

Know Your Rights: MONEY

Key Issues for Youth in Out-of-Home Care:

- **Obtaining Money**
- **Master Trust Accounts**
- **Special Concerns for Youth with Disabilities**



Fighting for Children's Rights

Introduction

The best things in life might be free – but food, clothing, shelter and most other things you use every day cost money. Successful adults work hard to earn, save and invest their money. They also spend it wisely. When you turn 18 you will be responsible for taking care of yourself. Now is the time to start learning how to handle your money. Your case manager or other CBC staff is supposed to help you find classes that can teach you about managing money.

But you have to have money to get experience

handling it. Florida's Children First prepared this document to help you understand your legal rights concerning money. We also have a publication called *FAQ Frequently Asked Questions for Foster Youth Transitioning to Adulthood* that you can obtain on our website, floridaschildrenfirst.org. For other basic rights you should also have a copy of the DCF document, *Rights and Expectations for Children and Youth in Shelter or Foster Care*. If you do not have one yet, ask your case worker for one. The first step toward protecting your rights is knowing what they are!



Acknowledgements

Florida's Children First, Inc. thanks Liz Peck for her assistance in researching and writing this publication along with our graphic designer Alexandria Gribble. We would also like to thank the content, writing and editing efforts of Robin Rosenberg, Barry Shalinsky, Victor Panoff, Melissa Lader Barnhardt, Deborah Schroth, and the members of Florida Youth SHINE who reviewed and provided editorial suggestions. We would also like to specially thank The SunTrust Foundation for underwriting the publication of this document.

Florida's Children First has used its best efforts in collecting and preparing material included in this publication, but does not warrant that the information herein is complete or accurate, and does not assume, and hereby disclaims, any liability to any person for any loss or damage caused by errors or omissions herein, whether such errors or omissions result from negligence, accident or any other cause. This publication is intended for use as a general reference source for young people in state care and those who have recently aged out, along with their advocates and case workers. It is not meant to provide legal opinions or advice, and is not a substitute for the advice of an attorney.

Contents

OBTAINING MONEY

I. Allowance	1
II. Work	2
III. Government Benefits	2
A. Independent Living Benefits	2
B. Temporary Cash Assistance	2
C. Survivor Benefits and Retirement Benefits	2
D. Disability Benefits	3
IV. Matched Savings: Individual Development Accounts (IDAs).....	4
A. What Is An IDA?	4
B. What Are Matched Savings?	4
C. How Does A Typical IDA Program Work?	4
D. Who Is Eligible For An IDA?	4
E. Does An IDA Affect SSI Benefits?	4
F. Are There Any Other Requirements For An IDA?	5
G. Do I Have To Be Over 18 to Participate In An IDA?	5
H. What Else Can I Use An IDA For?	5
I. How Long Does An IDA Last?	5
J. What If I Need Money For An Emergency?	5
K. How Do I Find An IDA Program?	5

MONEY IN MASTER TRUST

I. What Is Master Trust?	6
A. It's An Account Where The State/CBC Holds Money For Youth In Care	6
B. Where Does Master Trust Money Come From?	6
II. How Do I Know How Much Money Is In The Account?	6
III. How Is The Money Supposed To Be Spent?	7
A. Spending Should Be Planned to Meet Short and Long Term Needs	7
B. I Heard That There Was a \$2,000 Limit On The Account -- What Does That Mean?	7
IV. Can The State Take My Money?	8
A. The State Has The Right to Take Some Money Out for Two Purposes	8
B. Can They Just Take My Money Without Telling Me?	8
C. Is There A Way I Can Use More Of My Own Money?	8
D. I am Going to be 18 soon and My Caseworker Says that they are Sending My SSI Money Back to Social Security -- Is That Right?	9

YOUTH WITH DISABILITIES

I. Student Earned Income Exclusion	10
II. PASS Plans	10
III. Special Needs Trust	10
IV. Nonprofit Pooled Income Trusts	11
V. Individual Development Accounts	11

APPENDIX

A. Master Trust Expenditure Plan	12
B. Instructions for Filling out the Application for Review of Assessed Fee or Change in Allowance	13
C. Form 285D -- Notice of Fee Assessment/Application for Review of Assessed Fee or Change in Allowance	13
D. Checklist to Review Financial Issues with Caseworker	16

OBTAINING MONEY

I. Allowance:

Youth who are not in licensed care

If you are living in a relative or non-relative placement you do not have a legal entitlement to get an allowance. You can ask your caregiver for an allowance. You might be most successful if you offer to do extra chores.

