



Public Benefits Advocate



How Will Georgia Use Its \$82+ Million in Stimulus Act Funds Earmarked for CHILD CARE?

When Congress passed the American Recovery & Reinvestment Act (also known as the Stimulus Act) earlier this year, child care was one of the critical areas covered by the legislation. Georgia was designated to receive more than \$80 million dollars, just for child care. Those funds have already been received by the state. Go to <http://stimulus.georgia.gov> for information on all Stimulus Act funds in the state.

The state Department of Human Services (DHS) (formerly the Department of Human Resources (DHR)) has announced plans for these funds.

First, \$18+ million will be used by DECAL (Department of Early Care & Learning) for teacher preparation and training. Second, the online COMPASS system will be expanded to allow parents to apply for child care assistance on line. Currently, people can file an application for food stamps through COMPASS (<http://compass.ga.gov>).

For many years, Georgia has had a “waiting list”

of several thousand families who were seeking child care assistance through the Georgia CAPS program (Childcare and Parent Services). These “lists” were maintained by local county Department of Family and Childrens Services (DFCS) offices. Georgia DHS has announced that \$38 million of the Stimulus Act funds will be used to “clear the waiting list of 3,300 children” through September 30, 2010.

In addition, Georgia DHS is expanding eligibility for child care for parents who are unemployed or underemployed... “in order for them to participate in approved educational and job training or job searching activities.” This new program is called Temporary Child Care Assistance (TCCA). It will run from October 2009 through September 2010. The parents must currently be: receiving Unemployment Insurance, as well as food stamps or Medicaid OR “Underemployed” working less than 21 hours per week.

Under TCCA, parents must be doing job search, *(Continued on page 3)*

Metro Atlanta Flood Disaster Assistance Application Deadlines Fast Approaching- Apply Now!

File your insurance claim and register for state and federal disaster aid. The FEMA disaster benefits application **deadline** is **November 23, 2009.**

Those with disaster-related damages should call the Federal Emergency Management Agency (FEMA) registration line at 800-621-FEMA (3362) or TTY 800-462-7585. Phone lines are available 7 a.m. to 10 p.m. seven days a week until further notice. Help is available in all languages. Online registration is available at all times at www.DisasterAssistance.gov. You should register, even if you are insured. Your insurance coverage may not be adequate to cover all of your

losses.

Workers in 17 counties in metro Atlanta may be eligible for Federal Disaster Unemployment Assistance (DUA) to compensate for loss of income directly related to the September 2009 storms and flooding.

Unlike state unemployment insurance, DUA provides benefits to self-employed business people, farmers, commission-paid employees, and others not typically covered by the state unemployment insurance program.

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The FEMA disaster benefits application deadline is **November 23, 2009.**

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Overpayments & Collections - Social Security and Supplemental Security Income (SSI) Benefits

What is an Overpayment?

An overpayment happens when the total amount received by an individual is more than the total amount which should have been paid for that period.

Amount of an Overpayment

Difference between what was paid and what was due for a period of time.

Who is Responsible?

- The person;
- The eligible wife or husband;
- People receiving benefits on earning record of another person (retirement and survivors only);
- An alien's sponsor (SSI);
- Representative Payee if benefits were misused by the Representative Payee and not given to the person.

How Does an Overpayment Case Begin?

A written notice is sent. The notice must contain

- The time period for the overpayment
- The amount owed (listing each month and the total amount)
- How it happened
- Information about what to do if you disagree with the decision (File a reconsideration stating "I was not overpaid.")
- Right to file a waiver ("I was overpaid but it was not my fault and I need a face-to-face visit before you keep part of my check.")

Time Periods

The notice must tell you how long you have to fight Social Security's decision. For people getting SSI, you can ask that your check keep coming while you fight the overpayment. You must appeal within **ten (10) days** from the day you receive the notice to keep receiving your check. If you miss the 10 days, you still have **sixty (60) days** to appeal the overpayment.

