

Mlpp medical legal partnership project center for children's advocacy

TESTIMONY OF BONNIE ROSWIG, SENIOR STAFF ATTORNEY, CENTER FOR CHILDREN'S ADVOCACY, MEDICAL LEGAL PARTNERSHIP PROJECT

BEFORE THE SELECT COMMITTEE ON CHILDREN

TESTIMONY IN SUPPORT OF RAISED BILL 272

An Act Concerning Social Security Support for Foster Children

This testimony is submitted on behalf of the Medical-Legal Partnership Project of the Center for Children's Advocacy. The Medical Legal Partnership Project is a ten year old project which reflects the joint resources of Center for Children's Advocacy and its clinical partners, the Connecticut Children's Medical Center, Saint Francis Hospital and Medical Center, The Hospital Of Central Connecticut and two federally qualified health centers (FQHC) in Hartford, Charter Oak Health Center and Community Health Services, Inc.

We Strongly Support Bill 272 Which Will Ensure That Children in DCF Custody Will be Able to Access Benefits From the Social Security Administration and Will Ensure That The State of Connecticut Will Be Able to Access Social Security Funds Earmarked for Those Children's Supports

Disabled children with very limited resources are entitled to apply for financial supports through the Social Security Administration's Supplemental Security Income ("SSI") program. Given the abuse and trauma suffered by children who have been committed to the Department of Children and Families (DCF), it is likely that they will be eligible for SSI benefits. If a child in DCF custody is found eligible for benefits under the SSI program, the cash benefit automatically goes directly to the State of Connecticut until that child reaches the age of 18.

The SSI application process is complex. The Social Security Administration advises every applicant in a contested case to obtain the assistance of an attorney. Children's SSI is a discrete specialty. Children must not only meet a disability test under the Social Security Administration regulations but they must meet a functionality test. Applying for and maintaining SSI benefits is also complex – forms must be completed correctly, ongoing medical evaluations must be attended and strict statutes of limitations for applications and appeals must be adhered to.

The financial support afforded by SSI benefits to children committed to DCF is critical. If a child is under the age of 18, the funds flow directly to the State. If the child is returned home or placed with another permanent caregiver, the money will follow the child and will assist the family in meeting the child's needs. If the youth is over 18 the monies are granted to the recipient or a representative payee for the recipient's maintenance and support.

To ensure that SSI benefits are preserved for children in DCF custody, eligibility must be evaluated on an ongoing basis. The "case plan" which is required to be reviewed every six month is the obvious place to note that evaluation. Requiring this assessment will protect the rights of all children who are committed to DCF custody. For children who are already receiving benefits, the ongoing evaluation will ensure that all necessary steps have been taken to preserve their SSI benefits. For children without existing benefits, eligibility will be revisited on an ongoing basis.

DCF must give particular attention to SSI requirements for youth prior to their 18th birthday. The Social Security Administration has complex changes for recipients over age 18. To preserve the benefit, when the youth is 17 DCF must provide the following:

- 1) Assist with ongoing eligibility determinations
- 2) Determine whether the child will need a representative payee and identify said payee

- 3) Provide supports for youth who will not require a representative payee, including but not limited to educating the child about maintaining their eligibility for SSI and maintaining a bank account for purposes of direct deposit funds from the Social Security Administration

TECHNICAL AMENDMENT to SB 272:

To ensure access to SSI benefits for children committed to the Department and Children and Families we respectfully suggest the following amendments to SB 292

AN ACT CONCERNING SOCIAL SECURITY SUPPORT FOR FOSTER CHILDREN.

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

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

(b) The department shall complete and submit an application for Supplemental Security Income for any eligible child in its care and custody. The department shall appeal the denial of an application, if applicable, and shall maintain and respond to correspondence regarding the application and any forthcoming benefits.

(c) For any child that has reached the age of seventeen, the department shall: (1) Determine whether the child will require a representative payee to assist in managing the child's Social Security benefits, (2) if said child requires a representative payee, identify an appropriate representative payee who shall comply with the representative payee responsibilities set forth in 20 CFR 404.2035, as amended from time to time, and (3) if the child does not require a representative payee, provide the following assistance to the child which may include, but is not limited to, educating the child about (A) maintaining their eligibility with the Social Security Administration, and (B) maintaining a bank account for purposes of electronic direct deposit of Social Security payments.

NEW (d) All case plans created and reviewed pursuant to Connecticut General Statute § 17a-15 shall address whether an application for Social Security Benefits has been or should be considered for a child or youth; what steps the Department has taken or will take to make such determination and application; and what steps the Department will take to document the child or youth's ongoing eligibility for benefits, where applicable.

Meaningful access to SSI benefits for children in foster care ensures revenue for the State of Connecticut and fundamental advantages for foster youth when they become emancipated. Tying this screening to the case plan ensures ongoing attention to eligibility.

Respectfully Submitted,

Bonnie B. Roswig
Senior Staff Attorney
Medical/Legal Partnership Project
Center for Children's Advocacy

A collaboration with:
Connecticut Children's Medical Center
282 Washington Street, Hartford, CT 06106
Phone: 860-545-8581 Fax: 860-545-9234
broswig@ccmckids.org