This section discusses ways in which you can obtain money:

- Allowance
- Working
- Obtaining government benefits
- “Matched” savings



Youth who are in licensed care

Youth who are in licensed out-of-home care are entitled to receive an allowance at least once a month. You are not expected to have to buy personal hygiene items, school supplies, clothing or other necessities out of your allowance. Allowance may not be withheld as a form of discipline. (Fla. Admin Code 65C-30.007(10)(k))

Foster parents and group homes receive money to pay you your allowance as part of the monthly board rate. There is a set amount called “monthly foster care allowance” that is included with the board payment for each month. (Fla. Admin. Code 65C-17.002) The “monthly foster care allowance” has three components, money to be used to purchase clothing, money to be used to purchase incidentals (like hygiene products) and money to give you in cash as your allowance.

The amount of cash allowance you get is determined by the Community Based Care provider. The CBC selects the dollar amount for children and youth by age ranges, so that all youth who are the same age get the same allowance. That amount currently ranges from \$10 to \$20 a month. You may save or spend your allowance. There may be some limitations on how you can spend the money, for example the CBC may not allow you to spend it on cigarettes or knives.

Inform your case manager immediately if you do not receive your monthly allowance.

You can also ask your caregivers if you can earn additional allowance by doing extra chores. There is no guarantee that they will say yes, but you won’t know unless you ask.

II. Work

Unless your specific circumstances make working inappropriate, you should be able to have a job.

(Fla. Admin Code 65C-30.007(10)(h))

The money you earn is yours to spend or save.

If you receive SSI payments any money you earn or save might decrease and/or affect your ability to continue receiving SSI. So, if you are working and receiving SSI payments you should ask for help figuring out whether you qualify for work incentives. (See Section III. D for more information)

III. Government Benefits

A. Independent Living Benefits

Youth in foster care who are in a Subsidized Independent Living placement may receive cash to pay for their living expenses. Likewise, many former foster youth are eligible for cash assistance to help pay for living expenses as they transition to adulthood. Currently, this is provided via Transition, Aftercare, and or Road to Independence programs. For more details see the FCF publication: FAQ for Foster Youth Transitioning to Adulthood, available online at www.floridaschildrenfirst.org

B. TCA- Temporary Cash Assistance

Temporary Cash Assistance is a cash assistance program that is available to parents of children. If your child lives with you, you might be eligible for TCA. You can apply for TCA via the ACCESS system online. www.myflorida.com/accessflorida/ or at a DCF office.

C. Social Security Benefits for Youth Whose Parents are Deceased, Retired or Disabled.

Who is Eligible? Youth whose parents worked and paid Social Security taxes may be eligible to receive benefits from their (biological or adoptive) parent's account. Some youth raised by grandparents are eligible to get benefits on their grandparents' account. The fact that a parent is in prison and cannot collect benefits does not prevent the child from receiving benefits. Benefits are available to some youth whose parent's rights have been terminated. There are lots of different rules that apply - so when in doubt - apply and seek legal assistance.



What are the Types of Benefits?

SSDI - Social Security Disability Insurance. This benefit is paid when the adult becomes disabled and cannot work.

Survivor Benefits are paid after the death of the adult.

Retirement Benefits begin when the adult retires and is old enough to collect benefits.

How long are benefits available? These benefits end at age 18 for youth who have finished high school but can be paid through age 19 as long as the youth is attending high school full time. Youth who are themselves disabled may be entitled to have continued benefits called Childhood Disability Benefits (formerly Disabled Adult Children.)

D. Benefits for Youth With Disabilities - SSI & CDB

Supplemental Security Income (SSI)

Persons with disabilities may be entitled to receive SSI. SSI pays a cash benefit that is intended to pay for the daily living expenses and needs for poor people with disabilities.

For SSI purposes, an individual under age 18 is “disabled” if he or she has a medically determinable physical or mental impairment, which:

- results in marked and severe functional limitations; and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

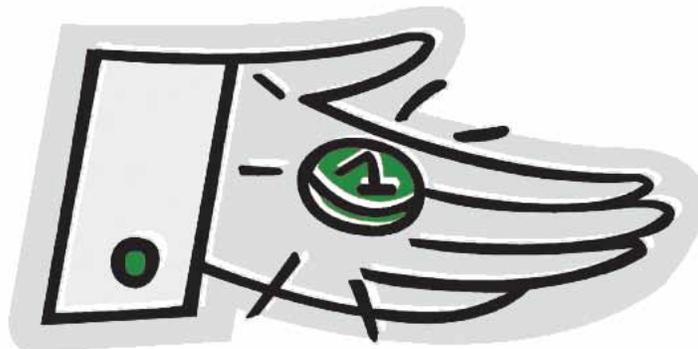
Youth who receive SSI as children must reapply under the adult standard in order to continue receiving benefits after age 18. You can apply for adult SSI six months before your 18th birthday.

