



# Senate

General Assembly

**File No. 366**

February Session, 2012

Substitute Senate Bill No. 293

*Senate, April 11, 2012*

The Committee on Human Services reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PERMANENCY AND TRANSITION PLANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) The permanency plan  
2 of a child in the care and custody of the Commissioner of Children and  
3 Families shall include documentation whether the child is eligible for  
4 benefits from the Social Security Administration, including, but not  
5 limited to, supplemental security income, survivor and disabled adult  
6 child benefits.

7 (b) The department shall complete and submit an application for  
8 supplemental security income benefits for any eligible child in its care  
9 and custody. The department shall maintain and respond to  
10 correspondence regarding the application and any forthcoming  
11 benefits.

12 (c) For any child who has reached the age of seventeen and is  
13 receiving Social Security benefits, the department shall: (1) Determine  
14 whether the child will require a representative payee to assist in

15 managing the child's Social Security benefits, (2) if the child requires a  
 16 representative payee, identify an appropriate representative payee  
 17 who shall comply with the representative payee responsibilities set  
 18 forth in 20 CFR 404.2035, as amended from time to time, and (3) if the  
 19 child does not require a representative payee, provide the following  
 20 assistance to the child which may include, but is not limited to,  
 21 educating the child about (A) maintaining their eligibility with the  
 22 Social Security Administration, and (B) maintaining a bank account for  
 23 purposes of electronic direct deposit of Social Security payments.

24 Sec. 2. (NEW) (*Effective October 1, 2012*) Any permanency plan  
 25 documents submitted by the Department of Children and Families  
 26 pursuant to section 46b-129 of the general statutes and any hearing  
 27 held to address a child's or youth's permanency plan shall include: (1)  
 28 For a child five years of age and under, the steps the department has  
 29 taken to make any necessary referrals of the child for early  
 30 intervention, preschool or special education services, which are being  
 31 provided or are scheduled to be provided in accordance with  
 32 applicable law, (2) for a child sixteen years of age or older, the steps the  
 33 department has taken to enable the child to learn independent living  
 34 skills and complete a secondary educational or vocational program,  
 35 and (3) for a child sixteen years of age or older but under eighteen  
 36 years of age, (A) the steps the department has taken to develop a  
 37 transition plan that is personalized for the child, which includes, but is  
 38 not limited to, specific options for housing, health insurance, and  
 39 education, local opportunities for mentors and continuing support  
 40 opportunities, work force support and employment services, (B) a  
 41 review of the benefits the child is currently receiving including, but not  
 42 limited to, social security, and (C) the steps the department will take to  
 43 ensure the child is screened for eligible benefits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section



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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

There is no fiscal impact to the Department of Children and Families (DCF) associated with permanency plan requirements related to a child's Social Security Benefits including Supplemental Security Income (SSI).

### **BACKGROUND**

For every child in its care and custody, DCF staff determines if the state will receive greater reimbursement payments if that child is enrolled under SSI or is designated under a Social Security Administration (SSA) program, such as Title IV-E<sup>1</sup> or Survivors Benefits.<sup>2</sup> The state can receive only one of these two reimbursements per child. Dependent on the level of care being paid for and other factors, generally Title IV-E reimbursement payments are higher than SSI reimbursement payments. If DCF elects to claim Title IV-E reimbursement for an SSI eligible child instead of SSI reimbursement, the agency suspends SSI payments for that child for 11 months of each

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<sup>1</sup> Title IV-E of the Social Security Act provides a federal match equal to the Medicaid match rate for medical assistance payments (FMAP). This federal match is provided for state maintenance payments for foster care, adoption assistance, and guardianship assistance care for eligible children. Title IV-E funds are also available for administrative costs to manage the program, to train staff and foster parents, to recruit foster parents, and other related expenses. These expenditures, however, use match rates other than the FMAP to determine federal funding.

<sup>2</sup> A portion of Federal Social Security taxes go towards survivors insurance. Children may be eligible for this benefit if one or both of their parents are disabled, retired, or deceased.

year and then activates payments for one month. This is done so that the child stays active in the SSI system and does not fall off of its rolls, necessitating a reapplication process.

***The Out Years******State Impact:*** None***Municipal Impact:*** None*Sources: Department of Children and Families*

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**OLR Bill Analysis****sSB 293*****AN ACT CONCERNING PERMANENCY AND TRANSITION PLANS.*****SUMMARY:**

This bill requires the Department of Children and Families (DCF) to document a child's eligibility for Social Security benefits, including supplemental security income (SSI), survivor, and disabled child benefits, in the permanency plan for each child in its care and custody. The bill also adds additional permanency plan requirements.

The bill requires DCF to complete and submit an SSI application for each eligible child in its care and custody. It also requires DCF to (1) maintain and respond to any correspondence regarding the benefits, and (2) determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care and plan accordingly.

EFFECTIVE DATE: October 1, 2012

**REPRESENTATIVE PAYEE**

For any 17-year-old Social Security recipient in DCF custody, DCF must:

1. determine if the child will require a representative payee to assist in managing the child's Social Security benefits when the child ages out of DCF care and custody;
2. if a representative payee is needed, identify one who must comply with responsibilities set forth in federal law; and
3. if a representative payee is not needed, provide the child with assistance including educating the child about maintaining (a) Social Security eligibility and (b) a bank account for electronic

deposit of Social Security payments.

## **PERMANENCY PLAN REQUIREMENTS**

The bill requires any DCF permanency plan document and hearing that addresses a child or youth's permanency plan to include:

1. for a child age five or younger, the steps DCF has taken to make the necessary referrals for early intervention, preschool, or special education services, which are being provided or scheduled to be provided in accordance with applicable law;
2. for a child age 16 or older, the steps DCF has taken to enable the child to learn independent living skills and complete a secondary education or vocational program;
3. for a child age 16 or 17 (a) the steps DCF has taken to develop a personalized transition plan, including options for housing, health insurance, education, local opportunities for mentors and continuing support services, work force support, and employment services; (b) a review of the child's current benefits, including Social Security; and (c) the steps DCF will take to ensure the child is screened for eligible benefits.

## **BACKGROUND**

### ***Representative Payee Responsibilities***

Under federal law, a representative payee is responsible for:

1. using the benefits received on the beneficiary's behalf only in a manner that would be in the beneficiary's best interest;
2. keeping any benefits received on the beneficiary's behalf separate from the payee's own funds and showing the beneficiary's ownership of these benefits unless the payee is a state or local government agency for whom the Social Security Administration (SSA) has granted an exception to this requirement;
3. treating any interest earned on the benefits as the beneficiary's

property;

4. notifying the SSA of any event or change in the beneficiary's circumstances that will affect the amount of benefits the beneficiary receives, the beneficiary's right to receive benefits, or how the beneficiary receives them;
5. submitting to SSA, upon the beneficiary's request, a written report accounting for the benefits received on the beneficiary's behalf, and making all supporting records available for review if requested by SSA; and
6. notifying SSA of any change in his or her circumstances that would affect performance of payee responsibilities (20 CFR 404.2035).

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference  
Yea 8 Nay 0 (03/08/2012)

Human Services Committee

Joint Favorable  
Yea 16 Nay 0 (03/22/2012)