



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

September 30, 2011

ALL-COUNTY INFORMATION NOTICE NO.: I-67-11

TO: ALL COUNTY WELFARE DIRECTORS
ALL CAPI PROGRAM MANAGERS

SUBJECT: **TERMINATION OF THE COUNTY REQUIREMENT TO ESTABLISH
SUPPLEMENTAL SECURITY INCOME ADVOCACY PROGRAMS
(SSIAP) FOR CASH ASSISTANCE PROGRAM FOR IMMIGRANTS
(CAPI) RECIPIENTS.**

REFERENCE: ALL-COUNTY LETTER NO.04-37, COUNTY FISCAL LETTER
04/05- 29

The purpose of this All-County Information Notice is to inform counties of the termination of the mandatory requirement for Supplemental Security Income Advocacy Programs (SSIAP) for Cash Assistance Program for Immigrants (CAPI) recipients. This means that as of July 1, 2011, each county with a caseload of 70 or more is no longer required to operate SSIAPs to assist CAPI recipients and applicants to become eligible for Supplemental Security Income/State Supplementary Payment (SSI/SSP) benefits.

BACKGROUND

The Welfare Reform Act of 1996 (Public Law 104-193) eliminated SSI/SSP eligibility for most non-citizens. The CAPI program grew faster than expected and due to a budget shortfall, the CAPI program was at risk of elimination or reduction. As a consequence the state and counties sought ways to limit or reduce the CAPI caseload, including the preferred alternative of transferring cases to federally funded SSI. In 2004, Senate Bill (SB) 1104 directed California Department of Social Services (CDSS) to require counties with a caseload of 70 or more cases to establish advocacy programs to assist CAPI recipients and applicants become eligible for SSI/SSP. The CAPI recipients and applicants targeted by SSIAPs are immigrants who are age 65 or older, entered the U.S. prior to August 22, 1996, and allege a disability.

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

ALLOWABLE ACTIVITIES THROUGH JUNE 30, 2012

SB 1104 required that CDSS reimburse counties for legal fees incurred by attorneys or other authorized representatives during the appeal phase of the SSI application process, but only in cases where the represented CAPI recipient is approved for SSI benefits. The authority to reimburse counties for these attorney or authorized representative fees terminated along with the mandate for SSIAPs on July 1, 2011. Welfare and Institutions Code section 18942 requires CDSS to reimburse counties for administrative costs actually attributed to CAPI payments. Counties have been fully reimbursed for all advocacy and administrative costs under that authority.

For the counties that choose to continue SSIAP activities after the July 1, 2011 sunset date, CDSS will reimburse those counties in the usual manner through June 30, 2012, except for attorney or authorized representative fees (Under PIN code 389068) which will not be reimbursed (except as specified below). Funding may or may not be continued beyond this date based upon subsequent state budgets and/or legislative action.

To coincide with the release of this ACIN, CDSS will reimburse counties for attorney or authorized representative fees through the first quarter of the current fiscal year which ends September 30, 2011. No further reimbursements for attorney or authorized representative fees will be made after this date.

Any questions regarding the sunset of the SSI Advocacy Program should be directed to Cynthia Yates, Program Analyst, or Marshall Browne, Manager, Operations and Technical Assistance Unit, at (916) 651-5350.

Sincerely,

Original Document Signed By:

EILEEN CARROLL
Deputy Director
Adult Programs Division