SSI’s definition of disability for adults is different and focuses on the adult’s ability to work. An individual over age 18 is “disabled” if he or she has a medically determinable physical or mental impairment which:

- results in the inability to engage in any substantial gainful activity (earnings of \$1,000/mo. in 2011); and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.

Childhood Disability Benefits (CDB) – Benefits for adults with disabilities whose parents are retired, dead or have a disability

Childhood Disability Benefits (CDB) are for adults who have disabilities that began when they were children, prior to age 22, and whose parents worked and paid social security taxes and are now either retired, dead or disabled. The amount of the CDB payment is based on how much the parent worked and paid taxes, so it may be more money than SSI. If the payment is less than the SSI monthly amount, an adult can receive both SSI and CDB payments. Adults who receive CDB benefits become eligible for Medicare – so you can have health insurance in the future. CDB money is not subject to an asset limitation.



IV. Matched Savings: Individual Development Accounts (IDAs)

A. What is an IDA?

An IDA is a special savings account for lower income people where savings deposits are “matched” with donations from government agencies or charities. IDA’s are a tool to help you save money over 1 to 4 years for higher education, buying a home or car, or starting a business. IDA programs also provide education, workshops, and training to help you meet your savings goal and to help you succeed after you use your money.



B. What Are Matched Savings?

For each dollar a participant deposits into an IDA savings account, the participant receives an additional “matching” deposit. The matching deposit may be from one to four times the participant’s deposit, depending on the particular IDA program. The most common match rate is \$2 for each \$1 deposited by the participant, or a 2:1 match. The matched amount is kept in a separate account until you withdraw your money to complete your IDA goal.

C. How Does A Typical IDA Program Work?

Typically, a person interested in having an IDA account will work with staff of the particular IDA to determine if they are eligible and to complete the application process. The application usually includes an orientation meeting, a written application, and an interview. IDA sponsors partner with a financial institution (usually a bank) to keep the IDA accounts that hold participants’ savings deposits and matching funds. The financial institution may also provide training and financial education for participants and contribute funds. Usually, participants and sponsors sign a savings plan agreement personalized for the individual participant’s circumstances and goal. Then the savings account is opened and the participant makes periodic (weekly, every other week, or monthly) deposits. IDA programs tend to provide participants with lots of support and individual assistance. An individual IDA case manager is often assigned to each participant throughout the entire process.

D. Who Is Eligible For An IDA?

Most IDA programs require that that you earn income from a job and that your household income falls below a certain maximum amount. Many programs also have net worth limits which means that you can’t have too many other expensive things like a house or car.

E. Does An IDA Affect SSI Benefits?

Only certain federally funded IDAs allow you to participate without losing SSI benefits. When you consider an IDA program, it is extremely important to find out if it is funded under the federal Assets For Independence Act (AFIA) or Temporary Assistance for Needy Families (TANF). Otherwise, participation could jeopardize your SSI benefits. SSI benefits cannot be used to make deposits into an IDA account. See page 10 for Youth With Disabilities for more information regarding saving money without losing SSI.

F. Are There Any Other Requirements For An IDA?

IDA programs require a big commitment, but also provide valuable education and assistance in addition to matching funds. Participants must attend regular financial education classes, commit to a savings plan, and receive training geared to their specific savings goal such as home ownership. Participants are also often required to write an individual education, home ownership, or business plan once they reach their savings goal to help ensure future success.

G. Do I Have To Be Over 18 to Participate?

Not necessarily, although only a small percentage of IDA participants are under 18.

H. What Else Can I Use An IDA For?

A lot of IDA programs allow you to save only for your first home, for higher education, or to start or expand a small business. Some IDA programs allow savings toward other assets like a car, a computer, vocational school, a new home, or home repair.

I. How Long Does An IDA Last?

Most IDA programs allow the participant up to four years to save for their particular goal and purchase their asset (buy their home, car, computer, start their business, or enroll in higher education, or job training). Most programs also require that participants save for a minimum period of time before using their savings and matched funds.

J. What If I Have An Emergency?

IDA programs are designed for you to succeed and to support you when you have financial problems. When you cannot avoid a short-term detour from your savings plan, some IDAs allow you to take time off from your savings commitment or even withdraw savings (not matching funds) for an emergency. Careful attention is paid to creating a savings plan that you can achieve within your budget, so that most participants do not face early withdrawals.

K. How Do I find An IDA Program?

Your case manager should be able to help you find IDA programs you might be eligible for that meet your needs. A state by state directory of IDA programs can be found at www.idanetwork.org.

