

A person wearing a blue and white checkered button-down shirt is sitting at a desk, looking down at a laptop. Their hands are resting on their head, suggesting concentration or stress. The background is a plain, light-colored wall.

OCTOBER 2020

Building a Strong SSI Application for Transition Age Youth

**GUIDE, SAMPLES, AND
FREQUENTLY ASKED QUESTIONS**

**ALLIANCE
for CHILDREN'S
RIGHTS**

Preparing the SSI Application

Applicant Key Information Summary

Creating a key information summary helps organize information for the SSI application. Refer to the key information summary as you complete the forms.

[\[DOWNLOAD SUMMARY TEMPLATE \]](#) [\[SAMPLE \]](#)

Application Form Samples

Once you have created a key information summary for the applicant, use the below filled-out sample forms as a guide.

- SSA-8000 (Application for SSI)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-3368 (Adult Disability Report)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-3373 (Adult Function Report)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-827 (Authorization to Disclose Information to SSA)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-1696 (Claimant's Appointment of Representative)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-3380 (Adult Third Party Function Report)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)
- SSA-8240 (Authorization for SSA to Obtain Wage/Employment Information)
[\[SAMPLE FORM \]](#) [\[BLANK FORM \]](#)

Frequently Asked Questions

Eligibility Screening

Q: When should youth in foster care be screened for SSI eligibility?

A: Recognizing the importance of SSI for TAY with disabilities, in 2007 the California Legislature passed AB 1331 creating responsibilities for county child welfare agencies. The goal is to ensure that transition age youth with special needs are provided a safe and supported transition out of foster care. All youth must be screened before age 17.5, even if they are going to remain in foster care until age 21 using an “SSI Disability Screening Guide.”

Caseworkers should prioritize screening and referral to SSI Unit for following groups: (1) youth who are Regional Center clients; (2) youth who receive a Specialized Care Increment or Regional Center rate; and (3) youth with presumptive disabilities such as amputation, deafness, use of a wheelchair, Cerebral Palsy, Down Syndrome, Intellectual Disability, or HIV/AIDS.

Welfare and Institutions Code § [13757\(a\)\(2\)](#)

Q: Why did California establish a timeline to screen between 16.5 and 17.5?

A: The timeline to screen between 16.5 and 17.5 was established to provide ample time for an application to be submitted and a determination made, but not so much time that suspense status would exceed 12 months.

Welfare and Institutions Code § [13757\(a\)\(2\)](#)

Q: Can youth remain in foster care beyond their 18th birthday through the extended foster care program and how does that impact SSI eligibility?

A: When the extended foster care program was enacted into law, the Foster Care Social Security and Supplement Income Assistance Program was amended to clarify the legislature’s intent to ensure that foster youth be able to participate in the extended foster care program but also benefit from the SSI screening and application support required in law. Specifically, the statute was amended to state: “It is the intent of the Legislature that nothing in this section shall be interpreted to preclude a nonminor dependent from accessing the same benefits, services, and supports, and exercise the same choices available to all dependents.” In addition, the statute states that: “It is further the intent of the Legislature that individuals who have had their eligibility for federal Supplemental Security Income benefits established pursuant to Section 13757

be able to maintain that eligibility even when they remain in the state’s care as a nonminor dependent. In order to facilitate this, it is the intent of the Legislature that the county child welfare agency ensure that the youth receives an SSI payment during at least one month of each 12-month period while the youth is a nonminor dependent. It is further the intent of the Legislature that the county child welfare agency supplement the SSI payment that a youth receives during this one-month period with nonfederal AFDC-FC benefits.”

Welfare and Institutions Code § [13754\(a\)\(2\)](#)

Q: Why is it so important to screen for eligibility for transition age youth?

A: Evidence used to establish SSI eligibility for a child helpful in establishing ongoing eligibility for a youth adult. Ensuring SSI is in place at age 18 provides youth maximum flexibility and choice among benefits, services and supports.

