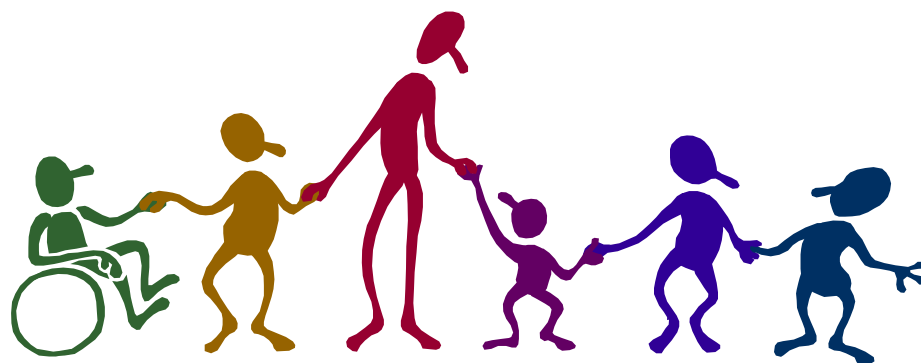


Children and SSI

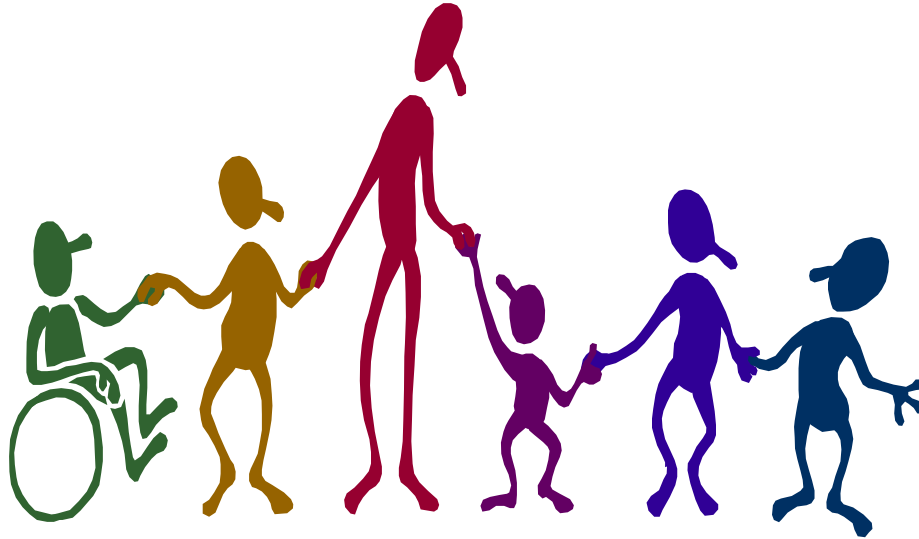


A How-To Guide for Benefits in
North Dakota

FAMILY VOICES
OF NORTH DAKOTA[®]

Children and SSI

A How-To Guide for Benefits in North Dakota



Special thanks to the Parent's Place for allowing us to adapt this publication.

This booklet adapted and created by Family Voices of North Dakota Health Information and Education Center.
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- *Medical Services Division, Children's Special Health Services*
and
Centers for Medicare and Medicaid Services 11-P-92506/8-01



Raising a child who has a disability or chronic health condition is challenging to any family's financial resources. SSI or Supplemental Security Income is a federal program which can often assist families with the costs of caring for a child with special health care needs.

This booklet has been developed to provide information to families regarding SSI eligibility. Our hope is to ease the process of application and avoid any unnecessary delays in benefits. If you think your child may qualify, call your local Social Security Administration office to schedule an appointment to apply. A list of offices is provided on Page 17 of this booklet.

Children and SSI
A How to Guide for Benefits in North Dakota
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DISABILITY DETERMINATION

How is Disability Determined?

State Examiners will determine whether your child's disability meets the criteria for SSI. These examiners will look at your child's medical records to find documentation of a medically determinable impairment.

The examiners will also look carefully at your child's functioning in a number of areas of development including social skills, motor abilities, cognition and communication, personal skills, concentration, persistence or pace, and responsiveness to stimuli (for infants).