John wants to purchase a car. Friendly Bank offers an IDA for former foster youth. For every dollar that John saves, Friendly Bank will match with \$2.00. John needs \$4,000 to buy a used car.

Month	Money John Saves	Money the Bank Matches	Total
Jan.	\$100	\$200	\$300
Feb.	\$100	\$200	\$600
March	\$100	\$200	\$900
April	\$100	\$200	\$1,200
May	\$100	\$200	\$1,500
June	\$100	\$200	\$1,800
July	\$100	\$200	\$2,100
Aug.	\$100	\$200	\$2,400
Sept.	\$100	\$200	\$2,700
Oct.	\$100	\$200	\$3,000
Nov.	\$100	\$200	\$3,300
Dec.	\$100	\$200	\$3,600
Jan.	\$100	\$200	\$3,900

EXAMPLE

February = John buys his car with the money from his IDA plus \$100.

But if John stops making deposits before he reaches his goal, he will not get any money from Friendly Bank, but he can use his savings for anything he wants

MONEY IN MASTER TRUST

I. What Is a Master Trust?

A. It's an Account Where the State/CBC Holds Money For Youth In Care

Many youth who are in the custody of the State receive government benefits or income from other sources. Most of the time, that money is put into an account called the Master Trust. The Master Trust is basically one big bank account with a list of how much money belongs to each youth (sub accounts).

B. Where Does Master Trust Money Come From?

For many youth, the money in the Master Trust comes from SSI. But there are many other sources of income that also go into the Master Trust, such as: child support, veteran benefits, life insurance proceeds, and other Social Security benefits.

If you have money from Social Security in a Master Trust account, the State/CBC serves as the representative payee (often called rep payee). That means that they get the money directly from the federal government. It is possible to have your representative payee changed to a relative or close friend who cares about your well-being. If there is another adult in your life who meets the criteria and is willing to receive and handle your money, that person may be able to be substituted as your representative payee.

While you do not have the right to select a representative payee – you can ask your case manager or the judge to ask the Social Security Administration to change your representative payee. **Be very careful** in recommending that someone be substituted as your representative payee. **Chose someone who is completely trustworthy – as that person will have access to your money.**

II. How Do I Know How Much Money Is In the Account?

Ask your caseworker for information about your account. Your caseworker is required to inform you of purchases made with funds from your account. Any purchase of \$500 or more must also be reported to your guardian ad litem, your lawyer, and your parents if their rights have not been terminated. Fla. Admin Code 65C-17.003(1).

The State/CBC is supposed to prepare an "Accounting" at least every 3 months (4 times a year). An Accounting is a written report of how much money was in your account at the beginning of the time period, how much money was added, how much was taken out, and how much is left. It should also give information on what the money was used for.

Your caseworker must include a copy of the most recent quarterly accounting with each Judicial Review Social Study Report. The attorney for the state is supposed to make sure a copy of the report is in your court file. Fla. Admin. Code 65C-17.006. You should receive a copy of the Judicial Review Social Study Report that is supposed to be prepared twice a year.

This section discusses what's supposed to happen with money that the State is holding for you.

•How much is in your account

•When the State can take your money

•How you can spend more of your money

You have the right to review the records relating to your account. (CF-OP 175-59 8. J.) So, if you have not received an Accounting, you may ask your case manager to give you one. Case managers are responsible for keeping you and your family informed of the status of your account and options for using the money. (CF-OP 175-59 9.d)

III. How Is The Master Trust Money Supposed To Be Spent?

A. Spending Should Be Planned to Meet Short and Long Term Needs

Your case manager is supposed to act as a “prudent parent” in budgeting for your day-to-day needs and your future needs. Your case manager should also talk to you about what you want, and is supposed to consider your “reasonable wishes.” Your case manager should also talk to your foster parents or other caregivers about what you need.

Every youth with a Master Trust account is supposed to have a Master Trust Expenditure Plan. (CF-OP 175-59 9.a) A copy of the form for a plan is located in Appendix A. You should ask your case manager to show your Expenditure Plan.

All items purchased with your money belong to you and should be given to you if you move to a different residence. If your money was spent on an item that cannot be moved with you, then the foster parents are supposed to pay back the Master Trust Account with the fair market value of the item. Of course, your money can be saved for your future use as well.

Your caseworker is required to inform you of purchases made with funds from your account. Any purchase of \$500 or more must also be reported to your guardian ad litem, your lawyer and your parents if their rights have not been terminated. Fla. Admin Code 65C-17.003(1).

B. I Heard That There Was a \$2,000 Limit On The Account. What does that Mean?

If You Get SSI, APD or other services that are “asset-based,” then you cannot accumulate more than \$2,000 in assets without losing your right to future benefits. However, you might be able to put some money in a separate account (such as a PASS account) that will allow you to both save money and keep getting monthly benefits. See page 10 for an explanation on Saving Money without Losing Government Benefits.

If You Receive Services That Are Not Asset-Based (Such As SS Survivor Benefits or Childhood Disability Benefits): then you do not risk losing future benefits if you have more than \$2,000 limit on your account.

However, the amount of money in your account might affect your ability to obtain other need based government benefits. (For example, if you are a parent, you might not be eligible for Temporary Cash Assistance if you have too much money in your account).



IV. Can the State Take My Money?

Money held in the Master Trust belongs to the youth! (But...)

A. The State has the Right to Take Some Money Out for Two Purposes.

First, it can take money out to pay itself “administrative fees” such as for bank charges under Florida Statute Section 402.17(6)(b). Second, the State may also take some of the money to pay for the “cost of care.” Cost of care is the amount of money actually paid for residential services – that is payments to the foster home or group home for your room and board. Fla. Admin. Code 65C-17.002 (3)(a). When the state takes money for the cost of your care, the money is sent back to DCF’s general fund for child welfare, it is not kept by the CBC.



The State cannot take all the money you receive each month to cover the cost of care. At a minimum, it must leave at least \$15 of “personal allowance.” Fla. Admin. Code 65C-17.002 (9). Although you do not receive that \$15 each month, it is supposed to be used “to obtain clothing, recreational needs or activities, therapeutic equipment, transportation, and other personal and comfort items. . . .” Fla. Admin. Code 65C-17.002 (9). You can ask for the amount set aside as your “personal allowance” to be increased using the “waiver process” described in Section IV. C. below.

B. Can They Just Take My Money Without Telling Me?

No, before “cost of care” is deducted from your Master Trust Account you are supposed to be provided with a notice. Then, **every time your case is set for a judicial review, the State/CBC is required to send a “NOTICE OF FEE ASSESSMENT AND RIGHTS OF FOSTER CHILD REGARDING GOVERNMENT BENEFITS.”** The notice is supposed to go to: you, your guardian ad litem, your lawyer, your foster parents, your parents (if their rights were not terminated), your caseworker and the court. Legally, the failure to provide you notice before taking your money is a violation of your constitutional right to not have your property taken by the government without due process of law.

It is possible for some youth to have money paid back to them if they were never provided with notice of their right to seek a waiver or increase in allowance. If you are still in care or if you aged out of care within the last few years you can ask the CBC for information on your Master Trust Account. If you learn that there is or was an account in your name you can seek reimbursement for the past or waiver for the future. To get a reimbursement you will have to show that you met the criteria for the waiver – that is a good plan for how you would have spent the money. The law is not clear on how far back you can go, so you should try to get a lawyer to help you. The CBC should provide you with a list of lawyers in your area who are willing to represent current or former foster youth. Otherwise call your local Legal Aid program.

C. Is There A Way I Can Use More Of My Own Money?

Get your caseworker, Guardian Ad Litem or lawyer to help you prepare an “APPLICATION FOR REVIEW OF ASSESSED FEE OR CHANGE IN ALLOWANCE” (also known as a “waiver”). This application is attached to the Notice of Fee Assessment that you are supposed to be provided at each judicial review. There is a copy

in this booklet, and your caseworker can provide you one to fill out. You can use the Application to ask the State/CBC not to take some or all of the cost of care from your Master Trust Account. [Florida Statute 402.33]. You can also use that form to request an increase in your “personal allowance.” (described in Section IV. A. above). **A Copy of the Application starts on page 12, along with instructions as to how to fill out the Application.**

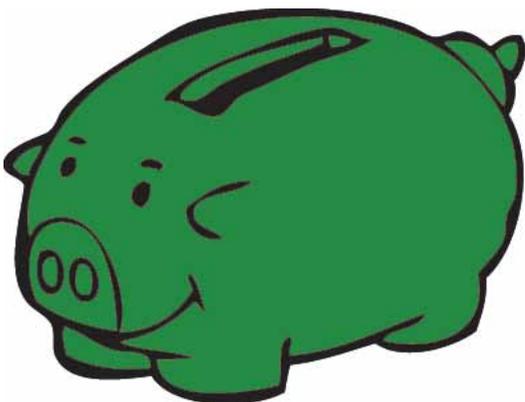
Think carefully about your needs. Your application should describe what you plan to do with the money and why what you want is important. Do you need money for a one time expense (like contact lenses or band camp) or for a monthly amount (like music lessons, tutoring, or club membership). As you approach 18, how can you use the money to get ready to live on your own. A detailed explanation that shows you have a plan is more likely to be granted than a vague request.

