SENSITIVE - NOT TO BE SHARED WITH PUBLIC

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SI 00515.004 Good Cause — Minor Children

CITATIONS: Social Security Act as amended, Section 1631(e)(1)(B)
Regulations: 20 CFR 416.207 & 20 CFR 416.1321

A. Introduction

An individual cannot be eligible for Supplemental Security Income (SSI) benefits unless they give SSA permission to contact any financial institution and request any financial records that financial institution may have about them. Minor children do not have the legal capacity to give permission to contact financial institutions. If a claimant is a minor child, a parent or legal guardian must give permission on their behalf. In some situations, a parent or legal guardian may not be available to give permission on behalf of a minor child. In addition, in certain situations contacting a parent or legal guardian could endanger the well being of a child.

B. Policy

1. General

A good cause exception to the requirement that financial permission be obtained on behalf of a minor child may be granted in the following situations:

- The minor child does not have a parent or legal guardian.
- A parent or legal guardian cannot be contacted or located.
- Contact with a parent or legal guardian could endanger the well-being of the child.

NOTE: Unlike the good cause provisions in SI 00515.002 and SI 00515.003 which apply only to certain deemors, the good cause provision in this section

only applies to claimants who are minor children.

2. **Emancipated Children**

   A child who is emancipated under State law can give financial permission on their own behalf. Verify that the child is emancipated by obtaining a copy of the court order or evidence that the requirements of State law are met.

C. Procedure

1. **Minor Child Does Not Have a Parent or Legal Guardian**

   If the case facts and evidence indicate that a minor child does not have a parent or legal guardian, document the case that the claimant meets a good cause exception from the requirement that financial permission be given on behalf of the child.

2. **Parent or Legal Guardian Cannot be Contacted or Located**

   Attempt to locate the parent or legal guardian by taking the following action:

   - Try to contact the parent or legal guardian by telephone. Telephone at different times, leave messages when possible and give the person time to return calls. If contact is made by phone, develop financial permission as described in SI 00515.001C.1.b.
   - Try to obtain financial permission from the parent or legal guardian with a financial permission request letter as described in SI 00515.001C.1.c.

   If the parent or legal guardian cannot be contacted and financial permission cannot be obtained within a 30-day period, a good cause exception may be applied. If it is documented in the file that either the parent or legal guardian's whereabouts are unknown, a good cause exception may be applied immediately.

3. **Parent or Legal Guardian Poses a Danger to a Minor Child**

   If the case facts and evidence indicate that the parent or legal guardian has endangered the well being of a minor child through harassment, abuse, or endangering the child's life (e.g. child in protective custody with no legal guardian), document the case that the

claimant meets a good cause exception from the requirement that financial permission be given on behalf of the child.



5. **Documenting Good Cause**

Record on the EVID screen in shared processes the type of good cause exception (e.g. minor child – no parent or legal guardian). Record the steps taken to attempt to obtain financial permission from the parent or legal guardian. If the child has no parent or legal guardian or if the parent or legal guardian poses a danger to the well being of the child, record any relevant evidence used to reach that determination.

6. **Evidence of Status Change**

Be alert to situations where good cause has been established, but a status change is pending or the material facts appear to have changed. If a status change is pending, e.g. guardianship application pending, annotate the issue on the Modernized Development Worksheet (MDW) and set a tickle date. Redevelop financial permission if a report of change is received that indicates a prior good cause determination may no longer apply.

EXAMPLE:

A claimant who is a minor child is applying for SSI benefits as a disabled child. During the interview, the child's grandparents inform the CR that they have been caring for the child since the parent abandoned the child. The whereabouts of both parents are unknown. The grandparents state that they have petitioned the court to become the child's legal guardians but the court has yet to issue a decision. The CR finds that good cause exists in this case. The CR annotates the unresolved guardianship issue on the MDW and sets a tickle. During the pre-effectuation review contact (PERC) four months later, the CR learns that the grandparents have been appointed by the court as the child's legal guardian. Since the grandparents now have the legal capacity to give financial permission on behalf of the child, the CR develops permission to contact financial institutions.

D. Good Cause Situations

1. Examples of When Good Cause Would Apply

a. A Child is Applying for SSI Benefits and Has No Parent or Legal Guardian

During the interview, the CR learns from the ten year-old claimant's grandparent that both of the child's parents are deceased due to a recent automobile accident. The grandparent shows the CR a copy of the death certificates for the parents. The CR asks the grandparent whether they or anyone else has petitioned the court to become the child's legal guardian. The grandparent indicates that while they are currently caring for the child, they are uncertain what member of the family will seek to become the child's legal guardian. The CR finds that good cause exists in this case.

b. SSI Recipients Legal Guardian Cannot Be Located

During a redetermination interview, the CR develops permission to contact financial institutions for an eight year-old recipient who is in the custody of an institutional payee. The CR notices that the recipient's parent is listed as the legal guardian on the payee application. The institutional payee confirms that the parent is the recipient's legal guardian. The CR attempts to contact the parent by phone and by mail with a financial permission request letter. The CR is unable to locate the parent and thus finds that good cause exists in this case.

c. A Child is Applying for SSI Benefits and Has Abusive Parents

During the interview, the CR learns that a six year-old claimant has been placed in the custody of the State Department of Social Services. The Department of Social Services representative informs the CR that the child was severely abused by their parents and that the parents pose a continuing threat to the child's well being. While the State Department of Social Services has custody of the child, they do not have legal guardianship. The CR determines that the parents pose a danger to the child and thus finds that good cause exists in this case.

d. A child is Applying for SSI Benefits and their parent is Incarcerated

During the interview, the CR learns that an eight year-old claimant has been living with a relative since the child's parent was sentenced to 10 months in a penal facility. The CR attempts to contact the incarcerated parent by phone and letter, but

is unable to obtain permission on the child's behalf due to the incarceration. The other parent's whereabouts are unknown and they have not been seen since the claimant was a very small child. The CR determines that good cause applies in this case because neither of the child's parents can be contacted to provide financial permission.

E. References

SI 00515.001 , Requirement to Give Permission to Contact Financial Institutions

SI 00515.002 , Good Cause – Harassment or Abuse

SI 00515.003 , Good Cause – Failure to Cooperate

Section History

Prior Versions of Section

Link to this section:

(b) (7)(E) [redacted]