Disability Determination

The 1996 Federal welfare law changed the determination of disability for children under SSI. However, many of North Dakota children are still eligible to receive income benefits from SSI.

The welfare law required that disability determination for children be based on whether or not the child has "marked and severe functional limitations" from a physical or mental condition. If you believe your child has "severe functional limitations" you should apply.

The following is a listing of general criteria that is used for disability determination:

- ♥ The disability must have lasted or be expected to last at least 12 months or will result in the child's death
- ♥ If your child has a disability or condition which is listed on Social Security's "Listing of impairments" this will usually meet the criteria
- ♥ If your child has a disability that is "functionally as serious" or "medically as serious" as one of the conditions on the "List of impairments" he or she may also qualify

Samples of conditions found on the listing of impairments

Attention Deficit Hyperactivity Disorder

Mental Retardation

Cerebral Palsy

Autism

Chronic Asthma

Keep in mind that for any condition to meet Social Security requirements, documenting the severity of impairment is critical. For instance, a child with mild cerebral palsy who is able to walk without assistance and has no other functional limitations may not qualify.

- ♥ Certain conditions can qualify your child automatically as long as the severity and financial requirements are met. These conditions are considered by SSI to be severe enough in nature that your child would be presumed disabled. Because the process of application may take up to six months these "presumptive disability" conditions allow for sooner access to benefits for your child. This may be particularly important for a newborn. Some of the conditions which qualify are:

AIDS and HIV infection

Blindness

Cerebral Palsy

Muscular Dystrophy

Down Syndrome

Birth weight lower than 2 lbs. 10 oz.



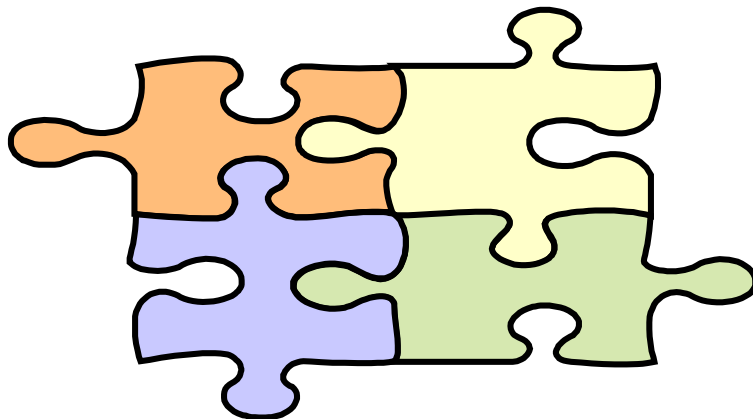
Financial Considerations

Eligibility for benefits is dependent upon both your child's condition or impairment and family income. The local Social Security Office will determine whether your family's income and resources will qualify. The amount of the check your child receives will depend upon these factors.

The maximum monthly SSI benefit in North Dakota for 2005 is \$579.00. Keep in mind that even if your child only qualifies for one dollar of SSI benefit, he or she may also be eligible for North Dakota Medicaid. If the child is living with relatives other than parents or if the child resides in a foster home or other alternative living arrangement, only the child's income is used to determine eligibility. A 2005 income chart is provided for your convenience. A family of four (2 parent household) can earn up to \$39,732 a year. Social Security under their criteria may disregard some of your *family's income, so if you are just over the income*, amounts apply anyway.

The dollars presented in the income chart are the monthly allowable for earned and unearned income. Examples of earned income include wages or salary. Examples of unearned income include child support, unemployment, and some other forms of public assistance.

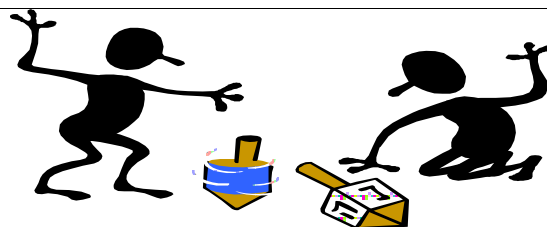
Please note that for each additional child in the home the maximum allowable will increase by \$290.00 per child. Some resources and income may be excluded from the total income allowances. If your family has both earned and unearned income and the total is close to the earned maximum, it is worth applying.