A committee of at least 3 people will decide whether to approve your request. Fla. Admin Code 65C-17.005. When you submit your Application For Review of Assessed Fee or Change In Allowance, you should ask to meet with the Committee so that you can explain your circumstances.

If the Committee denies your request for a fee waiver or change of allowance you are entitled to file an appeal with the Division of Administrative Hearings. You are entitled to have a lawyer assist you with an appeal. The State/CBC is supposed to provide you with a list of lawyers who might be able to help you. Otherwise call your local Legal Aid program.

Q. I am Going to be 18 soon and My Caseworker Says that they are Sending My SSI Money Back to Social Security - Is That Right?

Sometimes DCF/CBCs send the Social Security money in your Master Trust Account back to the Social Security Administration after you turn 18. If they do that, then you have to ask Social Security to send the money back to you. (Call Social Security at 1-800-772-1213 to find out how to request the funds.) If you are capable of managing your own money, DCF/CBC can ask Social Security for prior approval to transfer the money to you when you turn 18. Ask your caseworker to start that process at least two months before you leave care. With regard to money that is not from Social Security, Florida law is very clear that the money must be promptly paid to the youth when they exit care – whether at age 18 or younger if adopted or placed in a relative’s care. Fla. Stat. §402.17(7).



YOUTH WITH DISABILITIES

Some government benefits are provided only to people with low incomes and few assets. If you have more than \$2,000, the Social Security Administration will stop paying your SSI benefits. Youth also risk losing benefits from the Agency for Persons with Disabilities (APD) when their assets accumulate. Also, after you turn 18 your eligibility for Medicaid might stop if you have too much money. However, there are four ways to save your money yet continue to receive benefits: Student Earned Income Exclusion, a PASS plan, Special Needs Trust, and Pooled Trust.

I. Student Earned Income Exclusion

Students who receive SSI, work and attend school do not have to count up to \$1,640 a month of their income. To qualify, you must either be attending (at least):

- a. college or university - 8 hours a week
- b. grades 7-12 for 12 hours a week
- c. an employment training course 12 hours a week

This section describes ways to save money without losing SSI, APD or other Asset-Based services.

II. PASS Plans

PASS stands for Plan for Achieving Self Support. Money saved in a PASS account has to be used for something that will help you get a job that will pay enough to support yourself. For example it can be used for education, to purchase tools, or to purchase adaptive equipment such as a wheel chair van.

The Social Security Administration must approve a PASS plan before you can save up money that doesn't count for SSI purposes. You and your case manager, and someone with extra training on PASS plans should work together to write a plan that demonstrates your need, how you will use the money to support yourself, and gives a reasonable time table for accomplishing that goal. (For example, if you need to purchase tools for a trade that cost \$1,200 you could plan to save \$100 a month for a year.)



Something important to note: you cannot put your monthly SSI income in a PASS plan. But if your SSI money has accumulated in the Master Trust Account, you can put the assets in a PASS plan. You can also put money from other sources such as: money you earn at work, gifts, or other government benefits such as Social Security survivor benefits, Veteran benefits, and others.

III. Special Needs Trust

A special needs trust might be appropriate for youth who receive a large sum of money and have a disability that will require expensive care and services. Money in a special needs trust does not count as an asset for purpose of government benefits, such as SSI and Medicaid. Depending on who created the trust and what money went into, the money left in the trust after the person with the disability dies may be sent to Medicaid for having provided medical benefits to the person with the disability during his/ her lifetime.

The money in a special needs trust can be used for only limited purposes.

Special needs trusts are very complicated legal documents. They should only be prepared by people with expertise in that area of law. A trustee must be designated to manage the trust. The trustee is responsible for investing the money and making payments for appropriate items or services for the person who the money is being held for (the beneficiary).

IV. Nonprofit Pooled Income Trusts

A nonprofit pooled income special needs trust is run by a nonprofit organization that invests and manages money from many people. The manager keeps a separate account for each beneficiary. Upon the death of the disabled individual, the balance is either retained in the trust for the nonprofit association or paid back to Medicaid for having provided medical benefits.

The money in a pooled income trust can be used for only limited purposes

Nonprofit Pooled Income trusts are less expensive to establish than an individual Special Needs Trust and may make sense when the amount of money available to place in the trust is not very large.

V. Individual Development Accounts

Certain federally funded IDA programs allow you to participate without jeopardizing your SSI benefits. An IDA is a special savings account where deposits you earn from a job are “matched” with deposits from government and charitable organizations. Money from an IDA account can be used to pay for higher education, buying a home, or starting a business. For more about IDAs see Section IV in Obtaining Money on page 4.

