



# MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

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SUBJECT

Supplemental Security Income (SSI)  
Disability Benefits for Children

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## Scope:

Base Service Unit Directors  
County Mental Health/Mental Retardation Administrators  
County Children and Youth Social Service Agencies  
Early Intervention Program Directors  
Pennsylvania Association of Mental Health/Mental Retardation  
Providers  
Private Children and Youth Social Service Agencies

## Purpose:

The purpose of this bulletin is to transmit information relative to the Supplemental Security Income (SSI) Benefits Program for Children administered through the Social Security Administration (SSA).

## Background:

On February 20, 1990 the United States Supreme Court decision was rendered in the Sullivan vs. Zebley class action suit. This petition was filed against the Secretary of Health and Human Services on behalf of a child, who was denied SSI benefits in 1983.

The high court determined that the present SSI Childhood Disability Determination eligibility procedures were in violation of statutory intent and denied child applicants equitable treatment. The court has, subsequently, directed the SSA to develop a revised disability determination process for children.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Mel Knowlton, OMR, P.O. Box 2675, Harrisburg, PA 17105 (717) 783-5764 or Ruth Wishard, Bureau of Disability Determination, Harrisburg, PA 17120 (717) 783-3620 or National Social Security Hotline: 800-234-5772.

An individual is eligible for SSI disability benefits if he or she has income and resources below certain specified levels and is found to be "disabled" as defined by the SSA. An individual is considered to be disabled for SSI purposes if "he is unable to engage in substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if there is any medically determinable physical or mental impairment of comparable severity."

Discussion:

It is estimated that approximately 250,000 children nationally may be entitled for reconsideration of their applications under SSA revised procedures. In particular, children whose impairments do not fall within the structured determination process, children with severe emotional/behavioral disturbances or children whose conditions included non-medical factors may be qualified for benefits under revised procedures.

One of the effects of any expansion in childhood recipients of SSI benefits will be an increase in the number of children with severe disabilities who are eligible for Medicaid Benefits (Pennsylvania Medical Assistance). A child who qualifies for SSI also qualifies for Medicaid Benefits.

It should be noted that SSI is first an income supplement to assist eligible children and adults with disabilities. Therefore, an assessment of the parent's income is the first step in the SSI review process. Children from middle income families are frequently eliminated at this preliminary step. However, the SSA regulations do include recognition of the child as "family of one" when the child is in residential care.

Casemanagers in human service agencies are urged to review their caseloads of children and adolescents who made prior application for SSI and were denied benefits. These individuals, depending upon the dates of their applications, may become members of the "class," who will be notified of the opportunity to request a review of their claims. Further, casemanagers are urged to inform parents of the potential eligibility for SSI, for their child, and assist them through the application process.

The Office of Income Maintenance through the County Assistance Offices has an established Disability Advocacy Program (DAP). When a disabled, or potentially disabled, child is a Public Assistance recipient (cash, food stamps, or medical assistance), the DAP caseworker can provide direction and assistance to children and families in the SSI application process. Advocate services are particularly beneficial in assisting children through the SSI appeal process, when there is a denial of benefits.

The personnel of the Bureau of Disability Determination are available for training and discussion of specific issues which may have particular effect on groups or agencies.

All individuals, agencies and providers, who are inclusive under this directive, are requested to assist in the identification and referral of all children who may be eligible for SSI benefits. In the usual manner all operational safeguards of interagency and client information will apply.