INCOME CHART - 2005

Maximum Earned Income per Month		
Number of other children without a disability in the home	One-Parent Household	Two-Parent Household
0	\$2441	\$3021
1	\$2731	\$3226
2	\$3021	\$3601
3	\$3311	\$3891

Maximum Unearned Income per Month		
Number of other children without a disability in the home	One-Parent Household	Two-Parent Household
0	\$1198	\$1488
1	\$1488	\$1778
2	\$1778	\$2068
3	\$2068	\$2358



HOW TO APPLY

Although the process can take a long time, the steps are not difficult. To begin, call the Social Security office nearest you and make an appointment. A listing of local offices is located on Page 16. You can walk into your closest local office, but you may find a waiting line or that the office is not taking walk-ins that day. You may want to call to schedule an appointment by calling the SSA toll free number at 1-800-772-1213.

To begin the process, you must complete an application. The application form details your child's condition and level of impairment. Be specific about your child's functioning as you complete the forms. Prior to going to your appointment, have all the necessary paperwork and reports handy, including pertinent medical, school records or assessments and financial information.



Helpful Hint: Make and keep copies of all papers you give to Social Security.

What to Bring to Social Security

Non-Medical Documents and Information

- ✓ **Your child's Social Security number**
- ✓ Birth record—a birth certificate or baptismal record
- ✓ Bankbooks, checking accounts, stocks, bonds and notes
- ✓ Rent receipts or mortgage payment information
- ✓ Payroll slips and income tax returns
- ✓ Insurance policies, pre-paid contracts, care registration
- ✓ Citizenship and immigration papers (for the child only)
- ✓ List of all other people in the household with birth dates



Medical/Mental Health Information to Collect

- ✓ **A list of your child's doctors, therapists, clinics and hospitalizations**

This information should be detailed and include address, phone numbers, condition treated, the date the service began and ended, and how often you see them.

- ✓ **Medical records and other reports specific to the child's condition**

Upon receipt of the child's claim, DDS will write the medical providers they have listed and ask for records including specific dates of treatment, tests or x-ray reports needed based upon the documentation requirements we have for the child's condition.

- ✓ A list of medications and dosages and prescribed condition
- ✓ **Specific information on the child's hearing, sight, motor limitations and communication abilities**

The application form has detailed questions on *these specific areas. Think about and list your child's strengths and weaknesses in these areas.*

- ✓ **A list of the child's daily activities**

Although you are probably hopeful about what your child may be able to do in the future, it is *important to let Social Security know your child's current limitations during daily activities.* These activities may include dressing, bathing, self-care skills, activity level and interaction with peers.



Try to collect as much of this information as you can prior to the appointment. It will speed the review process.

If you are unable to collect all the needed documents and information prior to the appointment, apply anyway. Social Security can help get some of the documents. If your child is eligible for SSI, benefits will be payable from the first full month after you file an application.

Collecting the information is important but don't delay applying because you are missing some information.

Social security will initially review your family's financial information. If your family meets the financial criteria, the local Social Security office refers your materials to an examiner at North Dakota Disability Determination Services Office (NDSSO). If more information is needed the examiner may call or write your child's doctor or other providers. The examiner may also schedule an appointment for your child with a doctor and/or a licensed psychologist. It is important that you keep the appointment or reschedule immediately if needed. This will help reduce delays in deciding whether your child is eligible.

In North Dakota, the process of review may take 2 months. Once your child's information is forwarded to NDSSO, you can check on the progress of the application.

Notice of Decision

You will receive a written notice from Social Security stating that the child's application was either approved or denied. The notice of approval is often called an "award letter". The award letter will also state the amount of the monthly benefit for the child. SSI benefits are usually paid from the month following the month of application or from the beginning of your child's disability, whichever is the later. It is important to inform Social Security if you move to prevent delays in the child's benefit checks.


