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Childhood Disability Benefit Fairness Act Special Needs Alliance

Vision and Mission:

- At the Special Needs Alliance (SNA), our vision is **to empower people with disabilities and their families to lead lives of dignity and purpose through expert legal planning and advocacy.**

Nationwide Advocacy:

- Our members work across the nation, collaborating with families and advocating for common-sense policies at both state and federal levels to support people with disabilities.
- SNA focuses on proactively addressing obstacles to ensure individuals with special needs have the best life possible. This includes fixing unintended consequences from the way laws or regulations are drafted.

Legislative Efforts:

- SNA has crafted a legislative solution to a significant problem, and we seek your support for the Childhood Disability Benefit Fairness Act.
- The **Childhood Disability Benefit Fairness Act** addresses the issue where disabled adult children are denied crucial Medicaid and related medical benefits, including mental health care, because they never received SSI before becoming eligible for Social Security's Childhood Disability Benefit (CDB) (formerly Disabled Adult Child or DAC benefit).

Unintended Trap:

- The current statutory requirement creates an unintended trap for individuals whose parents died young, are older and retired, or who did not apply for the SSI before the adult child began receiving CDB income.



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- Individuals caught in this trap face a monthly deductible and are forced to “spend down” their monthly income on medical expenses in order to gain access to Medicaid benefits.

Eligibility and Challenges:

- SSI is a means-tested income source, and many children with disabilities do not qualify for SSI when they are under the age of 18 due to their parents’ assets and income.
- Upon becoming adults, these children are more likely to be eligible for SSI as only the child’s assets and income are considered.
- The child may also be eligible to collect the Child Disability Benefit, which is tied to their parents’ Social Security earnings. However, CDB income may disqualify them from SSI, complicating Medicaid eligibility.

Current Law:

- Under Section 1634 of the Social Security Act, an individual with disabilities must have received SSI *before* receiving the CDB for the CDB income to be disregarded for Medicaid eligibility.
- If a disabled adult child receives SSI before CDB, there is no deductible or spend-down problem. This is the intended situation by the law.
- Many states face issues with disabled adult children being unable to receive critical Medicaid supports and services due to this gap.

Support and Advocacy:

- SNA has secured the support of the Consortium for Constituents with Disabilities (CCD), including The Arc and the National Academy of Elder Law Attorneys, and many others.
- We also have a letter from 16 Arc chapters and other disability advocacy organizations in Michigan where this problem has been an ongoing issue for care.