

YOUTH SERVICES POLICY

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| Title: Social Security Benefits | Type: C. Field Operations Sub Type: 4. Juvenile Institutions Number: C.4.2 |
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| References: The Child and Family Services Improvement Act of 2006 (Public Law (P.L.) 109- 288); ACA Standards 2-CO-1B-05 “Standards for Administration of Correctional Agencies” and 4-JCF-6B-12 “Performance-Based Standards for Juvenile Correctional Facilities”; YS Policy No. A.3.8 “Budget and Fiscal Management Activities”; and all applicable Social Security Guidelines and Regulations | |
| STATUS: Approved | |
| Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i> | Date of Approval: 06/13/2019 |

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy regarding the use of Social Security benefits for youth.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors, Facility Directors and Regional Managers.

IV. DEFINITIONS:

Beneficiaries - Recipients of SSA and SSI benefits. Some beneficiaries receive both SSA and SSI payments.

Custody - Refers to the control and care of the beneficiary; a court has placed a youth in the custody of an individual, facility, or other agency; the beneficiary actually lives with the person or organization that has custody.

Dedicated Account - An account in a financial institution used for certain large past-due payments for SSI beneficiaries under the age of 18.

Determination of Eligibility - The process whereby the Department of Children and Family Services (DCFS) reviews youth's social security information to determine whether the youth is now receiving benefits according to Social Security Administration guidelines.

Non-Secure Residential Programs - Programs that provide housing, supervision and rehabilitative care for youth between the ages of 12 and 17 in the custody of YS. These facilities are usually characterized by a lack of physical security, such as perimeter fences, security locks and controlled access.

Representative Payee - An individual or organization that receives SSA and/or SSI payments for someone who cannot manage their money. The Social Security Administration's laws require a representative payee for minor children receiving social security benefits.

Social Security (SSA) - A federal insurance program that protects workers and their families from loss of earnings due to retirement, death or disability.

Supplemental Security Income (SSI) - A federal income maintenance program that is used to help those who are aged, blind and disabled persons with little or no income or resources.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy that YS will be designated the representative payee of Social Security benefits for eligible youth.

The Social Security Administration provides SSA payments for the care of youth upon the death or disability of their parents who qualify for Social Security benefits. SSI payments may be received for a child who has a limited income due to disability or blindness. Some individuals may receive both SSA and SSI payments; eligibility for benefits depends on the individual meeting the requirements for each program.

The State of Louisiana provides total care for youth whose custody has been assigned to the State. The State is entitled to receive the social security benefits in order to defray the cost of care.

VI. PROCEDURES:

- A. Youth assigned to a secure care facility shall have their Social Security number verified. If the youth has not applied for a Social Security number, appropriate staff shall assist with the application.
- B. Public Safety Services (PSS), Office of Management and Finance (OMF), Financial Services Division runs a weekly secure care custody report. This report shall be faxed to the local Social Security office to determine if Social Security benefits are being received for youth assigned to a secure care facility.

PSS/OMF, Financial Services Division shall apply for any Social Security benefits being received by youth. Youth in a secure care facility can only receive SSA benefits.

- C. For youth assigned to a non-secure residential program, the Community Based Services (CBS) regional office completes a financial assessment packet which is forwarded to DCFS. A determination of eligibility for Social Security benefits shall be made by DCFS and PSS/OMF, Financial Services Division shall apply for benefits. Youth in a non-secure residential program can receive both SSA and SSI benefits.
- D. All Social Security benefits shall be electronically transferred from the U.S. Treasury to the JPMorgan Chase checking account titled, "Department of Public Safety & Corrections, Youth Services Office of Juvenile Justice RP for Social Security & SSI Beneficiaries" (with an address of PO Box 66458, Audubon Station, Baton Rouge, LA 70896-6458), under the supervision of the LA State Treasurer's office.

Notification of electronic deposits into this account by the LA State Treasurer's office is verified daily through the JPMorgan Chase - One Net system by PSS/OMF, Financial Services Division. PSS/OMF, Financial Services Division shall make the appropriate entry into the youth's Social Security ledger required by the Social Security Administration.

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1. YS is entitled to become the recipient of the SSA and SSI benefits received by youth in the custody of YS to defray the cost of care, unless the cost of care to YS for the youth is less than the Social Security benefits. In such cases, the excess funds shall be deposited in the "dedicated account" as conserved funds for the youth's discretionary use.
2. PSS/OMF, Financial Services Division is required by Social Security law to maintain an account in a financial institution for SSI beneficiaries under the age of 18, who have large past-due SSI payments covering more than six (6) months of payments. These funds are deposited into a separate interest bearing "dedicated account" at JPMorgan Chase titled, "Department of Public Safety & Corrections, Youth Services Office of JuvenileJustice RP for SocialSecurity&SSI Beneficiaries". These conserved funds must be used in the beneficiary's best interest and any disbursements must be approved by the local Social Security office.

These funds can only be used for:

- a) Medical treatment;
 - b) Education or job skills training;
 - c) Personal needs assistance;
 - d) Special equipment;
 - e) Housing modification; or
 - f) Therapy or rehabilitation, if same is related to the youth's disability that SSA determines to be appropriate.
3. Any SSA and SSI payments received for youth who have exited YS custody, and did not spend the majority of the month in custody, shall be returned to the Social Security Administration.

Previous Regulation/Policy Number: C.4.2

Previous Effective Date: 6/08/2018

Attachments/References: