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Addressing Legal Problems: Accessing Public Benefits

Housing Action Illinois Conference

October 2, 2014



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What We Will Cover

- Benefits Checklist – IDHS, SSA, and Township programs available
- Accessing Those Benefits
- Self Advocacy Tips
- Referrals to Legal Services
- Your Questions

Benefits at IDHS aka Public Aid

- TANF – Temporary Assistance for Needy Families – for families with kids under 18
 - Limited to 60 months in lifetime: “clock”
 - Work Activity Requirement
 - BUT exemptions to both clock and work for
 - people with disabilities
 - experiencing domestic violence
 - caring for very ill family members

TANF – cont.

- Family of 3: \$432/mo. If no other income
- Family with parent on SSI
 - “child only” TANF: 1 kid: \$117, 2 kids: \$230
- Other family member caring for children
 - Grandparent, aunt, adult sibling – their income can be excluded – same “child only” grant

SNAP aka Food Stamps

- For any low-income person or family
- Household – live and prepare food together
- Amount varies – depends on income, certain expenses, including:
 - Rent;
 - Whether pay utilities;
 - medical expenses (for seniors and people with disabilities)

The logo consists of a green square with the letters 'LAF' in white, bold, sans-serif font. A thin white horizontal line is positioned above the letters, and a thin white vertical line is positioned to the left of the letters, creating a partial frame effect.

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Medicaid

- Qualify if low-income (<133% poverty)
- No longer have to prove disability
- Changing to managed care system
 - Enrollment Broker: 877-912-8880 or <http://enrollhfs.illinois.gov/>

Medicare Savings Plans - DHS

- For people on Medicare: red, white, blue card
 - Seniors (age 65) or Receiving SSDI
 - Sign up at Social Security
- Medicare has a Monthly Premium – \$104.90
 - If low income (< 135% FPL), IDHS will pay it for you – otherwise, it is taken out of SS check each month
 - Single person – up to \$1,312/mo.
 - Couple – up to \$1,769/mo.
 - Called Medicare Savings Plan

Cash Aid to Aged Blind, Disabled “AABD”

- For People Age 65+ OR Receiving SSI
- Cash Supplement for SSI (not SSD) Recipients
 - Amount based on certain expenses
 - Avg. of about \$60-\$70/mo.
- Some immigrants who cannot get SSI for status reasons (7 year limit for asylees/ refugees) can get AABD cash grant

Immigrant Eligibility for DHS Programs

- Complicated Rules – but here are some basics:
 - LPR kids (no matter how long in US) can get SNAP, Medical
 - LPR adults can get SNAP, TANF, Medicaid only after being in US for 5 years
 - People fleeing abuse from citizen/LPR spouse who have pending VAWA application
 - Asylees/refugees qualify with no waiting periods
 - Mixed status families – parents can apply for eligible kids without disclosing parents' status
- This is not exhaustive list – apply or ask



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DHS Programs

How to Apply

- Apply at Local IDHS Office. “Family Community Resource Center” locator at:
<http://www.dhs.state.il.us/page.aspx?module=12>
- What to bring: ID, SSNs for all household members, proof of immigration status, proof of income for last 30 days
- If in Chicago, can get help applying from LAF Enrollment Paralegal

How Long Does it Take?

- SNAP must be processed in 30 days
- Emergency or “Expedited” SNAP in 5 days, if
 - Rent + Utilities is more than Income, or
 - Less than \$150 in income and less than \$100 in assets
- TANF and Medical must be processed in 45 days

Keeping Your DHS Benefits

- Every 6 -12 months, recertify or “redetermination”
- You must respond and provide information or benefits will stop
- Report Changes Before Recertifications – getting new job, new baby, someone moves out

Appealing DHS Decisions

- Disagree with DHS Decision? OR No decision?
- Appeal is due...
 - AABD, TANF, Medical: 60 days from date on notice
 - SNAP: 90 days from date on notice
- If appeal within 10 days of notice or by “date of change”, can request continuing benefits
- How to Appeal:
 - phone: 1-800-435-0774 or 312-793-2618
 - Fax: 312-793-3387
 - Email: dhs.bahnewappeal@illinois.gov

Social Security

- Social Security Disability Insurance (SSDI)
 - For People with Disabilities who cannot work and who have recent work history
 - Amount varies, based on payroll taxes paid
 - If SSDI < \$721, person can often get SSI
 - Get check on 3rd of month
 - Qualify for Medicare after 2 year waiting period
 - Dependents can get benefits off the account too (minor children, caregiver of minor children)

Social Security

- Supplemental Security Income (SSI)

- For People with Disabilities who are unable to work OR age 65+ but have no/little recent work history
- Also available for children with disabilities
- \$721/mo. standard benefit; \$1,080 for a couple (if no other income)
- Gets check on the 1st of month
- Income and resources restricted
- If getting less than \$721/mo., ask why, refer for help

Tips For Getting Approved for SSI/SSDI

- Persistence, Persistence, Persistence
- Best advice for those applying
 - Be sure to appeal denials – otherwise have to start all over again
 - Get health insurance and see doctors, and report those docs to SSA
 - Consider hiring private lawyer - on contingency

Can you Work and Get Social Security?

YES – But...

1. You HAVE TO REPORT IT – even if temporary, part-time, and/or low-wage
 - GROSS, pre-tax income
 - Telephone, in-person, or mail reporting
 - Keep proof of reporting
2. Impact of work on your SS check(s) depends on whether you receive SSDI or SSI

Appeals at SSA

- Did checks stop? Do you owe an overpayment?
- Appeal is due...
 - 65 days from date on notice
 - 15 days from date on notice to request “continuing benefits” in some instances
- Can sometimes be extended for “good cause” but always encourage timely appeal
- Waiver of overpayments can be requested anytime – no deadline

Tips for Dealing with SSA and IDHS

- Keep log of dates of appointments, calls
- Keep copies of all paperwork you get and all paperwork you give them
- Report changes – like new job, change in address, change in family (baby born, someone moved out)
- Be polite and persistent, ask for supervisors
- Keep your appointments
- Open your mail

Township Assistance

- “General Assistance” for adults without minor kids – last resort program
- Run by Townships, or in some cases in Southern IL, counties
- Cash amount varies – very limited
- Find out your township, contact them and find out application process, benefits available



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Accessing LAF Chicago

- Client Screening Unit – 312.341.1070
- Clients calling on their own
 - Call Early! Best between 8 am – 10 am
 - Follow prompts – if you can leave a call back number, will be called back up to three times same day
 - Lines close when reach capacity for callers
- Case managers, social workers calling with clients
 - Client must be on line with you
 - Follow prompts for “social workers, other professionals” and you will be put through to reception who will patch you in to next available intake specialist



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Social Security Problems for Legal Services

Providers

- Terminations and Reductions
 - Due to medical/disability review – every 5-7 years
 - Due to work
 - Often well after the work started (client may not be working anymore) – IRS data sharing
 - Due to other income/assets
 - Workers' Compensation (for SSDI)
 - For example: money in the bank, inheritances (for SSI)
- Overpayments and Waivers



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IDHS Problems for Legal Services Providers

- SNAP, TANF, and Medicaid: Denials, Terminations and Reductions
- Medicaid coverage problems: prescriptions denials, homemaker service
- Overpayments and Waivers

Benefits for Families

- Think TANF, SNAP, & Medicaid
- Families with disabled child: also think SSI for child
- Families with disabled parent: also think:
 - SSI/SSDI for parent and dependent benefits
 - Medicare Savings Plan – if parent on SSDI
 - exceptions for TANF rules, if parent has no income and has trouble accessing program

Benefits for People with Disabilities

- Think SSI and SSDI
- Think DHS:
 - SNAP – be sure to report medical expenses if on SSI/DI. (Avg. boost to SNAP of about \$80/mo.)
 - AABD – cash supplement for people on SSI
 - Medicare Savings Plans – payment of Medicare premium (if 65 or on SSDI)

Benefits for Immigrants

- LPR children under 18, LPRs with disability qualify for SNAP, Medical without 5 year wait
- LPR adults qualify only if in US for 5 years
- Asylees & Refugees don't have waiting period
- Immigrants fleeing abuse by citizen/LPR spouse with pending VAWA application
- Parents can apply for eligible children without disclosing their own status



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QUESTIONS?????

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