For Social Security disability and retired persons, you need to appeal within **ten (10) days** after you receive the notice to keep your check coming. You have **sixty (60) days** to appeal, but Social Security will start paying itself back while you challenge your case. **Move quickly!**

Reconsideration vs. Waiver

The notice will give you two ways to appeal.

1. Reconsideration

You can only file within 60 + 5 days after you receive the notice. You can ask for a good cause extension. You do not admit that you were paid too much. Withholding begins once SSA denies your request for reconsideration.

OR

2. Waiver

A waiver can be filed at any time. In a waiver, you state that you were paid too much. State it was not your fault, you have no money, or it would be unjust to make you pay it back. No money will be withheld from your check until after a face-to-face personal conference.

If you think Social Security did not add and subtract correctly or you were due all the benefits you received and your reconsideration request is denied, you can file a request for a hearing before a judge.

If you are denied a waiver, you can file a request for a hearing before a judge. If you are overpaid \$1000 or less, you can ask the local office to forgive the overpayment. The most common overpayment cases happen because of a failure to report working.

SSI recipients' overpayments happen because:

1. Resources are more than the \$2,000 limit for an individual and \$3,000 for a couple;
2. Too much income due to a failure to report wages, cash, pensions, VA benefits, alimony, inheritances, ownership of land, savings, child support, or gifts;
3. Hospital stays;
4. Institutionalizations or jail;
5. Changes in living arrangements; or
6. Changes in marital status.

How Does SSA Collect an Overpayment?

Social Security can collect overpayments

- By taking money from your check every month
- By taking you to court to recover the money and/or prosecute you if fraud is involved.

If you no longer get a check, then SSA can

- Garnish your wages,
- Intercept your income tax refund, and
- Notify credit reporting agencies.



Senior Citizen Hotline
For clients age 60 or
over, throughout
Georgia
Toll free:
1 (888) 257-9519



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vocational training, or post secondary education. Job search clients can receive child care for a maximum of 12 weeks. Vocational training and post-secondary education clients can receive child care for each semester/quarter until September 30, 2010. Total household income must be less than 200% of the federal poverty line (\$36,620 for a family of 3, for example.)

You can find Georgia state policy for child care online. Go to www.odis.dhr.state.ga.us . Click on "Index". Scroll down and click on "Family & Children". Scroll down and click on "Childcare and Parent Services (CAPS)". Click on MAN 3540. The Table of Contents for the State Child Care Policy Manual will appear. At the top of the first page of the Table of Contents, you'll see a place to click for details on the Temporary Child Care Assistance program .

How does the regular CAPS program work? What families are eligible? Depending on the size of the family, income must be less than the following amounts:

Number in Family	Maximum Gross Annual Income (before taxes)
2	\$21,120
3	\$26,560
4	\$32,000
5	\$37,440
6	\$42,880

In addition , each parent is required to participate in one or more state approved activities of : work, training, education a minimum average of 24 hours per week. Section 6101 of Georgia's state policy manual provides more details.

Families that receive child care, pay a sliding scale fee. The greater their income, the larger the weekly assessed family fee for the child care. Form 73 found in Appendix N contains a chart showing all amounts. For example: A woman with 2 children who has an annual income of \$20,000 would pay \$42 a week. If the woman earned \$30,000 a year, she would pay \$60 a week for child care for her 2 children.

How do you apply? Section 6201 describes how local DFCS offices are to respond to "Inquiries". A Form 66 "Inquiry/Screening for Child Care Services" is to be completed by the family, and submitted to DFCS...."in person, by phone or mailed by client". A DFCS staff person then reviews it to see if the family is potentially eligible for services, and to see if the family qualifies for "priority services". See Section 6202 for the list of families that qualify for "priority".... for example, children with special needs, children under court ordered supervision, and minor parents who are attending middle school, high school or GED classes full time. If you qualify for "priority", DFCS will schedule an appointment right away through Form 66A.

If funding is not available for new clients, and the family is NOT priority, the family is placed on a "waiting list". Section 6202. Georgia state policy says the waiting list should be updated and purged a minimum of once a quarter, but does not describe how this is to be done. Ask your local DFCS office how they do this, and how families are notified.