If the claim for your child is denied, request an appeal immediately. ***Please see the "Appealing A Denial of Benefits" section beginning on Page 11.***

Medical Assistance and SSI

Children who qualify for SSI -for any benefit amount-may also qualify for North Dakota Medical Assistance.

Contact your nearest County Social Service Office to learn if your child might qualify.

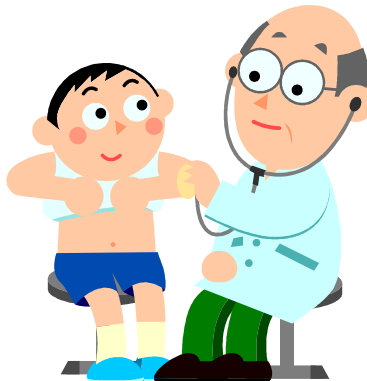
The Social Security office will forward the SSI eligibility information to the local County Social Service Office nearest you.

 **After your child is awarded SSI, don't wait to receive notice of Medicaid eligibility.** Call your County Social Service Office. To apply for Medical Assistance an additional application will need to be made with your local County, as the application process is not the same.

If you are approved for Medical Assistance:

- ✓ Request that the Medical Assistance card be sent as soon as possible
- ✓ **Ask for the child's Medical Assistance number**
- ✓ Identify if your provider accepts Medical Assistance

If you are eligible for Medical Assistance, your primary care doctor will need to refer your child to most specialty services or therapies. Please be sure to obtain this referral before taking your child to these services. Be sure to make an appointment with your child's primary care doctor to obtain any needed referrals and prescriptions.



Appealing the Denial of Benefits

Some children who are disabled are turned down for SSI when they first apply. But if they appeal and are able to present additional documentation of the child's disability, many are found eligible and receive benefits. If your child is turned down for SSI, you should get legal assistance or advocacy services as soon as possible. Although you can appeal a denial by yourself, having an advocate is very helpful. See page 16 for sources of legal assistance and advocacy

Request for Reconsideration

The first appeal is the "Request for Reconsideration". You must file a form at Social Security within 60 days of the date you receive the denial. If you can't go to Social Security, call them and ask them to mail you the form. You can write to Social Security asking for a Reconsideration of the decision. If you have found an advocate or attorney, that person can file the form for you.

Helpful Hint: When you send any appeal to Social Security, send it registered mail and keep a copy.

An examiner at NDDDS (who has not seen your application before) will reconsider your application. NDDDS may ask for more records from your child's treating doctors and therapists. You may also be asked to go to more consultative examinations. Reconsideration may take 2-3 months. After the reconsideration process is finished, you will get a written notice of the decision.

Requesting a Hearing

If Social Security turns your child's application down at Reconsideration, you can request a Hearing. The request must be filed at your local Social Security office within 60 days of the date you receive the reconsideration denial. Some children get benefits at hearings even though they were turned down before.

If you request a hearing, it is probably best to get help from an advocate right away. The advocate does not have to be a lawyer.

Social Security hearings are not in a court, but at a separate Social Security office. You will appear before an Administrative Law Judge who is independent of other Social Security employees. A hearing is your chance to **personally explain your child's situation to the person who will decide** whether your child gets benefits. The hearing is not formal like a court hearing, but it is conducted under oath. An advocate can help prepare you to testify, so that you do not forget anything important. You and your advocate must decide whether to bring witnesses (for example, a friend or **relative who knows about your child's functional limitations**). Some families have brought along additional documentation, school behavior reports, prescriptions or bottles of medication, etc.)

You have many rights at Social Security hearings, including:

- ✓ The right to submit evidence
- ✓ The right to appear in person
- ✓ The right to be represented by anyone of your choice
- ✓ **The right to speak to the administrative law judge about your child's case**
- ✓ The right to have witnesses appear on your child's behalf
- ✓ The right to cross-examine any expert witnesses

It is recommended that you get an advocate or attorney to represent **you at the hearing to protect your child's rights. Social Security rules** are more complicated than can be explained in this booklet. And advocate with experience in Social Security law can be very helpful.