Q: What happens if a youth has not been screened for SSI eligibility before they turn 18?

A: As mentioned above, state law mandates that youth in foster care be screened for SSI eligibility before they reach 17.5 years of age, however, if a youth is not screened, they should be screened and an application should be submitted using the SSA-3368 (Adult Disability Report) and SSA-3373 (Adult Function Report).

Submitting the SSI Application

Q: Where should I start on submitting the SSI application?

A: The SSA-8000 is the cover letter to the application. It provides the basic summary information. It’s important to focus on several issues specific to youth in foster care on this form:

- For date that youth/NMD was unable to work, generally this is earliest diagnosis date. But if someone was badly injured and that caused their disability, the date of the injury could predate the formal diagnosis.
- If youth/NMD lives in foster home or group home, this is “non-institutional care”- skip Qs 24 through 36
- Contact youth/NMD and caregiver to gather information about youth/NMD’s assets, bank accounts, insurance policies, stocks, bonds, etc.
- Confirm if youth/NMD has employment history and if so, obtain wage and employer contact information
- Note that foster care funding is not considered “income” for purposes of SSI

- Have youth/NMD sign under Question 63

Q: What are the best practices in completing the SSA-8000?

A: Caseworkers should view themselves as the youth/NMD’s advocate throughout the SSI application process: the better the application, the better chance that SSA will approve it.

Because such a large number of initial applications are denied, it’s important to include significant detail regarding the NMD’s functional limitations that will prevent the NMD from being able to work.

Creating a key summary will make the process of completing SSI application forms much faster and will assist in tracking what forms have been completed. As the caseworker reviews the forms, watch out for any facts related to diagnoses, assessments, symptoms, medications, functional limitations, hospitalizations, services, etc.

Contacting third party providers and following up to ensure they understand the importance of completing the SSA-3380 (Adult Third Party Function Report) will help build a successful SSI application.

Q: What are the best practices in completing the Adult Disability Report?

A: The caseworker should pull up the SSI Listing that the applicant may meet when preparing the SSA-3368 (Adult Disability Report), to review the symptoms section while comparing to the listing to make sure that the application mirrors the language of the listing and supports the application.

[SSI Listings](#)

Q: Many adoptive parents may struggle to complete the SSI application. Are there any resources available to assist them?

A: In Los Angeles County, organizations like [Alliance for Children’s Rights](#) and the [Legal Aid Foundation of Los Angeles](#) are available as resources for SSI advocacy, particularly for kids who were adopted out of foster care. It is highly encouraged to contact an attorney.

Q: What can the attorneys for the child/NMD do to ensure the application is completed appropriately and persuasively on behalf of the applicant?

A: Anyone who works with children in foster care or nonminor dependents can offer to look at the application and to provide additional information that you know would be relevant.

You can also complete the [SSA-3380](#) (Adult Third Party Function Report) to provide supplemental information to make persuasive arguments about the youth/NMD's functioning. When completing the form, make sure to refer to the SSA Listing and link the information you are providing to the criteria required by the SSA Listing relevant to the youth/NMD.

SSI Payments and Other Benefits

Q: Can the SSP-22 (Authorization for Non-Medical Out of Home Care) be completed after the youth is already approved for and receiving SSI?

A: Yes. The [SSP-22](#) (Authorization for Non-Medical Out of Home Care) can be completed at any time. Youth who are eligible for SSI benefits and are placed in a licensed, approved or certified foster home; who are living in the home of a relative (whether in foster care or not); or living in the home of a legally appointed guardian or conservator (whether in foster care or not) qualify for the Non-Medical Out of Home Care rate. This provides a higher monthly benefit rate. The SSP-22 is a simple form that must be completed in order to inform the SSA of the youth's placement status to initiate the higher monthly benefit amount.

Q: Can an NMD receive survivor benefits in addition to Supervised Independent Living Placement (SILP) payment at the same time?

