

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-96, Sacramento, California 95814



September 17, 2004

ALL-COUNTY LETTER NO. 04-37

TO: ALL-COUNTY WELFARE DIRECTORS
ALL CAPI PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: SUPPLEMENTAL SECURITY INCOME ADVOCACY PROGRAMS FOR CASH ASSISTANCE PROGRAM FOR IMMIGRANTS

REFERENCE: ALL-COUNTY INFORMATION NOTICE (ACIN) NO. I-05-01

The purpose of this All-County Letter is to inform counties of a new requirement to establish advocacy programs to help Cash Assistance Program for Immigrants (CAPI) recipients and applicants become eligible for benefits under the Supplemental Security Income/ State Supplementary Payment (SSI/SSP) program, and other provisions of Senate Bill (SB) 1104 (Chapter 229, Statutes of 2004).

BACKGROUND

CAPI is a 100 percent State-funded program administered by counties or county consortia with oversight by the California Department of Social Services (CDSS). Only the SSP portion of SSI/SSP is State-funded. The maximum SSP payment for the typical SSI/SSP recipient is less than one-third the maximum CAPI payment for that same recipient. Consequently, confirmation of ineligibility for SSI/SSP must be verified before CAPI is granted, and counties are required to refer a CAPI recipient to apply for SSI/SSP whenever the county feels a recipient may be eligible for those program benefits. Due to a number of factors, however, many CAPI recipients are receiving informal denials from the Social Security Administration (SSA) and as a result, are not filing formal SSI/SSP applications.

A CAPI recipient can be eligible for SSI/SSP if he or she:

1. Meets the federal definition of Qualified Alien [see MPP 49-005(q)(1)],
2. Was lawfully residing in the United States on August 22, 1996, and
3. Is blind or disabled as defined for purposes of SSI/SSP eligibility.

Under these criteria, most CAPI recipients who are Qualified Aliens and who entered the United States prior to August 22, 1996 (tracking code 1A) are eligible for SSI/SSP if SSA determines them to be blind or disabled.

Furthermore, as outlined in ACIN No. I-05-01, SSA issued clarifying instructions for determining disability in individuals 65 and older. Those instructions make it more likely that an aged individual, and especially one age 72 or older, will be found to be disabled if he or she has a diagnosed medical condition. Those instructions also allow SSA to consider an aged person's inability to communicate in English in determining his or her disability.

When implementing its Supplemental Security Income Advocacy Program (SSIAP) for CAPI recipients around March 2002, Los Angeles County recognized that the key component to having a CAPI recipient approved for SSI/SSP benefits was getting the CAPI recipients who meet the criteria listed above to file an SSI/SSP application as a disabled individual (over age 65). To this end, under a negotiated arrangement with the local SSA offices, Los Angeles County staff conducts a face-to-face interview with targeted CAPI recipients or applicants to complete the SSI/SSP application and associated medical history report and submits the application package to its local SSA office. Over 80 percent of the SSI/SSP applications filed under this procedure have been approved. This process resulted in Los Angeles County caseload for the code 1A-type CAPI recipient being reduced by 73 percent from March 2002 through June 2004.

COUNTY REQUIREMENTS

SB 1104 requires that counties with a CAPI caseload of 70 or more recipients (see Attachment) to establish an advocacy program to assist CAPI recipients and applicants who appear eligible to apply for SSI/SSP. Therefore, those counties listed on the Attachment are hereby instructed to implement an SSIAP. CDSS strongly recommends that these counties use Los Angeles County's SSIAP as a model for establishing their own advocacy programs.

Counties with a CAPI caseload of less than 70 are still encouraged to establish an SSIAP, but are not required to do so. Counties may, at their option, contract to provide any or all of the required advocacy services.

Counties should focus their advocacy efforts on the CAPI code 1A cases. These are the cases most likely to meet the SSI/SSP eligibility criteria listed in the Background section above. Unless they meet a different SSI exception, most non-citizens in the other categories would not be eligible for SSI/SSP regardless of their disability status. The most common SSI exceptions for Qualified Aliens who were not lawful residents on August 22, 1996 are for those who can be credited with 40 quarters of work or are a military veteran (including dependents). Refugees and asylees can also be eligible for SSI/SSP during their first seven years of residence in the United States.

STATE REQUIREMENTS

SB 1104 also requires 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 fee paid to the attorney or representative for each case cannot exceed twice the difference between the maximum monthly individual CAPI payment and the maximum monthly SSP payment. For 2004, the maximum amount is \$1,108 (twice \$554). A separate County Fiscal Letter containing county claiming instructions for these attorney fees will be issued in the near future.

Any questions regarding these policy instructions should be directed to your Operations and Technical Assistance Analyst at (916) 229-4000.

Sincerely,

Original Signed By
Joseph M. Carlin on 9/17/04
JOSEPH M. CARLIN
Acting Deputy Director
Disability and Adult Programs Division

Attachment

Attachment

COUNTIES WITH A CAPI CASELOAD OF 70 OR MORE THAT MUST ESTABLISH AN SSI ADVOCACY PROGRAM (SSIAP)

1. Alameda
2. Contra Costa
3. Fresno
4. Los Angeles
5. Orange
6. Riverside
7. Sacramento
8. San Bernardino
9. San Diego
10. San Francisco
11. San Mateo
12. Santa Clara
13. Solano
14. Ventura

Data Source: CA 1037, June 2004