The Administrative Law Judge may or may not say at the hearing if he or she finds your child eligible. You will get a written decision after the hearing, **which will explain the judge's views on the records and your testimony**. If the judge decides that your child is not eligible for benefits, you can appeal that decision within 60 days to the Social Security Appeals Council.

Appeals Council Review

There is no in-person hearing at the Appeals Council. Instead they read the records and the Administrative Law Judge's decision. The Appeals Court will send you a written decision in the mail.

Federal Court Review

If the Appeals Council finds that your child is not entitled to benefits, your case can be appealed to the Federal District Court within 60 days after the Appeals Council decision. In court, you definitely need the services of an attorney. The Federal Court reviews only what happened during the earlier stages of the case and rarely accepts new evidence.

Although the process of reconsideration and appeal can appear **complicated and be frustrating, don't give up. Some children are found eligible after being initially denied benefits.**



Termination of Benefits

After your child begins receiving SSI, there may come a time when Social Security will re-evaluate your child's eligibility. This re-evaluation may result in a termination of your child's benefits. To terminate your child's benefits Social Security must show that his or her condition has medically improved. Social Security may not cut off your child's benefits without current information about his or her condition. You must be sent a written termination notice. Again it is important to collect all current medical records and assessments. NDDDS (North Dakota Disability Determination Services) may ask that your child be seen by one of their doctors. Your cooperation in the re-evaluation will help smooth the process.

- ☑ Helpful Hint: If you miss getting one or more SSI benefit checks but do not get a termination notice, you should call or visit Social Security right away. If you still have problems with delays or non-delivery of checks, call one of the advocacy agencies.

Termination rules are complicated. You should contact an advocate or attorney as soon as possible if you get a termination notice. To appeal termination of benefits, you can request a reconsideration. If you make the request within 10 days after the termination notice and ask to have your benefits continued, your payments will not be affected during your appeal.

However, you may appeal any time up to 60 days after the notice. Reconsideration may include a face-to-face meeting with a NDDDS staff person. Your advocate or attorney should attend this meeting. You also have the right to bring a witness and submit evidence.

If the reconsideration decision is still to terminate your benefits, you can appeal within 60 days after the decision and ask for a hearing before an Administrative Law Judge. If you do not win at the Administrative Law Judge stage, you can appeal at the Appeals Court and Federal Courts. It is suggested that you seek the help of an advocate or attorney for appeals at all stages.

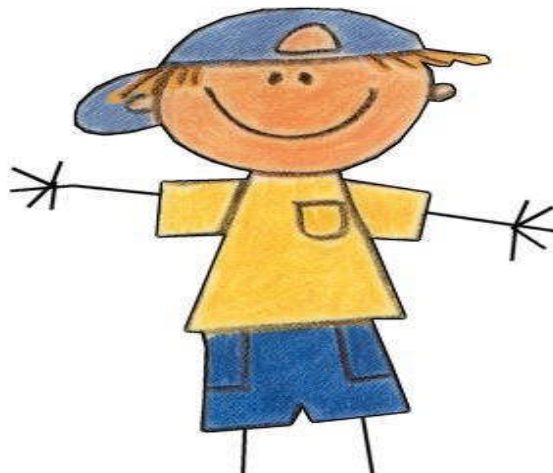
Getting an Advocate or Lawyer

You can represent yourself in Social Security claims, but an advocate's help can make the difference in whether you succeed. Until the Federal Court stage, the advocate need not be a lawyer. However, he or she should be familiar with Social Security law.

If you get an advocate or lawyer, Social Security requires that both you and your representatives complete the Appointment of Representative form, available at any Social Security office.

If you choose a private attorney to represent you, be sure to get a copy of your fee agreement. Social Security prohibits attorney's fees from going over 25% of your child's back benefits. All fee agreements must be submitted to Social Security for approval.

Don't give up if your child's benefits are terminated. After reconsideration, many SSI benefits for children are reinstated.



Advocacy and Legal Resources

North Dakota Protection and Advocacy System

☎ Bismarck office (701) 328-2950/ (800) 472-2670

☎ Region 1: Williston (701) 774-4345

☎ Region 2: Minot (701) 857-7686

☎ Belcourt (701) 477-5066

☎ Region 3: Devils Lake (701) 662-9026

☎ Region 4: Grand Forks (701) 795-3800

☎ Region 5: Fargo (701) 239-7222

☎ Region 6: Jamestown (701) 253-3295

☎ Region 7: Bismarck (701) 328-2950

☎ Region 8: Dickinson (701) 227-7444

🌐 www.ndpanda.org

- Help protecting your child's rights
- Legal help and information
- Find people who help with legal problems

☎ ARC State Office (701) 223-5349

☎ The ARC of Upper Valley (701) 772-6191

☎ ARC of Bismarck (701) 222-1854

☎ ARC of Bowman (701) 523-5254

☎ ARC of Dickinson (701) 483-4272

☎ ARC of Cass County (701) 293-8191

☎ ARC of Valley City (701) 845-2117

- Help for children with developmental disabilities
- Help with your child's education and health
- Help when you have a problem getting services for your child

Legal Assistance of North Dakota

- Serves low income or elderly individuals

☎ Bismarck (701) 258-4270 or 800-932-8882

☎ Devils Lake (701) 662-6560 or 800 726- 8980

☎ Fargo (701) 232-4495 or 800-342-4696

☎ Grand Forks (701) 777-2932 or 800-752-0312

- ☎ Minot (701) 852-3870 or 800-342-4409
- ☎ New Town (701) 627-4719 or 877-627-4122

Independent Living Centers (ILC'S)

ILC's work toward equality and inclusion for people with disabilities through programs of

[empowerment](#), [community education](#), and [systems change](#).

- ☎ Dakota Center for Independent Living/Bismarck (701) 222-3636
- ☎ Freedom Resource Center for Independent Living/Fargo (701) 478-0459
- ☎ Independence/Minot (701) 839-4724
- ☎ Options/East Grand Forks (218) 773-6100

Local Social Security Offices

Supplemental Security Income (SSI) is extra money for your child's needs if he/she has a disability. Based on family income and child's disability

- ☎ (800) 772-1213 Federal
- 🌐 <http://www.ssa.gov/>
- ☎ Bismarck- 701-250-4200
- ☎ Devils Lake 701-662-6290
- ☎ Dickinson 701-250-4200
- ☎ Fargo 701-239-5607
- ☎ Grand Forks 701-772-5518
- ☎ Jamestown 701-252-6024
- ☎ Minot 701-852-0604
- ☎ Williston- 701-572-0682



Health Services

Medical Services Division: ND Department of Human Services

☎ (800) 755-2604 or 701-328-2321

🌐 <http://www.nd.us/childrenshealth>

📖 Look in the Blue (Government) section of the phone book under County, then under Social Services

- Food stamps
- Help finding a place to live
- Help applying for Medicaid /Healthy Steps
- Respite or therapeutic day care

Children Special Health Services (CSHS)

☎ Bismarck 701-328-2436 or 800-755-2714

Provide services for children with special health care needs and their families and promote family-centered, community-based, coordinated services and systems of health care. A complete list of conditions that qualify for financial help is available through the state office. To apply for CSHS, you may apply at your County Social Service Office

- The Multidisciplinary Clinic Program is a resource to help families manage their child's chronic health condition. Most clinics supported by Children's Special Health Services (CSHS) provide multidisciplinary team evaluations where families have an opportunity to see many different providers in one place at one time.
- The Care Coordination Program through Children's Special Health Services (CSHS) helps families access services and resources in their community, and when needed, across multiple service delivery settings
- Provides medical food and low-protein modified food products to individuals with Phenylketonuria (PKU) and Maple Syrup Urine Disease (MSUD).

- Operates a resource center that provides the following public information services free of charge:
 - 1) toll free numbers to assist in locating resources;
 - 2) targeted outreach information and referral efforts;
 - 3) resource library;
 - 4) education and consulting services;
 - 5) other public information activities.