A: The eligibility for and amount of Title II benefits are not affected by receipt of foster care. Social Security benefits are paid under Title II to the children of workers who have retired, become disabled, or died. Eligibility for benefits under Title II is determined by their parents' participation in the workforce. However, because both SSI and Title IV-E foster care have income- and resources-related eligibility criteria, children who are recipients of Title II Social Security benefits may be less likely to qualify SSI or Title IV-E foster care benefits or the amount of support under SSI or Title IV-E may be reduced by the amount of Title II benefits received.

Q: Can an 18-year-old living in a group home receive SSI payments and foster care payments? Can youth living in a Supervised Independent Living Placement (SILP) receive both foster care benefits and SSI payments?

A: In general, SSI benefits and foster care payments are offset and the youth will receive a benefit equal to the higher of the two benefits but will not receive each benefit in full. For youth who qualify for federal foster care benefits, the SSI benefit is offset by the amount of the foster care payment. For youth who do not qualify for federal foster care, but instead receive a state-only foster care payment, it is the foster care funding that is offset by the SSI. In either case, the total amount of support that the youth receives is equal to the greater of the two benefits.

	Federally Eligible	Not Federally Eligible
Foster Care Rate (ISFC)	\$2,609	\$2,609
SSI Rate	\$1206	\$1206
Offset	SSI offset to zero by foster care – youth receives \$2609/month in federal AFDC-FC	Foster care benefit offset by SSI. Youth receives \$1206 in SSI and \$1403 in state-only foster care for a total of \$2,609/month.

Q: Are children who have been adopted able to receive SSI benefits?

A: Yes. SSI applications may be completed for children who were adopted. The deeming rules will apply meaning that the income of the adoptive parents will be deemed to the adopted child if the child is being supported by them, which may render may youth who are adopted ineligible for SSI benefits under the income rules.

Q: Can a foster youth placed out of state receive SSI benefits?

A: Eligibility for and receipt of SSI benefits is not contingent on the youth’s state of residence. SSI is a federal benefit available to any individual who meets the income and disability standards.

California has a State Supplemental Payment (SSP) that is paid to supplement the SSI benefit of individual who receive SSI in California. Nothing about the fact that the young person had a dependency case in another state would impact their ability to receive SSI/SSP benefits in California. However, foster care funds do affect the child’s ability to receive SSI/SSP benefits. Federal foster care benefits are received first and SSI benefits are offset by the amount of federal foster care benefits. If the youth is eligible for state-only foster care benefits, then the foster care benefits are offset by the amount of the SSI/SSP received.

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Q: Can a child receive KinGAP benefits and SSI benefits at the same time?

A: Yes. SSI applications can be completed for children who are in a guardianship. Deeming rules do not apply to the legal guardian(s) of the child. Income eligibility will be based on the child’s earning records. Children who are approved for SSI benefits who are living with a legal guardian are eligible to receive the Non-Medical Out-of-Home Care rate, which provides a higher monthly benefit. The SSP-22 must be completed to receive the higher benefit amount.

Q: Can an individual receiving SSI/SSP benefits also receive CalFresh assistance?

A: Yes. Effective June 1, 2019, individuals receiving SSI benefits are eligible for CalFresh, provided all other eligibility criteria are satisfied. For more information, see ACL 19-41.

Q: How should a social worker, attorney or caregiver assist a NMD in applying for survivor benefits? Is there a limitation on benefits based on when a parent passed away?

A: You can apply for Title II benefits (based on an earned income record) online or via paper application. The application is similar to and more straightforward than the SSI application. You will need the birth certificate, name and birthday of the parent (and preferably parent’s social security number too). See All County Letter 20-17 for more information on survivor benefits.

There are potential limits on Title II benefits. There are two options:

- 1) If the NMD is disabled, they are potentially eligible for disabled adult child benefits and survivor benefits, and you can apply for those at any time.
- 2) You can fight retroactively for Title II benefits.

