

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A. 0652 KRS 610.125 1-JPAS-2-7068</b>
<b>CHAPTER: Juvenile Services in the Community</b>		<b>Social Security Act Section 475(5)(C); Public Law 96-272, 42USC670- 679(b)</b>
<b>SUBJECT: Youth's Benefits</b>		
<b>POLICY NUMBER: DJJ 609</b>		
<b>TOTAL PAGES: 3</b>		
<b>EFFECTIVE DATE: February 2, 2018</b>		
<b>APPROVAL: Carey D. Cockerell</b>		<b>, COMMISSIONER</b>

**I. POLICY**

Mandatory benefits shall be applied for, distributed, maintained, and released only when necessary, for eligible youth committed or sentenced to the Department. These benefits shall offset the cost of care.

**II. APPLICABILITY**

This policy and procedure shall apply to all DJJ staff.

**III. DEFINITIONS**

Refer to Chapter 600.

**IV. PROCEDURES**

A. Listed under “Sources of Funds” are the different types of benefits a youth may be eligible to receive. It shall be the Juvenile Service Worker's (JSW) responsibility to identify if a youth is potentially eligible for benefits or currently receiving benefits upon commitment. The JSW shall notify the Benefits Worker of the death of a parent occurring while youth is committed to DJJ. Applications shall be made for all available benefits for eligible committed or sentenced youth.

B. Sources of Funds include the following:

1. Social Security: Technically named “Retirement and Survivors Disability Insurance” (RSDI), the program makes payments to the youth of disabled, retired, or deceased wage earners. Eligibility for Social Security ends at age eighteen (18) unless the youth is in full-time high school attendance. In that case, benefits end at age nineteen (19). The disabled youth of a disabled, retired, or deceased wage earner is eligible for “disabled child’s benefits” beyond age eighteen (18). The youth shall be made his own payee at age eighteen (18) for Social Security Benefits.
2. Supplemental Security Income (SSI): Although administered by the Social Security Administration (SSA), eligibility for SSI shall not be determined by the youth’s relationship to the wage earner, but instead, by

<b>POLICY NUMBER</b> <b>DJJ 609</b>	<b>EFFECTIVE DATE</b> <b>02/02/18</b>	<b>PAGE NUMBER</b> <b>2 of 3</b>
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the youth's disability, living arrangement, income, and resources. When a youth is applying for SSI, potential eligibility for certain other programs shall be explored. Eligibility for SSI continues regardless of age as long as disability, resources, and income requirements are met.

- a. For SSI purposes, a disability (physical or mental) is one that has existed or may exist for twelve (12) months or more.
- b. Non-disability and financial eligibility are re-evaluated periodically after payment has started. Examples of the youth's income may be child support payments, unearned income, and earned income. Countable resources cannot exceed \$2,000 or eligibility ends. Parents' income and resources are also evaluated if they reside in the same household as the youth. The youth shall be made his own payee at age eighteen (18) for SSI, unless appropriate documentation is submitted to the Social Security Administration that establishes the youth is incapable of being his own payee.
- c. The youth's placement also affects eligibility.

3. **Black Lung:** Benefits from the Department of Labor or the Social Security Administration for miner's dependents are determined by the youth's relationship to a miner disabled or deceased as a result of Black Lung disease, pneumoconiosis.
4. **Veterans' Administration:** Benefits from the Veterans' Administration depend on the youth's relationship to a deceased or disabled veteran.
5. **Railroad Retirement Benefits:** Benefits from the Railroad Retirement Board of America for youth of disabled, retired, or deceased wage earners.
6. **Armed Services Allotments:** Youth of armed services personnel may receive allotments contributed by the parent. These youth may also be eligible for Tri Care for medical insurance coverage. This may be dependent on the fact that no other health insurance is carried by the family other than Medicare.
7. **Other Statutory Benefits:** Benefits are available for the youth of pensioned federal civil servants.
8. **Note:** All benefits other than SSI are "entitlements". Benefits shall be paid regardless of the beneficiaries' condition, income, or resources.

#### C. Departmental Responsibility

1. The Department of Juvenile Justice (DJJ) shall be authorized by KRS 605.100 to arrange for payments to provide for the care of youth who are committed or sentenced.
2. If a youth is already receiving RSDI or SSI benefits when committed or sentenced, the Juvenile Services Worker (JSW) shall contact their Regional Benefits Specialist for direction. In the event that the prior payee receives the benefit check, the JSW or youth counselor involved shall instruct them to return the check to Social Security for the new

<b>POLICY NUMBER</b> <b>DJJ 609</b>	<b>EFFECTIVE DATE</b> <b>02/02/18</b>	<b>PAGE NUMBER</b> <b>3 of 3</b>
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payee. The prior payee needs to inform Social Security that DJJ, Frankfort is the new payee.

3. If the youth has never received RSDI or SSI benefits before, the JSW shall contact their Regional Benefits Specialist for direction.
4. Other Benefits  
To apply for DJJ to be payee on all other benefits, the JSW shall notify the Regional Benefits Specialist.
5. Change of Payee
  - a. When the youth leaves placement, the JSW shall notify the Benefits Specialist of the new payee. While DJJ may recommend who the new payee may be, the responsibility for determination of payee is solely the benefit agency.
  - b. The new payee shall apply for the benefits at the agency responsible for paying the benefits. Change of payee for RSDI or SSI under normal circumstances requires sixty (60) to ninety (90) days. SSA is unable to change payee in advance of placement.

#### **V. STAFF TRAINING**

- A. The Benefits Specialist shall train new staff within three (3) months of their hire date.
- B. The Benefits Specialist shall train all staff on any changes within three (3) months of the date of change.
- C. The Juvenile Services District Supervisor shall conduct annual reviews with all staff.

#### **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Regional Benefits Specialist, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of youth's benefits.