If you're on the waiting list for child care, contact DFCS right away if they notify you of an appointment. DFCS has 15 days from the date of your interview to make a decision. You also have the right to an administrative hearing if you disagree with an action by DFCS to turn you down for or cut off child care benefits. See Appendix E. In addition, you can use the Customer Complaint procedures outline in Section 6911, and contact a "Personal Advocate" at 1-800-869-1150.

Want to know more about how Georgia will spend the \$82+ million in Stimulus Act funds? Contact Yvonne Davenport with DHS: 404-463-2239 / yadavenp@dhr.state.ga.us She is listed as the contact person for DHS.



HOW DO YOU APPLY?
A Form 66 "Inquiry/ Screening for Child Care Services" is to be completed by the family, and submitted to DFCS.... "in person, by phone or mailed by client".



DID YOU KNOW?

If you're on the waiting list for child care, contact DFCS right away if they notify you of an appointment. DFCS has 15 days from the date of your interview to make a decision.





The mission of the Georgia Legal Services Program® is to provide access to justice and opportunities out of poverty for Georgians with low-incomes. Our lawyers and paralegals provide the help that reflects your community's values of fairness, equality, and responsibility to assist others in need.



Articles submitted by:

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**WE'RE ON THE WEB
AT WWW.GLSP.ORG**

For assistance contact your local GLSP office:

- Albany Office 1-800-735-4271
- Augusta Office 1-800-248-6697
- Brunswick Office 1-877-808-0553
- Columbus Office 1-800-533-3140
- Dalton Office 1-888-408-1004
- Gainesville Office 1-800-745-5717
- Macon Office 1-800-560-2855
- Piedmont Office 1-800-822-5391
- Savannah Office 1-888-220-8399
- Valdosta Office 1-800-546-5232
- Waycross Office 1-800-498-9508

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The DUA program has deadlines that are fast approaching. Disaster unemployment assistance benefits application deadlines are as follows:

- The Disaster Unemployment Assistance filing deadline in Carroll, Chattooga, Cherokee, Cobb, Douglas, Paulding, Stephens and Walker counties is **Monday, Oct. 26.**
- The Disaster Unemployment Assistance filing deadline in Bartow, Catoosa, Coweta, DeKalb, Fulton, Gwinnett, Heard, Newton and Rockdale counties is **Friday, Oct. 30.**

You will need your Social Security number to apply. If self-employed, you will need information about last year's earnings, though you will have additional time (90 days) to provide that information after you apply. If you have a good reason for applying past the deadline, you may still be able to get DISASTER UNEMPLOYMENT BENEFITS. APPLY NOW! Call the Department of Labor's toll-free number 1(877) 709-8185 or visit www.dol.state.ga.us for more information or visit the nearest DOL Career Center to apply.

If your claim is denied, call Georgia Legal Services Program® for legal help at (800) 498-9469. Farmworkers in any county can call Georgia Legal Services Program's Migrant Project in Atlanta at (800) 537-7496.

If the September storms and flooding left you entangled in a legal issue, free Disaster Legal Services may be able to help.

Anyone in a county designated for Individual Assistance from the Federal Emergency Management Agency (FEMA) may use Disaster Legal Services.

The counties designated for Individual Assistance under President Obama's major disaster declaration are: Bartow, Carroll, Catoosa, Chattooga, Cherokee, Cobb, Coweta, DeKalb, Douglas, Fulton, Gwinnett, Heard, Newton, Paulding, Rockdale, Stephens and Walker.

Call toll-free 866-584-8027. Callers will be asked to leave a voice-mail message. A volunteer attorney will return the call within 24 hours. A Spanish-speaking attorney is available.

Callers may receive assistance with issues such as landlord/tenant problems, legal documents lost in the disaster, home repair contracts or contractors.

There are some limitations on Disaster Legal Services. Assistance is not available, for instance, for cases that could produce a fee. Cases which could generate a fee are referred to a local attorney referral service.

Disaster Legal Services are provided by the Young Lawyers Division of the State Bar Association of Georgia and the Georgia Legal Services Program.