Representative Payee

Q: Can a nonminor dependent be the “payee” for the purposes of receiving SSI benefits?

A: California law requires that when a youth turns 18 and participates in Extended Foster Care, the county must provide information to the nonminor dependent on the process for becoming their own payee and assist the NMD in becoming their own payee unless it is not in the best interests of the NMD. If the NMD is not able to serve as their own payee, the county must assist the youth in finding and designating an appropriate representative payee.

Welfare and Institutions Code § [13754\(b\)\(2\)](#)

Q: How do you switch the representative payee from DCFS to the youth when they turn 18?

A: A representative payee is an individual or organization appointed by Social Security Administration (SSA) that receives Social Security and/or SSI payments for someone who cannot manage or direct someone else to manage his/her money. Your main responsibilities as a payee are to:

- Use funds received to pay for the current and foreseeable needs of the beneficiary;
- Save any funds not needed to meet current needs, and
- Keep accurate records of how you used the beneficiary’s money.

A beneficiary should contact their local SSA office and explain the reasons for wanting to change a representative payee. A beneficiary can find their local SSA office [on the SSA website](#). The beneficiary should ask the person they want to be their representative payee to complete the SSA-11 (Request to Be Selected as Payee) form. The person applying to be a payee will need to provide their social security number, or if they represent an organization, the organization's employer identification number. Usually, they will also have to complete a face-to-face interview.

To learn more about representative payees, visit the [FAQ section](#) pertaining to representative payees on the SSA website.

Q: Can the county be the “representative payee”?

A: The county should be the payee of last resort. California law (WIC 13754) provides: “The county shall apply to be appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve.”

As a best practice, the payee should be switched to the minor youth’s caregiver or other appropriate person who is managing the youth’s finances when the minor youth exits care if the County becomes payee.

If an SSI-eligible youth isn’t eligible for federal foster care funding and is instead getting foster care funding from state/county funds, DCFS becomes representative payee and can draw down SSI funds to help cover the cost of caring for the child.

Welfare and Institutions Code § 13754

Doctors Visits/Medical Assessments

Q: Can a caregiver attend the doctor’s visit/medical assessment with the NMD?

A: Caregivers may attend doctor visits with the youth or NMD. The NMD must give permission to the doctor’s office, which is usually taken verbally at the time of appointment.

Q: Is there another medical assessment after an appeal or do they rely on the initial assessment?

A: It depends on the case. An Administrative Law Judge will review the case file prior to a hearing and determine if there is evident medical information that can be used or if further assessments are necessary.

Q: What are the options for a youth to request an in-person medical assessment that is more conveniently located?

A: Youth can submit a reasonable accommodation request to the Social Security Administration via a letter or SSA Form 795, Statement of Claimant or Other Person.

Denials and Appeals

Q: Are there resources to assist youth/NMDs in Los Angeles County who wish to appeal the denial of an application for SSI benefits?

A: In Los Angeles County, the Alliance for Children’s Rights and the Legal Aid Foundation of Los Angeles provide resources to assist in appeals for denied SSI applications.

Q: If an appeal is made and results in the youth not being approved for SSI, can the youth/NMD re-apply years later?

A: Yes. There is no limitation for how many times an individual can apply for SSI benefits.

Q: Is it better to re-apply or argue the appeal and run the risk of having the appeal being denied? Is the denial of an appeal binding?

A: It depends on the case! When SSI benefits are approved, they can only go back to the date of application. By choosing to do a new application rather than appealing a decision, a claimant may be forgoing months, even years of retroactive payments. A decision becomes binding at the Administrative Law Judge hearing stage. It is recommended to gather additional records and add them to the application at the stage of reconsideration and at the stage of the appeal. New records can always be added to the case throughout the appeals process to strengthen a case.

Organizations like [Alliance for Children's Rights](#) and the [Legal Aid Foundation of Los Angeles](#) are available as resources for SSI advocacy.