

YOUR CHILD UNDER 18 YEARS OLD – GOVERNMENT BENEFITS

An Information Sheet from The Arc of Oakland County

Children under 18 years old who have disabilities generally do not qualify for governmental benefits if their parents' income exceeds a designated amount. There are some programs, however, which might be available without considering parental income. Here are some of those programs.

Supplemental Security Income/Medicaid:

Supplemental Security Income [SSI] does use parent income to determine eligibility and monthly assistance amount. We encourage low-and moderate-income parents to consider SSI. The link to check eligibility is here. <https://ssabest.benefits.gov/benefit-finder/>. If your child qualifies for SSI, the child also automatically qualifies for Medicaid.

Social Security Survivor's Benefits:

If a child's parent is deceased, disabled or retired and is or was eligible for Social Security benefits, the child might qualify for survivor benefits. The eligibility link above also works for this benefit. If you have no internet access, you may call the Social Security Administration at **1-800-772-1213**.

Veterans Survivor Benefits:

If a child's parent is deceased, disabled or retired and is or was eligible for veterans' benefits, the child might qualify for survivor benefits. The link to check out these benefits is <https://www.va.gov/family-member-benefits/>. If you have no internet access, you may call the Veterans Administration at **1-800-827-1000**.

Oakland County Mental Health Services:

The **Oakland Community Health Network** (OCHN) is the designated access point for Oakland County residents seeking mental health and developmental disability services. Service recipients must be eligible for Medicaid services. The OCHN eligibility and program description link is: <https://www.oaklandchn.org/index.php/access-and-eligibility/access>. The phone number is **248-464-6363**.

Children's Waiver Program:

The Children's Waiver Program [CWP] provides access to Medicaid eligibility for funding home and community-based services for children who are under age 18. To be eligible for the CWP, the child must have a documented developmental disability and require medical or behavioral supports and services at home. The child's consistent, daily home behavioral or medical and habilitative needs must meet requirements for the level of care for an "Intermediate Care Facility for Individuals with Intellectual Disabilities." Parents apply for CWP services through OCHN, whose contact information is listed above.

The key benefit to the CWP program is that eligibility is determined based only on the child's income or resources. Parental income and assets are not considered. If the child already qualifies for Medicaid services, parents may request in-home services through OCHN.

CWP eligibility requirements include all the following:

- The child must be under the age of 18.

- The child must have a developmental disability as defined by Michigan law. A developmental disability is not based on diagnosis. Instead, a developmental disability is based on documented evidence of "substantial functional limitations" in three or more of the following seven areas (considering the age of the child):
 - a. self-care (bathing, grooming, dressing, toileting, eating)

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- b. expressive and receptive language
- c. learning
- d. mobility
- e. self-direction
- f. If a child is age 16 or older: capacity for economic self-sufficiency
- g. If a child is age 16 or older: capacity for independent living.

- The child must have identified needs for a consistent, aggressive program of in-home services and supports focused on developing skills for the child to function with as much independence as possible and/or to prevent the loss of current abilities.
- The child must live with a birth or legally adoptive parent or with a relative who has been named the legal guardian by the court (and who is not paid to provide foster care for the child).

Special Education Services:

Michigan and federal law require Michigan public and charter schools to provide special education services to eligible students. Michigan local and intermediate school districts are required to evaluate students who may be eligible for special education services. Here is a link explaining Child Find: <https://1800earlyon.org/about.php?ID=17&sub=5>.

Parents who believe their children may qualify for special education services must contact their local school district special education department to request that their child's eligibility be evaluated. Michigan and federal law provide parents with comprehensive procedural safeguards that apply to eligibility and to determining what services the student requires. Parents often benefit from having advocates who help them understand and work through the process. We offer educational advocacy and support services to Oakland County residents. Other agencies who provide advocacy include:

- Michigan Alliance for Families 800-552-4821; info@michiganallianceforfamilies.org.
- Disability Rights Michigan 800-288-5923; <https://www.drmich.org/>.

Michigan Family Support Subsidy:

The Michigan Family Support Subsidy Act [FSSA], administered through the Michigan Department of Health and Human Services, provides a payment of \$222.11 per month. The minor child must have a special education category eligibility of "Cognitive Impairment – Severe," "Severely Multiply Impaired," or "Autism Spectrum Disorder." Family annual gross income on a Michigan tax return exceed \$60,000 as of this writing. Here is the link describing FSSA: https://www.michigan.gov/mdhhs/0,5885,7-339-71550_2941_4868_7145_81705---,00.html.

