parent or specified relative on a trial basis, who was the payee prior to the child being placed in DHHS custody. The monthly SSA or SSI benefit can be directed to the parent or specified relative if the child is returned home, but DHHS will remain the payee in case the trial home visit results in another out of home placement.

The assigned IM-FC worker will be responsible for sending an electronic request to the DHHS Guardianship Trust Accountant to have a maintenance payment directed to the parent or specified relative, beginning the month following the return of the child to the home.
When the child is released from DHHS legal custody, the IM-FC worker must notify the Social Security Administration to allow a payee change via the Government Service Organization (GSO) process noted below. The payee change will only be allowed when legal custody with DHHS has been terminated.

Government Service Organization Accounts - GSO accounts have been established for specific DHHS staff who can use the accounts to electronically report changes that may affect SSA, SSI, or the payee status. An e-mail should be sent by the IM-FC worker, to a service area

GSO account contact to report changes as required. See the attached list of GSO account holders for contact information. Changes will then be forwarded to the Social Security Administration electronically by the GSO account contact.

It will be the responsibility of the assigned IM-FC worker to report the below changes via the GSO account contact in their service area.

Required reports of changes include the following:

- Termination of DHHS legal custody
- Placement changes:
  - Whereabouts are unknown
  - Move to another residence
  - Placement in or release from a jail or care facility
- Income begins or stops for State Ward
- Resource changes
- School attendance ending
- Adoption of child
- Marriage
- Death of recipient

Guardianship Trust Accounts - DHHS is required to save the first $1000.00 of any SSA or SSI benefits which is deposited into a Guardianship Trust Account for the State Ward. The initial $1,000.00 is only available at the CFS Specialist's discretion, for personal use expenses that are directly related to the State Ward. If personal use funds are authorized by the CFS Specialist, they will make a request for personal use expenses to the IM-FC worker assigned to the CFS program case, via e-mail. Information regarding what is being purchased, the amount needed, the name, address, and phone number of who the payment is to be paid to, will be required. The IM-FC worker will then complete an electronic request to the DHHS Guardianship Trust Accountant to process the payment from the Guardianship Trust Account. Payment is made to the designated payee identified by the CFS Specialist.

Any saved available funds over $1,000.00 will be used for reimbursement of foster care expenses while the child is a State Ward.

The Social Security Administration requires documentation of the use of saved benefits for State Ward personal expenses. This requires receipts for all reported expenses. A "State Ward Personal Expenses Form" is used to have parents/guardian/representative provide a list of personal expenses, to track the use of Guardianship Trust Account funds. This includes monthly maintenance payments that are made to the parent/guardian when a State Ward is returned to the parental/guardian home. This form will be provided to the parent/guardian/representative by the DHHS Guardianship Trust Accountant when they receive a request for personal use expenses to be paid out of a child's account. This information will be kept by the Guardianship Trust Accountant for review during periodic Social Security Administration audits of these accounts.

After a State Ward is released from DHHS legal custody, the DHHS Guardianship Trust Accountant will review the account and make reimbursements for any foster care expenses,

where possible, and will forward any saved available funds to the Social Security Administration. The CFS Specialist will notify the parent/custodian that they must contact their local Social Security office to request to become the payee for SSA or SSI for the child. The Social Security Administration will then forward any saved available funds to the payee.

Continuing Disability Review (CDR) - The Social Security Administration periodically sends a Continuing Disability Review (CDR) form to review disability or blindness to decide if a recipient is still disabled or blind. The CDR form will need to be completed by the CFS Specialist and returned to the Social Security Administration with a court order to verify DHHS has legal custody. The last court order showing DHHS has legal custody is required and must be provided to verify the CFS Specialist is authorized to sign on behalf of the State Ward.

Termination of Benefits at Age Eighteen (18) - The Social Security Administration will send an Advance Notice of Termination of Child's Benefits with a Student's Statement Regarding School Attendance form to DHHS two months prior to a State Ward turning age 18. This form will be sent by the DHHS Guardianship Trust Accountant to the CFS Specialist for completion. SSA income will end with the payment the month before the month in which the youth turns age 18 unless, the State Ward is a full time student at an elementary or secondary school, or is eligible for childhood disability benefits. The form must be completed by the student and taken to their school. The school must complete, sign and return the form directly to the Social Security Administration, *prior to the month the youth turns age 18,* in order to continue SSA benefits. The form should be given to the school as soon as possible but at least 15 days prior to the month the student turns age 18, to allow time for the school to forward the form to the Social Security Administration.

Review of Eighteen (18) year olds eligibility for SSI – At age 18, a review by the Social Security Administration is required to change benefits from children's SSI to adult SSI eligibility. The CFS Specialist is required to call the Social Security Administration at 1-800-722-1213, sixty (60) days before the State Ward's 18th birthday, to complete a review of the State Ward's eligibility for adult SSI. PLEASE NOTE: Failure to complete the review process will result in the loss of SSI benefits at age 18.

References:

Nebraska Revised State Statute 43-907
479 NAC 2-001.09 Income
479 NAC 2-006.01 Disbursement of Guardianship Funds
479 NAC 2-001.09B1 RSDI, SSI, or VA Benefits