Money deposited in accounts under certain IDA programs that receive funding from the federal government under AIFA or TANF is not counted for SSI purposes. Money saved under other IDA programs can count as assets towards the SSI’s \$2,000 limit and jeopardize your benefits. It is very important that you find out if a

specific IDA program is one exempt from the SSI asset limits. Otherwise, all of the money you deposit, including the matched funds, will count as assets for SSI purposes.

SSI income is not considered earned income which can be used towards an IDA account. Money saved in an IDA account generally must come from a job. An IDA can be part of a PASS plan to save for higher education or start a business.





Appendix A

MASTER TRUST EXPENDITURE PLAN

Client Name: _____

Counselor: _____

SSN: _____

Unit: _____

DOB: _____

Trust Balance as of _____ = \$ _____
Date

Monthly Accumulation: _____ X 3 = \$ _____
+

Total excess for upcoming 3 months: \$ _____

CHILD'S SPECIAL NEEDS:

Medical: _____

Mental: _____

Educational: _____

PASS plan in effect: Yes No

PASS plan appropriate for child: Yes No

PLAN TO MEET NEEDS OF CHILD (FORMAL OR INFORMAL)

Monthly expenses: _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Anticipated Expenses: _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Date Plan Prepared: _____

Counselor's Signature Date

Supervisor's Signature Date

District/Region Administration designee Date

Appendix B

Review of assessed fee or change in allowance - Q & A

1. What are Assessed Fees and what is a Waiver?

Assessed fees are the amount of money that the State/CBC deducts from your Master Trust subaccount to pay itself for the cost of care (room and board payments) that it pays to your foster parent or group home each month.

If you can show that you need some or all of that money for a good purpose, you can ask the State to “waive” the fee assessment. If they agree, that means that they will stop paying themselves back so that the money is available for you to use. You can get them to reduce the amount they take every month, ask for a specific amount to be waived, or ask for the monthly allowance to be increased.

2. What is a Change in “Allowance”?

The rules use the word “allowance” to mean three different things. A “foster care allowance” is the money that foster parents receive for your clothes, incidentals and money to give you as a cash allowance each month. The cash allowance you receive each month from your foster parent or group home is the second kind of allowance. This form talks about the third kind of allowance, “personal allowance.”

“Personal allowance” is defined in FAC 65C-17.002 (9) – as an amount of money set aside in your master trust account for your personal needs. That money is set aside before the cost of care is deducted. The personal allowance cannot be less than \$15 a month and it is available for your use at all times. That means if your cost of care is more expensive than the money you

get every month, at least \$15 will be saved in the master trust for you every month.

3. Reasons for Asking to Keep More Money

As you get ready to fill out the form you should think carefully about what you need to use the money for. Your request will not be granted if you don’t have a good reason. Here are examples of some reasons that might support your request.

- You are a parent – so you need the money to support your child.
- You have a hobby or talent that you need financial assistance to develop, for example private music or sports lessons, summer camps, or special equipment.
- You will “age out” of foster care and need to have money saved to pay rent and utility deposits and furnish an apartment.
- You need tutoring to catch up on some subjects or to prepare for special examinations.
- You want to attend a special class trip.
- You have a disability and need equipment or services not covered by Medicaid or the school.

For some of these items, you might just need one lump sum, for others (music lessons for example) you might need an additional amount of money every month. If you are close to turning 18 and do not have any money set aside, then you might need a lot of money every month.

You will need to provide your reason in writing, for why you want the money. The more details you can provide, the better.

Appendix C

Application for Review of Assessed Fee or Change in Allowance (CF Form 285D)

This is the form that you must use to ask the State/CBC to let you keep more money
You can ask for three different things:

1. Request for monthly re-assessment to a lower amount for a specific period of time.
2. Request for “one time” credit of \$___
3. Request for change in allowance from \$___ per month to \$___

A monthly re-assessment may be used for different reasons. First, if the current assessment is more than your actual cost of care, you should have it re-assessed to the actual amount. (For example if they are deducting the board rate for a therapeutic home, but you don’t live there anymore.) Second, you should ask for a reassessment if you need access to a large sum of money every month -- for example to take care of a child. Third if you need to save money for 2 or more months to purchase an expensive item, such furniture or to pay deposits before you turn 18.

Ask for a one-time credit is when you want to purchase a specific item or service that you cannot save for.

Ask for a change in allowance if there is a specific amount you need every month, such as music lessons or tutoring. It is also an appropriate way to save money for a larger purchase, or to have cash on hand when you turn 18. The term allowance used here does not mean the pocket money you get every month; rather it is the money that stays in the account when your cost of care is deducted.