Michigan Children's Special Health Care Services:

The Children's Special Health Care Services [CSHCS] is a program administered by the Michigan Department of Health and Human Services, for children with physical impairments, **chronic health conditions or disabilities**. Eligible children must have a qualifying medical condition and be 20 years old or younger. Persons 21 years and older with **Cystic Fibrosis or certain blood coagulation disorders** may also qualify for services. Families of all income levels are eligible to enroll. The CSHC:

- helps pay for a child's special medical care needs and medications;
- helps arrange for supplies and equipment (wheelchairs, etc.); and
- assists with referrals to specialists and other community resources.

Supplemental Nutrition Assistance Program:

The Supplemental Nutrition Assistance Program [SNAP], also called food stamps or the Bridge Card, provides food assistance to qualified Michigan families as determined by family income and assets and the number of dependents in the household. Families apply through their local Michigan Department of Health and Human Services office.

Applied Behavioral Analysis Therapy:

Applied Behavioral Analysis ("ABA") is available for children with autism spectrum disorder (ASD). Coverage for ABA services is available to Medicaid-eligible children under the age of 21 who are diagnosed with ASD and who meet medical necessity criteria. ABA is a Medicaid-covered service under the Behavioral Health Treatment "umbrella" within the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefit. Private health insurance coverage for ABA therapy typically terminates at age 18, although private insurance companies may extend coverage to beneficiaries 18 and over, usually as a result of union negotiations.

Special Needs Trust:

Special needs trusts [SNT] allow parents, family members and friends to create accounts for the benefit of a child with disabilities without placing the child's access to government funds at risk. The requirements for creating and managing a SNT are complicated and heavily linked to Michigan and federal tax law. A key SNT requirement is that the SNT trustee must have absolute discretion in deciding when, how, what or how much to release to the direct benefit of the child.

We strongly recommend that parents or others considering creating a SNT for a child with disabilities work through a lawyer, financial planner, tax accountant or CPA. We no longer create SNTs for our members, however we can consult with you and refer you to agencies who have SNT referral sources. We do offer simple wills with testamentary trusts for those interested in that option.

The Arc Michigan's Annual Income Tax Guide:

The Arc Michigan produces an Annual Income Tax Guide to give tax information and guidance to parents and families who have children with disabilities. We have a link to the Guide on our website, <http://www.thearcoakland.org/informational-resources/income-tax-guide/>.

Michigan Medicaid Health Care Eligibility:

Michigan offers several Medicare health care coverage options to individuals and families who meet eligibility requirements. The goal of these health care programs is to ensure that essential health care services are made available to those who otherwise do not have the financial resources to purchase them. This link will describe the Medicaid options and eligibility requirements. www.michigan.gov/mibridges.

Michigan Medicaid health care programs available to children, adults, and families vary depending on the program and the applicant's citizenship status (some non-citizens may be limited to coverage of emergency services only). The Michigan Department of Health and Human Services [MDHHS] determines eligibility for most health care programs administered by the State of Michigan).

All Michigan Medicaid programs except Children's Special Health Care Services have an income test. Some programs also have an asset test. These income and asset tests vary with each program. For some programs, the applicant may exceed the income limit and still be able to obtain health care benefits when their medical expenses equal or exceed their deductible (formerly called the spend-down) amount. Visit the MDHHS link at https://www.michigan.gov/mdhhs/0,5885,7-339-71547_4860-35199--,00.html for more comprehensive information. Here are some Medicaid programs that provide Medicaid services or help.

- **U-19 Medicaid:**

U-19 serves low-income children under age 19. There is only an income test. There is no monthly premium. Most children who are eligible for U-19 Medicaid are enrolled in a Medicaid health plan. This program provides a comprehensive package of health care benefits including vision, dental, and mental health services. Contact your county MDHHS office to apply for this program or apply online at www.michigan.gov/mibridges.

- **MiChild:**

MiChild provides services to low income children of Michigan's working families who are under age 19. MiChild has a higher income limit than U-19 Medicaid. There is only an income test. There is a \$10 per family monthly premium for MiChild, covering all the children in the family. The child must be enrolled in a MiChild health and dental plan in order to receive services. Beneficiaries receive a comprehensive package of health care benefits including vision, dental, and mental health services. Contact the local MDHHS office in your county to apply for this program or apply online at: www.michigan.gov/mibridges. For more information, visit the MiChild website at <https://www.michigan.gov/michild>.

- **Under 21**

Medicaid is available to eligible persons under age 21. There is an income test and an asset test for this program. If income exceeds the income limit, the person is assigned a deductible. Persons may incur medical expenses that equal or exceed the deductible and still qualify for this program. Beneficiaries receive a comprehensive package of health care benefits including vision, dental, and mental health services. Contact a local MDHHS office in your county to apply for this program or apply online at www.michigan.gov/mibridges.

You may contact us with your questions or comments. We will provide technical assistance and direct advocacy for those issues that fall within our program and service areas. We also can refer you to other agencies.