CHIP: Children's Health Insurance Plan/Healthy Steps

☎ (800) 755-2604

- Low cost health insurance for your child
- You may apply even if your income is too high for Medicaid

Covering Kids & Families

(ND Health Coverage Programs)

☎ 877-KIDS-NOW OR 877-543-7669

Caring Program for Children

Privately-funded Coverage Program

☎ 800-342-4718

Prescription Programs

Prescription Connection (Low Cost Prescriptions)

Prescription Connection for ND is a program of the North Dakota Insurance Department that connects qualified people with discount drugs, direct from the manufacturer.

If you are currently taking prescription medication, and do not have health insurance or do not qualify for other prescription assistance, you may be eligible for this assistance.

Each individual pharmaceutical company has its own eligibility criteria. The criteria may include one or more of the following: Income guidelines, Asset guidelines, Citizenship status, Veterans benefits status, and Prescription benefits currently received through other programs, such as Medicaid

We are always looking for individuals who are interested in helping people in their communities. If you are interested in

becoming a volunteer counselor for the program, please contact us.

ND Insurance Department
600 East Boulevard Avenue
State Capitol, Fifth Floor
Bismarck, ND 58505
701.328.2440 - phone
701.328.9610 - fax
☎ 888-575-6611

Public Health Departments in your District or County

📖 Look in the blue (Government) section of the phone book or ask your health care provider.

🌐 <http://www.health.state.nd.us/localhd/>

They help you find:

- Food
- WIC
- Immunizations
- Nurses and other people to help with your child's care

☎ 1-800-472-2286/ND Department of Health

Community Health Centers in North Dakota

☎ Northland Community Health Center-Rolette (701) 246-3391

☎ Valley Community Health Center/Larimore (701) 343-6418

☎ Valley Community Health Center/Northwood (701) 587-6000

☎ Family Health Care Center/Fargo Clinic (701) 239-7111

☎ Family Health Care Center/ Fargo Homeless Health Services (701) 298-9245

☎ Family Health Care Center-Fargo Native American Program (701) 235-6036

☎ Northland Community Health Center-McClusky (701)
363-2296

☎ Northland Community Health Center-Turtle Lake
(701) 448-9255

☎ Coal Country Community Health Center-Halliday
(701) 938-4464

☎ Coal Country Community Health Center-Beulah (701)
873-4445

☎ Coal Country Community Health Center-Center (701)
794-8798

Family Support Organizations

Family Voices of North Dakota

☎ 888-522-9654 or (701) 493-2634

🌐 <http://www.familyvoices.org> (National)

🌐 <http://www.geocities.com/ndfv/> (State)

- Assistance in locating resources, assistance in navigating private and public systems for children with special health care needs
- Assistance driven by family need/Health Information and Education Center

Federation of Families for Children's Mental Health

Dedicated exclusively to helping children with mental health needs and their families achieve a better quality of life

☎ Bismarck State Office (800) 492-4951 or (701) 222-3310

☎ Fargo Regional Office (701) 235-9923

ND Family to Family

F2F support network based on the philosophy that parents who have successfully adapted to their children's disabilities or special health care needs, are the best support for other parents of children with special needs.

☎ 888-434-7436 or (701) 777-2359

🌐 <http://www.med.und.nodak.edu/depts/rural/family/contact/index.html>

Pathfinder Family Center

Provides information, training, resources in meeting the education needs of children with disabilities

☎ (701) 837-7500 or 800-245-5840

🌐 <http://pathfinder.minot.com/index2.html>



Contact Log

Date application filed: _____

Subsequent contacts

Date	Person Called	Telephone #	Call Details
Letters/Reports	Date Sent	To whom?	



Other publications from FVND:

Care Notebook-a recordkeeping guide for families

New Beginnings-A resource directory offering general resources and support information.

Accessing and Understanding Health Services

Fact Sheets:

EPSDT/Medicaid

Medical Home

Emergency Preparedness for children with special health needs

Vocational Rehabilitation

COBRA

Health Insurance Laws

Meeting Your Child's Health Needs

Paying the Bills

And many others.....

FVND has a variety of workshops and trainings available for families and providers.

For more information contact FVND at 888-522-9654

Or fvnd@drtel.net