Certification and Affidavit of Understanding

The purpose of this form is to swear that the information you provide is true and that you will spend the money on what you said in the application. If you ask for a fee waiver you will have to provide receipts showing how you spent the money within 30 days of receiving it.



PART A: To be filled out by client or other person requesting review on behalf of the client.

APPLICATION FOR REVIEW OF ASSESSED FEE OR CHANGE IN ALLOWANCE

Date of application: _____

Client: _____ Program: _____

Person requesting review if different than client: _____

Relation to client: _____

Address and phone number of requester, if different than client:

Account number (if known): _____ Date entered foster care: _____

Type of request:

Request for monthly re-assessment to \$ _____. Period of time: _____

Request for "one time" credit of \$ _____

Request for change in allowance from \$ _____ per month to \$ _____ per month

Reason for request (attach relevant documentation, including copy of PASS, PASS-ND, Independent Living or other case plan; requester must sign attached Certification and Affidavit of Understanding which verifies that the requester has not misrepresented facts; that requester, on behalf of the client, will spend any amount provided by the department as a fee waiver, or ensure that such amount approved as an increased allowance is spent on the goods or services requested; that requester will provide receipts or other documentation as proof of purchase; that requester understands that any fee waiver or change in allowance is subject to availability of funding; and that information obtained by requester during this proceeding is subject to confidentiality laws):



CERTIFICATION AND AFFIDAVIT OF UNDERSTANDING

I, _____, hereby certify that the information which I have provided in applying for a fee waiver or a change in the foster care or personal allowance on behalf of _____, is accurate and true to the best of my knowledge.

I also certify that the money which is being requested as a fee waiver or a change in the foster care or personal allowance will be spent on the goods and services listed in the "Reason for request" on page 1 of the Application. Finally, when this application is a request for fee waiver, and not for a change in the foster care or personal allowance, I certify that I will provide receipts to the Chair of the Fee Review Committee for the purchase of the goods or services listed within 30 days of receiving the total sum of the approved fee waiver amount or be liable for repayment of the full amount to the department. I understand that any fee waiver or a change in the foster care or personal allowance is subject to availability of funding.

I, _____, further understand that I am required by applicable state and federal laws and regulations to hold this information confidential and cannot release any confidential information to any person or entity not entitled by law to receive it. I understand that I may be guilty of a misdemeanor of the second degree and liable to civil suit if I violate that confidentiality.

Date: _____

Signature

Witness: _____

Appendix D

CHECKLIST TO REVIEW WITH CASE WORKER

I. Allowance

How much do you currently get?
How often do you get it?
Is allowance withheld and why?
Have you asked for chores or other ways to earn money at home?
Does your caregiver provide you money for specific uses if you ask for it?

II. Bank Account

Do you have a bank account? If so, do you have access to it?
Is there someone you trust to open an account with you?
If you are 16, when can you take a financial management class so you can open a bank account?
Are there any local banks or credit unions that have special accounts for youth in state care?
Are there any Individual Development Accounts available for you?

III. Work

If you currently work, what happens to your money?
If you want to work, are there any reasons why you cannot obtain a job?
Do you need help finding a job or getting transportation to work?

IV. Money in Master Trust

Do you have an open Master Trust account?
How much is in it?
What is the source of the money in the account?
How is the money being spent?
Ask for a list of all transactions.
Is there another trusted adult that you want to become the representative payee to receive your benefit check?

V. Spending Plan

Ask for a copy of your written spending plan. If there is none, then ask to create one
Be prepared to suggest items or services you would like to purchase or save for.

VI. Asset Development (Saving Money without Losing Government Benefits)

If you get SSI and you are working ask for help finding out about PASS plans.
Ask whether there are any IDA programs that you are eligible for.

Special funding for the money book project from the generosity
of the SunTrust Foundation.



This publication and all the work of Florida's Children First is made
possible by the generous support of The Florida Bar Foundation.



FLORIDA'S CHILDREN FIRST, INC.
1801 UNIVERSITY DRIVE
3RD FLOOR, SUITE B
CORAL SPRINGS, FLORIDA 33071
TEL: (954) 796-0860
FAX: (954) 796-0862
FLORIDASCHILDRENFIRST.ORG
FCF@FLORIDASCHILDRENFIRST.ORG

SUNTRUST FOUNDATION
200 SOUTH ORANGE AVENUE
FL-ORLANDO-1035
ORLANDO, FLORIDA 32801
TEL: (407) 237-5317
FAX: (407) 237-4079

Copyright 2011
This work may be
reproduced and distributed
for educational purposes
with appropriate attribution.