

## **Frequently Asked Questions**

### **Q – What is an Advocate?**

**A –** An advocate is someone who comes alongside and champions those in need. Advocates are well versed in legal regulations and utilize this knowledge for another's benefit when dealing with State and Federal agencies. They are not required to be attorneys or judges. They are not state workers. Advocates work for their clients, to guide them through federal and state regulations while providing valuable expertise.

### **Q – When do I need the support of an advocate?**

**A –** You need an advocate when dealing with any matter where a lack of expertise can affect the loss of benefits. Whether you are filling out complicated paperwork, trying to understand if you are receiving the correct benefit amount, or going into court, an advocate lends their knowledge of legal matters to assist you. State and Federal agencies allow for representation in matters of administrative proceedings by non-attorney representatives. You can represent yourself.

However, few people can understand the breadth of the regulations to effectively represent themselves. Because of this, your chances of a favorable outcome are much greater with an advocate representative. An attorney is another option, but it can be very expensive to retain an attorney. An advocate blends legal expertise and affordability.

### **Q – What is Protective Supervision?**

**A –** Protective supervision is an IHSS service for people who, due to a mental impairment or mental illness, need to be overseen 24 hours a day to protect them from injuries, hazards, or accidents. It is rarely offered when IHSS evaluates and must be requested specifically. Most times the service is denied and must be won in a fair hearing before a judge.

### **Q – What is an IEP?**

**A –** An IEP (Individualized Educational Plan) is a binding legal document developed per certain rules and regulations by a team that should be equally represented by the parents, teachers/therapists, and district representatives of a student who was determined to have special needs. It is used to develop the child educationally and to define the child's schooling needs and goals.

**Q – My family member was just diagnosed with a physical disability. Where do we go from here?**

A – Your doctor's office is always a good place to start. They often know of resources in your area. Please give us a call and we would be happy to be of assistance. Our founder raised several children with physical disabilities and has a great deal of experience and resource information. Also, please see our resource page for more assistance.

**Q – My family member was just diagnosed with a cognitive disability. Where do we go from here?**

A – Your doctor's office is always a good place to start. They often know of resources in your area. Please give us a call and we would be happy to be of assistance. Our founder raised three children with Down syndrome and has a heart for families facing the special challenges that go with cognitive disabilities. Also, please see our resource page for more assistance.

**Q- What is IHSS ( In-home Support Services)?**

A- The In-Home Supportive Services (IHSS) program provides in-home assistance to eligible aged, blind, and disabled individuals as an alternative to out-of-home care and enables recipients to remain safely in their own homes.

**Q- Who can be eligible for IHSS?**

A- Eligibility criteria for all IHSS applicants and recipients:

- You must also be a California resident.
- You must have a Medi-Cal eligibility determination.
- You must live at home or in an abode of your choosing (acute care hospitals, long-term care facilities, and licensed community care facilities are not considered “own home”).
- You must submit a completed Health Care Certification form.

**Q – How old does my child need to be, to be eligible for services in California?**

A – There is no set age for most of these programs.

**Q – Can adults receive IHSS?**

**A** – Yes. The IHSS program was initially created for the aged and adult population and was later expanded to assist special needs children as well.

**Q – Will the Payments A Parent Receives for Providing IHSS Affect the Child’s SSI or the Family’s Medi-Cal?**

**A** – In most cases, no. IHSS payments will not affect a child’s Medi-Cal because this is considered exempt income under Medi-Cal rules. When IHSS rules changed to allow Medi-Cal funding for parent providers under the IPW, these payments became income and property-exempt under all of the State’s Medi-Cal programs for IHSS provided to children under 21. (ACWDL 05-29, 06-04, 06-19). However, receiving these payments still may affect the family’s welfare.

Payments will not affect a child’s grant of SSI because this is considered exempt income under SSI rules. POMS SI 01320.175.

*CAUTION:* Retroactive IHSS payments are considered exempt INCOME the same as monthly IHSS. However, they are only exempt as a RESOURCE for 1 month. The month following the 1-month exemption, any remaining funds will be deemed a resource for an eligible child potentially lowering the monthly amount of SSI received. This is for retroactive IHSS payments only. POMS SI 01120.112

**Q – What if I move to a new county in California?**

**A** – When you move between counties you must let your SW know. She will transfer your client file to the other (receiving) county. You will be contacted by the receiving county to schedule a reassessment. The SW will attend the home assessment and you will be issued a new

Notice of Action with a new number of hours as determined by the receiving county. Until this Notice of Action is issued, you will continue to receive the same hours you were receiving in your previous county.

**Q – Will I get to keep my Protective Supervision if I move to a new county?**

**A** – Not necessarily. Though the new county is mandated by law to show a reason that your protective supervision hours are no longer needed, it is not uncommon for a receiving county to try to do this. Some countries are more likely to try this than others. It would be advisable for you to talk to your Galt Advocacy Representative before deciding to move to a new county as we will be able to advise you on what you might do to protect your PS hours before moving.

**Q – What if I move out of California? Can I still get IHSS hours?**

A –The IHSS program in California is specific to California. Each state will have its own program. California IHSS hours will end when you move out of state.

**Q – Are the IHSS hours still reportable if I go out of the county or out of the state on vacation or a trip with my recipient to provide care?**

A –IF the recipient is going to be taken outside the County, the State, or the Country and receives IHSS hours, AND the recipient states the intent to return to their home county within the regulatory period, (which is 30 days)

THEN The social worker is supposed to ask :

- Will the provider be traveling with the Recipient?
- Destination?
- Departure and Return Dates?
- Contact info for where the recipient will be (address/phone number) outside the County?
- Reason for Travel? (medical/vacation/etc) Then IF the Provider and Recipient will be traveling TOGETHER, up to 30 days, they are eligible for IHSS hours.

HOWEVER, IF the Provider is NOT traveling with the recipient the social worker will put the Provider’s hours as “ON LEAVE” but the Recipient will still be eligible for hours upon their return up to 30 days.

After 30 days, the situation changes due to SSI/Medi-Cal regulations and there are steps that the social worker will take which may result in the ending of SSI/Medi-Cal etc, and therefore the ending of IHSS.

Based on Regulations: MPP 30-770.42 THROUGH 30-770.471

Sources:

- <https://www.ihss.ca.gov/>
- <https://www.cdss.ca.gov/>
- <https://www.irs.gov/>
- <https://www.galtadvocacy.com>